

Petitions and Communications received from October 15, 2012, through October 22, 2012, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on October 30, 2012.

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

From Office of the Sheriff, submitting Inmate Welfare Fund Annual Report. Copy: Each Supervisor. (1)

From Laguna Honda Hospital and Rehabilitation Center, submitting a quarterly report in response to Resolution No. 200-05. Copy: Each Supervisor. (2)

From Office of the Treasurer and Tax Collector, submitting CCSF Investment Report for September 2012. (3)

From State Fish and Game Commission, submitting Notice of Receipt of Petition to list Clear Lake Hitch as threatened or endangered under the California Endangered Species Act. Copy: Each Supervisor. (4)

From concerned citizens, regarding Haight Ashbury Recycling Center. 6 letters. (5)

From Office of the Clerk of the Board, the following department has submitted their 2012 Local Agency Biennial Notice: (6)  
Human Services Commission

From Capital Planning Committee, submitting their recommendations on the Annual Infrastructure Construction Cost Inflation Estimate. Copy: Each Supervisor, Budget & Finance Committee Clerk. (7)

From concerned citizens, regarding Sheriff Ross Mirkarimi. Copy: Each Supervisor, 2 letters. (8)

From Lozeau Drury, LLP, submitting Notice of Intent to File Suit regarding the Beach Chalet Athletic Fields Renovation Project. File No. 120692. Copy: Each Supervisor, Clerk of the Board, Legislative Deputy, City Attorney. (9)

From Alliance for a Better District 6, regarding CVS Pharmacy liquor license. File No. 120277. Copy: Each Supervisor, City Operations & Neighborhood Services Committee Clerk. (10)

From Dr. Ronald Marsh, regarding nudity in San Francisco. File No. 120984. Copy: Each Supervisor. (11)

From Tenant Associations Coalition of San Francisco, regarding Gold Dust Lounge at Fisherman's Wharf liquor license. File No. 120729. Copy: Each Supervisor, City Operations & Neighborhood Services Committee Clerk. (12)

From Brian Browne, opposing the extension of the Revenue Bond Oversight Committee. File No. 120221. Copy: Each Supervisor, Rules Committee Clerk. (13)

From various City Departments, submitting FY2011-2012 Annual Reports: (14)  
Office of the Controller - City Services Auditor  
Budget & Legislative Analyst Office  
Department on the Status of Women

From Office of the Controller, submitting memorandum regarding Exemptions from Overtime Maximum for Employees. (15)

From San Francisco Employees' Retirement System, submitting response to the 2011-2012 Civil Grand Jury Report, "Investment Policies and Practices of the San Francisco Employees' Retirement System." File No. 120844. Copy: Government Audit & Oversight Committee Clerk, Clerk of the Board, Legislative Deputy. (16)

From Department of Public Health, submitting response to recent radiological findings on Treasure Island. File No. 120915. Copy: Each Supervisor, Rules Committee Clerk. (17)

From Public Utilities Commission, regarding release of reserves for Water System Improvement Program. Copy: Clerk of the Board, Legislative Deputy, Budget & Finance Committee Chair and Clerk. (18)

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

# City and County of San Francisco

## OFFICE OF THE SHERIFF



Ross Mirkarimi  
SHERIFF

(415) 554-7225

October 19, 2012

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

RE: Inmate Welfare Fund Annual Report

Dear Ms. Calvillo:

Pursuant to Penal Code Section 4025, enclosed please find the annual report of inmate welfare fund expenditures for the fiscal year ending June 30, 2012.

If you have any questions, please contact me at 554-7236.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mylan Luong'. The signature is written in a cursive style with a large initial 'M'.

Mylan Luong  
Sr. System Accountant

Encl.

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2012 OCT 19 PM 2:04  
BY: AK

**City County of San Francisco Sheriff's Department  
Inmate Welfare Fund  
July 1, 2011 to June 30, 2012**

**REVENUES**

Confiscated / Contraband Money from Inmates	-
Aramark - Commissionary	419,795
GTL - Inmate Collect Calls	835,916
Fund Balance	492,988

**TOTAL REVENUES:** **1,748,699**

**EXPENDITURES**

Permanent Salaries & Fringe (Prisoner Legal Services & Jail Program Staff)	392,148
Other Events (Job Fair for Clients)	-
Professional Services (Law universities work study & Interpreters)	2,688
Transportation (Greyhound & Muni fare)	3,483
Other Current Expenses (Microwave & TV repair, delivery fee, Subscriptions )	63,549
License Fees	4,060
City Grant Program (Jail Programs Provided by Community Based Organizations)	439,596
Materials & Supplies (Office Supplies, TVs, Recreation Supplies, Printed Materials, Books, & Other)	57,491
Indigent Packets for Prisoners	29,519
Medical Supplies for Prisoners	22,537

**TOTAL EXPENDITURES:** **1,015,071**

**Revenue Surplus/(Deficit):** **733,628**

BOS-11  
page

Edwin M. Lee  
Mayor

October 19, 2012

**Document is available  
at the Clerk's Office  
Room 244, City Hall**

Honorable David Chiu  
President, Board of Supervisors

Honorable Sean Elsbernd  
Member, Board of Supervisors

Honorable Mark Farrell  
Member, Board of Supervisors

Government Audit and Oversight Committee  
#1 Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102

Re: Resolution #050396

Dear Supervisors Chiu, Elsbernd and Farrell:

In response to Resolution #050396, I am enclosing a quarterly report to show Laguna Honda Hospital and Rehabilitation Center's compliance with the reversal of the Admission Policy priorities that became effective February 22, 2005.

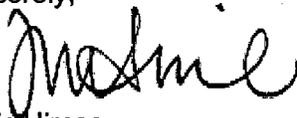
On February 17, 2005, Mayor Newsom directed DPH to allow Laguna Honda (LH) to reverse the Admission Policy priorities back to the pre-March 2004 priorities. Since that time, the annual percentage of patients coming to Laguna Honda from San Francisco General Hospital (SFGH) has ranged from 59-63%. The annual percentage and current year rates are as follows:

2003: 54%	2007: 58%	2011: 59%
2004: 73%	2008: 57%	Jan-Sept 2012: 62%
2005: 63%	2009: 60%	
2006: 59%	2010: 59%	

The age distribution shows an increased trend of residents over 50 years of age. In 2004, 83% of the residents were over 50 years of age, compared to 87% of the residents in this category for nine months of 2012.

I am available to answer any questions you may have. I can be reached at 759-2363.

Sincerely,



Mivic Hirose  
Executive Administrator

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2012 OCT 22 AM 11:52  
AK

2



**To:** BOS Constituent Mail Distribution,  
**Cc:**  
**Bcc:**  
**Subject:** CCSF Investment Report for the month of September 2012

**From:** "Starr, Brian" <brian.starr@sfgov.org>  
**To:** "Starr, Brian" <brian.starr@sfgov.org>,  
**Cc:** "Rosenfield, Ben" <ben.rosenfield@sfgov.org>, Board of Supervisors  
<board.of.supervisors@sfgov.org>, "cynthia.fong@sfcta.org" <cynthia.fong@sfcta.org>,  
"graziolij@sfusd.edu" <graziolij@sfusd.edu>, Rick Wilson <rick.wilson@sfgov.org>, "Bullen,  
Jessica" <jessica.bullen@sfgov.org>, "Cisneros, Jose" <jose.cisneros@sfgov.org>, "Durgy,  
Michelle" <michelle.durgy@sfgov.org>, "ras94124@aol.com" <ras94124@aol.com>,  
"sfdocs@sfpl.info" <sfdocs@sfpl.info>, "Lediju, Tonia" <tonia.lediju@sfgov.org>, "Rydstrom, Todd"  
<trydstrom@sfwater.org>, "Marx, Pauline" <pauline.marx@sfgov.org>, Peter Goldstein  
<pgoldste@ccsf.edu>  
**Date:** 10/15/2012 03:57 PM  
**Subject:** CCSF Investment Report for the month of September 2012

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All,

Attached please find the CCSF Investment Report for the month of September 2012.

Thank you,

Brian Starr, CFA  
Investment Analyst  
Office of the Treasurer and Tax Collector  
City and County of San Francisco  
1 Dr. Carlton B. Goodlett Place  
City Hall - Room 140  
San Francisco, CA 94102  
415-554-4487 (phone)  
415-554-5660 (fax)



CCSF Monthly Investment Report for 2012-Sep.pdf

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



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

Investment Report for the month of September 2012

October 15, 2012

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

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

Ladies and Gentlemen,

In accordance with the provisions of California State Government Code Section 53646, we forward this report detailing the City's pooled fund portfolio as of September 30, 2012. These investments provide sufficient liquidity to meet expenditure requirements for the next six months and are in compliance with our statement of investment policy and California Code.

This correspondence and its attachments show the investment activity for the month of September 2012 for the portfolios under the Treasurer's management. All pricing and valuation data is obtained from Interactive Data Corporation.

**CCSF Pooled Fund Investment Earnings Statistics \***

<i>(in \$ million)</i>	Current Month		Prior Month	
	Fiscal YTD	September 2012	Fiscal YTD	August 2012
Average Daily Balance	\$ 4,898	\$ 4,929	\$ 4,883	\$ 4,780
Net Earnings	14.04	4.64	9.40	4.03
Earned Income Yield	1.14%	1.15%	1.13%	0.99%

**CCSF Pooled Fund Statistics \***

<i>(in \$ million)</i>	% of Portfolio	Book Value	Market Value	Wtd. Avg. Coupon	Wtd. Avg. YTM	WAM
Investment Type						
U.S. Treasuries	16.7%	\$ 814	\$ 828	1.17%	0.95%	1,238
Federal Agencies	70.3%	3,449	3,490	1.19%	1.05%	996
TLGP	0.5%	25	25	2.13%	1.79%	82
State & Local Government						
Agency Obligations	1.8%	91	91	2.25%	0.50%	434
Public Time Deposits	0.02%	1	1	0.52%	0.52%	191
Negotiable CDs	7.5%	375	375	0.50%	0.50%	141
Commercial Paper	1.6%	80	80	0.00%	0.50%	191
Medium Term Notes	1.5%	75	74	3.38%	0.55%	113
<b>Totals</b>	<b>100.0%</b>	<b>\$ 4,910</b>	<b>\$ 4,963</b>	<b>1.17%</b>	<b>0.97%</b>	<b>931</b>

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

Very truly yours,

  
José Cisneros  
Treasurer

cc: Treasury Oversight Committee: Peter Goldstein, Joe Grazioli, Todd Rydstrom, Richard Sullivan  
Ben Rosenfield, Controller, Office of the Controller  
Tonia Lediju, Internal Audit, Office of the Controller  
Cynthia Fong, Deputy Director for Finance & Administration, San Francisco County Transportation Authority  
Jessica Bullen, Fiscal and Policy Analyst  
San Francisco Public Library

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

BOS-11, pages

**Commissioners**  
**Jim Kellogg, President**  
Discovery Bay  
**Michael Sutton, Vice President**  
Monterey  
**Daniel W. Richards, Member**  
Upland  
**Richard Rogers, Member**  
Santa Barbara  
**Jack Baylis, Member**  
Los Angeles

STATE OF CALIFORNIA  
Edmund G. Brown Jr., Governor

**Sonke Mastrup, Executive Director**  
1416 Ninth Street, Room 1320  
Sacramento, CA 95814  
(916) 653-4899  
(916) 653-5040 Fax  
www.fgc.ca.gov

### Fish and Game Commission



October 9, 2012

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2012 OCT 15 PM 3:29

TO ALL AFFECTED AND INTERESTED PARTIES:

This is to provide you with a Notice of Receipt of Petition to list Clear Lake Hitch (*Lavinia exilicauda chi*) as threatened or endangered under the California Endangered Species Act. This notice will appear in the California Regulatory Notice Register on October 12, 2012.

Sincerely,

Sheri Tiemann  
Staff Services Analyst

Attachment

(4)

**Commissioners**  
**Jim Kellogg**, President  
Discovery Bay  
**Michael Sutton**, Vice President  
Monterey  
**Daniel W. Richards**, Member  
Upland  
**Richard Rogers**, Member  
Santa Barbara  
**Jack Baylis**, Member  
Los Angeles

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1416 Ninth Street, Room 1320  
Sacramento, CA 95814  
(916) 653-4899  
(916) 653-5040 Fax  
[www.fgc.ca.gov](http://www.fgc.ca.gov)

## Fish and Game Commission



### CALIFORNIA FISH AND GAME COMMISSION NOTICE OF RECEIPT OF PETITION

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2073.3 of the Fish and Game Code, the California Fish and Game Commission, on September 25, 2012 received a petition from the Center for Biological Diversity to list the Clear Lake Hitch (*Lavinia exilicauda chi*) as threatened or endangered under the California Endangered Species Act.

Clear Lake Hitch have specific requirements to complete their life-cycle, including access for unimpeded migration up tributary streams to suitable spawning habitat during the spring, and the ability for adults and young to return downstream to Clear Lake before tributary streams run dry or reduced flows and water depth result in migration barriers.

Pursuant to Section 2073 of the Fish and Game Code, on September 26, 2012 the Commission transmitted the petition to the Department of Fish and Game for review pursuant to Section 2073.5 of said code. It is anticipated that the Department's evaluation and recommendation relating to the petition will be received by the Commission at its February, 2013 Commission meeting. Interested parties may contact Mr. Stafford Lehr, Chief, Fisheries Branch, Department of Fish and Game, 830 S Street, Sacramento, California, 95811, or telephone (916) 327-8840 for information on the petition or to submit information to the Department relating to the petitioned species.

October 2, 2012

Fish and Game Commission

Sonke Mastrup  
Executive Director

Document is available  
at the Clerk's Office  
Room 244, City Hall

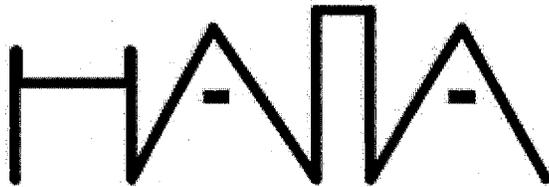


To: BOS Constituent Mail Distribution,  
Cc:  
Bcc:  
Subject: HANC has to go

6 letters

From: Ted Loewenberg <tedlsf@sbcglobal.net>  
To: mayoredwinlee@sfgov.org,  
Cc: Board.of.Supervisors@sfgov.org, phil.ginsburg@sfgov.org,  
Sarah Ballard <Sarah.Ballard@sfgov.org>, recpark.commission@sfgov.org  
Date: 10/18/2012 01:18 PM  
Subject: HANC has to go

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HAIGHT ASHBURY IMPROVEMENT ASSOCIATION

Mayor Lee,  
2012

18 October

I am outraged that now more then 2 1/2 years of patiently waiting, the HANC recycling center continues to operate their industrial operation in Golden Gate Park. As president of HAIA, I joined the other neighborhood groups to meet with you in February, 2010, where we all made it clear to you that the community, by a vast majority, agreed with removing HANC from the park. You assured us that you too wanted this to happen, and that your administration would work to obtain that result without a lot of public drama. A protracted legal battle ensued, which HANC lost at every turn while costing us taxpayers more than a million dollars, that resulted in a blanket rejection of every flimsy claim made by the HANC attorney. Finally, in August, the California Supreme Court refused to consider HANC's final appeal, thus sealing the City's position.

Now, 60 days later, HANC continues to operate this neighborhood insult on public property. Too, we understand that you have met with HANC, in which they continued to negotiate some other position than eviction. That you even entertained this conversation is an affront to the people and taxpayers of San Francisco. In addition to that, Sup. Olague, whom you

5

**2012 Local Agency Biennial Notice**  
**Conflict of Interest Code Review Report**

Name of Agency: Human Services Commission / Dept of Human Services \_\_\_\_\_

Mailing Address: P.O. Box 7988 San Francisco, CA 94120 \_\_\_\_\_

Contact Person: Phil Arnold, Dep Dir \_\_\_\_\_ Office Phone No: 415 557-5641 \_\_\_\_\_

E-mail: Phil Arnold@sfgov.org. \_\_\_\_\_ Fax No: 415 431-9270 \_\_\_\_\_

This agency has reviewed its conflict-of-interest code and has determined that:

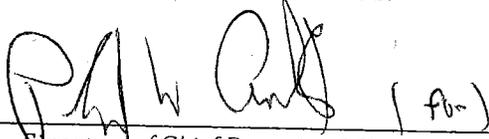
**An amendment is required. The following amendments are necessary:**  
(Check all that apply.)

- Include new positions (including consultants) that must be designated.
- Delete positions that manage public investments from the list of designated positions.
- Revise disclosure categories.
- Revise the titles of existing positions.
- Delete titles of positions that have been abolished.
- Other (describe) \_\_\_\_\_

**Code is currently under review by the code-reviewing body.**

**No amendment is required.**

The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.

  
\_\_\_\_\_  
Signature of Chief Executive Officer Trent Flores

9.18.12

\_\_\_\_\_  
Date

Complete this notice regardless of how recently your code was approved or amended.

Please return this notice no later than **August 1, 2012**, via e-mail (PDF), inter-office mail, or fax to:

Clerk of the Board  
Board of Supervisors  
ATTN: Peggy Nevin  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

## San Francisco Campaign and Governmental Conduct Code

**SEC. 3.1-285. HUMAN SERVICES COMMISSION.**

(a) **Disclosure Category 2.** Persons in this category shall disclose all investments and business positions in business entities and income from any source which provides, or contracts with the City and County of San Francisco and its Department of Human Services to provide, services, supplies, materials, machinery or equipment to the Human Services Department.

(b) **Disclosure Category 3.** Persons in this category shall disclose all investments and business positions in business entities and income from any source which owns or operates any board and care home, foster institution for children or home health agency in the jurisdiction.

(c) **Disclosure Category 4.** Persons in this category shall disclose all investments and business positions in business entities and income from any source which is engaged in the sale of products or services related to data processing.

Designated Positions	Disclosure Categories
Members, Human Services Commission	1
Executive Director	1
Chief Deputy Director	1
Contract Managers	2
Deputy Directors	1
Director, Contracts	2
Director, Information Technology	4
Director, Homeless Programs	2
Director, Personnel	2
<del>Director, Support Services</del> DELETED	2
Liaison to the Housing Authority	2
Manager, Budget	1
Manager, Investigations	3
Manager, Fiscal Operations	1
Program Manager, <del>County Adult Assistance Programs</del> Income Maintenance Programs	2

Program Manager, Family and Children's Services	2, 3
Special Assistants to the Executive Director	2
Supervisor, Materials and Supplies	2

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Ord. 58-01, File No. 001951, App. 4/13/2001; Ord. 99-05, File No. 041570, App. 5/25/2005; Ord. 80-07, File No. 070122, App. 4/19/2007; Ord. 93-08, File No. 090199, App. 6/10/2009)

(Derivation: Former Administrative Code Section 58.242; added by Ord. 3-90, App. 1/5/90; amended by Ord. 311-92, App. 10/9/92; Ord. 380-94, App. 11/10/94; Ord. 345-98, App. 11/19/98; Ord. 340-99, File No. 992046, App. 12/30/99)

## **SEC. 3.1-290. RESERVED.**

### *Editor's note*

*Ord. 80-07, File No. 070122, Approved April 19, 2007, repealed § 3.1-290, which pertained to the Joint Powers Financing Authority.*

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; Ord. 80-07, File No. 070122, App. 4/19/2007)

(Derivation: Former Administrative Code Section 58.245; added by Ord. 3-90, App. 1/5/90; amended by Ord. 56-97, App. 3/6/97)

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# Capital Planning Committee

✓ BOS - 11  
B & F Clerk  
cPage

Naomi M. Kelly, City Administrator, Chair

## MEMORANDUM

October 15, 2012

**To:** Supervisor David Chiu, Board President

**From:** Naomi Kelly, City Administrator and Capital Planning Committee Chair

**Copy:** Members of the Board of Supervisors  
Angela Calvillo, Clerk of the Board  
Capital Planning Committee

**Regarding:** Recommendations of the Capital Planning Committee on the Annual Infrastructure Construction Cost Inflation Estimate (AICCIE)

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
10/20/12 12:19 PM  
N. Kelly

In accordance with Building Code Section 107A.13.3.1 and Planning Code Section 409 the Capital Planning Committee (CPC) established the Annual Infrastructure Cost Inflation Estimate (AICCIE) for calendar year 2013 at 4.0 percent. The CPC's recommendations are set forth below as well as a record of the members present.

**Action Item:** **Consideration to set the 2013 AICCIE at 4.0%. This rate was determined by staff using a combination of cost inflation data; market trends; national, state and local construction cost inflation indices; and discussion with local construction experts. A copy of the analysis is available under the October 15<sup>th</sup> CPC meeting at <http://onesanfrancisco.org/>.**

**Recommendation:** **The CPC recommended approval of the 2013 AICCIE at 4.0% by a vote of 10-0.**

Committee members or representatives voting in favor include: Naomi Kelly, City Administrator; Amy Chan, Office of the President of the Board of Supervisors; Ed Reiskin, Director of the SFMTA; Kate Howard, Mayor's Budget Director; John Rahaim, Director of Planning; Ben Rosenfield, Controller; Douglas Legg, Department of Public Works; Todd Rydstrom, SFPUC; Dawn Kamalanathan, Recreation and Parks Department; and Elaine Forbes, Port of San Francisco.

BOS-11  
Cpage

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2012 OCT 15 PM 3:30

6 12-7-12

San Francisco Board of Supervisors

Dear all,

Please do not reinstate Sheriff  
Mirkarimi.

Thank you.

Cynn Smith

Fate

What a disappointment you are! Not all  
of you, but those who voted for reinstatement  
of Mr. Mirkarimi will back pay. No wonder  
he fought for this job! Recall is expensive so  
I don't see that happening - and with one  
supervisor who voted to reinstate immediately  
saying she would back a recall effort - how  
crazy & thought out is that! You people  
had plenty of time to see that he no longer  
qualified. I just find you disappointing &  
shall I say incompetent!

CS

To The

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2012 OCT 15 PM 3:30  
BY de

Oct. 8, 2012 BDS-11  
page

Board of Supervisor

Supervisors your decision  
of letting of Mirakimi, is an  
insult to every woman.

How could you do it  
with a clean conscious is  
behind me.

As a woman I saw  
myself with a bruise as  
the wife of Mirakimi, how  
is it possible in today and  
for him to walk free.  
If you are a disgrace,  
I am sure you have a sister  
friends, you would not like it.



T 510.836.4200  
F 510.836.4205

410 12th Street, Suite 250  
Oakland, Ca 94607

www.lozeaudrury.com  
richard@lozeaudrury.com

Re: File: 120692

Orig: Leg Clerk  
c: BOS-11, COB, Leg Dep  
RECEIVED City Attorney, page  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
le  
OCT 15 PM 3:30

October 11, 2012

Via U.S. Mail

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

Angela Calvillo, Clerk of the Board  
Board of Supervisors of the  
City and County of San Francisco  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102-4689

Chris Hwang, President of the Board  
Board of Appeals of the  
City and County of San Francisco  
(aka Board of Permit Appeals)  
1650 Mission, Room 304  
San Francisco, CA 94103

John Rahaim  
Director of Planning  
San Francisco Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2479

City and County Clerk  
Office of the County Clerk  
City and County of San Francisco  
City Hall, Room 168  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4678

Rodney Fong  
Commission President  
Planning Commission of the  
City and County of San Francisco  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2414

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

**Re: Notice of Intent to File Suit Under the California Environmental  
Quality Act Regarding the Beach Chalet Athletic Fields Renovation Project  
(State Clearinghouse No. 2011022005) (Planning Department Case No.  
2010.0016E)**

Dear Mayor Lee, Ms. Calvillo, Mr. Hwang, Mr. Rahaim, Mr. Fong, City and County Clerk,  
City and County of San Francisco, Board of Supervisors of the City and County of San  
Francisco, Board of Appeals of the City and County of San Francisco (aka Board of  
Permit Appeals), San Francisco Planning Department, Planning Commission of the City  
and County of San Francisco:

(9)

I am writing on behalf of SF Coalition for Children's Outdoor Play, Education and Environment, and San Francisco, California residents Ann Clark and Mary Ann Miller (collectively, "Petitioners") regarding the Beach Chalet Athletic Fields Renovation Project ("Project") (State Clearinghouse No. 2011022005) (Planning Department Case No. 2010.0016E).

Please take notice, pursuant to Public Resources Code ("PRC") § 21167.5, that Petitioners intend to file a Verified Petition for Peremptory Writ of Mandate and Complaint for Declaratory and Injunctive Relief ("Petition"), under the provisions of the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 et seq., against Respondents and Defendants City and County of San Francisco, San Francisco Planning Department, Planning Department of the City and County of San Francisco, Board of Supervisors of the City and County of San Francisco, Planning Commission of the City and County of San Francisco, Board of Appeals of the City and County of San Francisco (aka Board of Permit Appeals of the City and County of San Francisco, and Mayor Edwin M. Lee, in his official capacity (collectively "City") in the Superior Court of California for the County of San Francisco, challenging the following unlawful actions taken by the City: the August 1, 2012 decision of the San Francisco Board of Appeals to approve the Beach Chalet Athletic Fields Renovation Project ("Project"); the July 10, 2012 decision of the Board of Supervisors of the City and County of San Francisco affirming the certification by the San Francisco Planning Commission of the Final Environmental Impact Report for the Beach Chalet Athletic Fields Renovation Project (File No. 120692); May 24, 2012 decisions regarding the Beach Chalet Athletic Fields Renovation Project ("Project") by the San Francisco Planning Commission: (1) adopting findings related to the certification of a Final Environmental Impact Report ("Final EIR") (Planning Commission Motion No. 18637; Case No. 2010.0016E); (2) adopt findings under the California Environmental Quality Act, Pub. Res. Code ("PRC") section 21000 et seq. ("CEQA") including rejecting alternatives as infeasible and adopting a statement of overriding considerations (Planning Commission Motion No. 18638; Case No. 2010.0016E); (3) adopt findings of consistency with the General Plan and other policies and CEQA findings (Planning Commission Motion No. 18639; Case No. 2010.0016R). Petitioners also challenge the May 24, 2012 decision by the San Francisco Recreation and Park Commission to adopt CEQA findings and statement of overriding considerations set forth in Planning Commission Motion 18637 and to approve the conceptual plan for the Project (Recreation and Park Commission Resolution No. 1205-020; case No. 2010.0016R), and (4) failing to prepare an adequate CEQA document for the Project.

The petition being filed will seek the following relief:

1. For a stay of Respondents' decisions certifying the EIR and approving the Beach Chalet Project pending trial.
2. For a temporary restraining order and preliminary injunction restraining Respondents and Real Parties in Interest from taking any action in furtherance of the Project relying in whole or in part upon the EIR pending trial.
3. For a peremptory writ of mandate, preliminary and permanent injunction and declaratory relief directing:

- a. Respondent(s) to vacate and set aside its Resolutions certifying the EIR and adopting Findings of Fact and approving the Project.
  - b. Respondent to suspend all activity under the certification of the EIR and approval of the Project that could result in any change or alteration to the physical environment until Respondents have taken actions that may be necessary to bring the certification and project approval into compliance with CEQA.
  - c. Respondent to prepare, circulate, and consider a new and legally adequate EIR and otherwise to comply with CEQA in any subsequent action taken to approve the Project.
4. For the costs of suit.
  5. For an award of attorney fees pursuant to Code of Civil Procedure § 1021.5 and any other applicable provisions of law or equity.
  6. For any other equitable or legal relief that the Court considers just and proper.

Petitioners urge the City to rescind its Notice of Determination for the Beach Chalet Athletic Fields Renovation Project, as well as all existing Project approvals, and prepare the appropriate CEQA document for this Project as required by law.

Sincerely,



Richard T. Drury  
Christina M. Caro  
Brooke C. O'Hanley  
Lozeau Drury LLP  
Attorneys for Petitioners

**PROOF OF SERVICE**

I, Christina Caro, declare as follows:

I am a resident of the State of California, and employed in Oakland, California. I am over the age of 18 years and am not a party to the above-entitled action. My business address is 410 12<sup>th</sup> Street, Suite 250, Oakland, California, 94607.

On October 11, 2012, I served a copy of the foregoing document(s) entitled:

**Notice of Intent to File Suit Under the California Environmental Quality Act Regarding the Beach Chalet Athletic Fields Renovation Project (State Clearinghouse No. 2011022005) (Planning Department Case No. 2010.0016E)**

on the following parties:

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

Angela Calvillo, Clerk of the Board  
Board of Supervisors of the  
City and County of San Francisco  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102-4689

Chris Hwang, President of the Board  
Board of Appeals of the  
City and County of San Francisco  
(aka Board of Permit Appeals)  
1650 Mission, Room 304  
San Francisco, CA 94103

John Rahaim  
Director of Planning  
San Francisco Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2479

City and County Clerk  
Office of the County Clerk  
City and County of San Francisco  
City Hall, Room 168  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4678

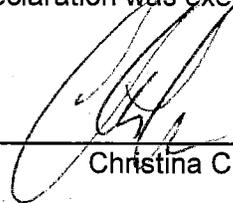
Rodney Fong  
Commission President  
Planning Commission of the  
City and County of San Francisco  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2414

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



**BY MAIL. By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid for First Class mail, in the United States mail at Oakland, California addressed as set forth above.**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed October 11, 2012 at Oakland, California.



---

Christina Caro

**Alliance for a  
Better District 6**

File 120277

clerk  
BOS-11  
cpage

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2012 OCT 22 AM 11:19

AK

October 19, 2012

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

RE: Type 21 Liquor License - CVS Pharmacy 1059 Hyde Street

File No. 120277

San Francisco Board of Supervisors Members:

The Alliance for a Better District 6 believes that no request for resolution of Public Convenience of Necessity should be approved by the San Francisco Board of Supervisors until an official letter from California Alcoholic Beverage Control (ABC) confirms that two type-21 off-sale licenses have been transferred to CVS Pharmacy.

- 1) CVS purchases a type-21 off-sale liquor license from J&D Liquors at 1042 Polk Street.
- 2) CVS purchases a type-21 off-sale liquor license from Competition Close Outs, Inc. at 1541 Polk Street.

Then the community will be satisfied that CVS Pharmacy is acting in good faith.

Sincerely,



Michael Nulty  
Executive Director  
Alliance for a better District 6

cc: California Alcoholic Beverage Control  
San Francisco Board of Supervisors  
File

File 120984

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

48 Four Rod Way

BOS-11

Tiverton RI 02878

cpage

2012 OCT 23 PM 3:07

18 October 2012

AK

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place

San Francisco CA 94102-4689

To Whom It Concerns:

Please be advised that, as a frequent visitor to the State of California and to San Francisco in particular, I am disturbed by the proposal by Supervisor Scott Wiener to restrict

---

non-sexual nudity in certain areas of San Francisco.

I support diversity in San Francisco and believe that regular clothing-optional public activities are an important part of that diversity. Mr. Wiener has chosen to use dated pejoratives like "nudist colony" in his public statements, and I am disappointed in that.

The numbers speak for themselves. More than sixty-three percent of San Francisco residents say they are NOT personally offended by the non-sexual nudity of others, according to a 2009 Zogby poll commissioned by the Naturist Education Foundation.

Thank you for considering my comments. I look forward to your reply.

Yours sincerely,

*Dr. Ronald Marsh*

Dr. Ronald Marsh

(11)

**Tenant Associations Coalition  
of San Francisco  
(TAC)**

P. O. Box 420846  
San Francisco, CA 94142-0846

Phone: (415) 339-8327

tac\_s\_f@yahoo.com

TenantAssociationsCoalition

@Yahoogroups.com

<http://10thanniversarytac.blogspot.com/>

<http://tenantassociationscoalition.blogspot.com/>

File 120729

ong. Cons Clerk

Bos-11, page

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2012 OCT 22 AM 11:19

4k

July 27, 2012

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

**Coalition Members**

Representatives affiliated with

205 Jones Apartments

381 Turk Street

Alder Hotel

Alexander Tenants Association, Inc.

Alliance For A Better District 6

Altamont

Ambassador Hotel

Antonia Manor

Baldwin House Hotel

Bayanhan House

Blackstone Apartments

Cadillac Hotel

Cambridge

Canon Kip Community House

Ceatrice Plote

Cecil Williams Housing

Central Towers

Civic Center Residence

Conard House

Crescent Manor

Dalt Residence

Desmond Hotel

Derek Silva Community

Donnelly Hotel

Dorothy Day Community

Franciscan Towers

Hamlin Hotel

Henry Hotel

Herald Apartments

Hillsdale Hotel

Hurley Hotel

Iroquois Residence Tenant Council

Jefferson Hotel

Havell Hotel

La Nain Hotel

Leland Apartments

Lyric

Manor Advocates

Marla Manor

Marina Cove Apartments

Market Heights Apartments

Marlton Manor Tenants Association, Inc.

Mission Hotel

Oaktree Hotel

Pacific Bay Inn

Padre Apartments

Parkview Hotel

Peter Claver Community

Ritz Hotel

San Cristina Residence

Senator Hotel

Seneca Hotel

Shoreview Residents Associations, Inc.

Silvercrest Residence

South Park Residence

Sunnyside Hotel

Supportive Housing Network

The Knox

The Rose

Warfield Hotel

Washburn Residence

Winsor Hotel

(Partial List)

RE: Type 48 Liquor License- 165 Jefferson Gold Dust Lounge at  
Fisherman's Warf

File No. 120729

San Francisco Board of Supervisors Members:

The Tenant Associations Coalition of San Francisco (TAC) held a general membership meeting of resident stakeholders on July 10th where a presentation by 165 Jefferson Street Gold Dust Lounge at Fisherman's Warf representatives was heard. We feel this occupied retail store front will become a great tourist destination and fully support this project.

**Tenant Associations Coalition supports Gold Dust Lounge at Fisherman's Warf request for Resolution of Public Convenience or Necessity.**

We want Gold Dust Lounge at Fisherman's Warf to: succeed, continue reaching out to fellow community members, and maintain a positive entertainment destination.

If there are any questions about this letter we can be reached at (415) 339-8327.

Sincerely,

*Susan Bryan*

Susan Bryan  
Facilitator

cc: Board of Supervisors  
Coalition Members  
File

File # 120221

Orig: Rules Club  
BOS-11  
page

Please do not extend the Revenue Bond Oversight Committee – Rules Committee item 5 - 10/18/2012

Supervisors you are possibly thinking that it is better to have an oversight committee in place, even one as flawed as the current Revenue Bond Oversight Committee. Not so. This committee has changed beyond recognition of what voters thought they were putting in place. It is not the same Committee as envisioned by its authors and supporters. I am a co author and former nine member of this committee.

The illusion of oversight is significantly worse than no oversight. It disguises and buries too many misdeeds and inefficiencies. The ratepayers must not be taxed for continuing committee nullification and continuing failure by this committee to follow its enabling legislation mandating independent and effective oversight. This phenomenon probably creates a Proposition 218 issue. No new utility charges without voter approval.

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SAN FRANCISCO  
2012 OCT 18 PM 08

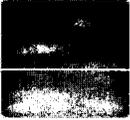
The RBOC must be thoroughly investigated for truth to purpose by appropriate legal watch dogs, Ethics Commission, Sunshine Ordinance Task Force, Civil Grand Jury, and others before even contemplating its extension beyond January 1, 2013. Voter betrayal by committee nullification should not be tolerated, especially to this degree.

Actual electronic recordings of RBOC meetings, when compared to highly edited, sanitized, and uninformative minutes, must be compared and examined in the search for the truth. This committee has never conducted a truly independent study, nor has it held a public outreach meeting, as mandated by Proposition P. Nor has this committee honored our sunshine laws.

It was a noble endeavor gone completely awry and serves no public good and necessity purpose. It is falsely used by SFPUC to cover up mismanagement. In reality it disguises urgent issues that require immediate mending. Do not pass this legislation.

Brian Browne

13



To: BOS Constituent Mail Distribution,  
Cc:  
Bcc:  
Subject: Issued: Whistleblower Program 2011-12 Annual Report

From: "Reports, Controller" <controller.reports@sfgov.org>  
To: "Calvillo, Angela" <angela.calvillo@sfgov.org>, "Nevin, Peggy" <peggy.nevin@sfgov.org>, BOS-Supervisors <bos-supervisors.bp2ln@sfgov.microsoftonline.com>, BOS-Legislative Aides <bos-legislativeaides.bp2ln@sfgov.microsoftonline.com>, "Kawa, Steve" <steve.kawa@sfgov.org>, "Howard, Kate" <kate.howard@sfgov.org>, "Falvey, Christine" <christine.falvey@sfgov.org>, "Elliott, Jason" <jason.elliott@sfgov.org>, "Campbell, Severin" <severin.campbell@sfgov.org>, "Newman, Debra" <debra.newman@sfgov.org>, "sfdocs@sfpl.info" <sfdocs@sfpl.info>, "gmetcalf@spur.org" <gmetcalf@spur.org>, CON-Media Contact <con-mediacontact.bp2ln@sfgov.microsoftonline.com>, "ggiubbini@sftc.org" <ggiubbini@sftc.org>, "Rosenfield, Ben" <ben.rosenfield@sfgov.org>, "Zmuda, Monique" <monique.zmuda@sfgov.org>, "Lane, Maura" <maura.lane@sfgov.org>, CON-EVERYONE <con-everyone.bp2ln@sfgov.microsoftonline.com>, CON-CCSF Dept Heads <con-ccsfdeptheads.bp2ln@sfgov.microsoftonline.com>, CON-Finance Officers <confinanceofficers.bp2ln@sfgov.microsoftonline.com>,  
Date: 10/18/2012 03:20 PM  
Subject: Issued: Whistleblower Program 2011-12 Annual Report  
Sent by: "McGuire, Kristen" <kristen.mcguire@sfgov.org>

---

The Office of the Controller (Controller), Whistleblower Program has issued its 2011-12 Annual Report detailing the volume and types of complaints received from July 2011 through June 2012.

As specifically authorized by the Charter of the City and County of San Francisco, since 2004 the Controller has received and tracked complaints on the quality and delivery of government services, wasteful and inefficient city government practices, misuse of government funds, and improper activities by city government officials, employees, and contractors. The Whistleblower Program Annual Report for July 2011 through June 2012 (fiscal year 2011-12) is the eighth annual report on complaints received by the Whistleblower Program. The report is part of a broad effort to promote and publicize the Whistleblower Program to city employees and members of the public. The Whistleblower Program serves as a practical tool to establish, maintain, and improve public trust in the City's ability to provide high-quality, fiscally responsible government services.

In fiscal year 2011-12, the Whistleblower Program received 340 complaints. Of the 340 complaints received, 250 (74 percent) were investigated or referred for investigation. These investigations resulted in 73 sustained complaints, with corrective actions ranging from employees receiving verbal or written warnings to suspensions.

To view the full report, please visit our website at:  
<http://co.sfgov.org/webreports/details.aspx?id=1485>

This is a send-only email address.

For questions regarding the report, please contact Director of City Audits Tonia Lediju at [tonia.lediju@sfgov.org](mailto:tonia.lediju@sfgov.org) or 415-554-5393, or the Controller's Office, Audits unit at 415-554-7469.

**City and County of San Francisco**

**Office of the Controller – City Services Auditor**

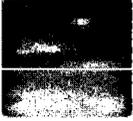
**Document is available  
at the Clerk's Office  
Room 244, City Hall**

# **WHISTLEBLOWER PROGRAM ANNUAL REPORT**

**Fiscal Year 2011-12**



*October 18, 2012*



To:  
Cc:  
Bcc:  
Subject: Budget & Legislative Analyst FY 2011-12 Annual Report

From: Gabriela Loeza/BudgetAnalyst/SFGOV  
To: John Avalos/BOS/SFGOV@SFGOV, David Campos/BOS/SFGOV@SFGOV, David Chiu/BOS/SFGOV@SFGOV, Carmen Chu/BOS/SFGOV@SFGOV, Malia Cohen/BOS/SFGOV@SFGOV, Sean Elsbernd/BOS/SFGOV@SFGOV, Mark Farrell/BOS/SFGOV@SFGOV, Jane Kim/BOS/SFGOV@SFGOV, Eric L Mar/BOS/SFGOV@SFGOV, Scott Wiener/BOS/SFGOV@SFGOV, Christina Olague/BOS/SFGOV@SFGOV, Raquel Redondiez/BOS/SFGOV@SFGOV, Frances Hsieh/BOS/SFGOV@SFGOV, Sheila Chung Hagen/BOS/SFGOV@SFGOV, Hillary Ronen/BOS/SFGOV@SFGOV, Catherine Rauschuber/BOS/SFGOV@SFGOV, Amy Chan/BOS/SFGOV@SFGOV, Katy Tang/BOS/SFGOV@SFGOV, Cammy Blackstone/BOS/SFGOV@SFGOV, Andrea Bruss/BOS/SFGOV@SFGOV, Megan Hamilton/BOS/SFGOV@SFGOV, Olivia Scanlon/BOS/SFGOV@SFGOV, Alexander Volberding/BOS/SFGOV@SFGOV, Margaux Kelly/BOS/SFGOV@SFGOV, Catherine Stefani/BOS/SFGOV@SFGOV, Matthias Mormino/BOS/SFGOV@SFGOV, April Veneracion/BOS/SFGOV@SFGOV, Sunny Angulo/BOS/SFGOV@SFGOV, Nickolas Pagoulatos/BOS/SFGOV@SFGOV, Victor Lim/BOS/SFGOV@SFGOV, Chris Durazo/BOS/SFGOV@SFGOV, Adam Taylor/BOS/SFGOV@SFGOV, Judson True/BOS/SFGOV@SFGOV, Dominica Henderson/BOS/SFGOV@SFGOV, Jeremy Pollock/BOS/SFGOV@SFGOV, Peter Lauterborn/BOS/SFGOV@SFGOV, Stephanie Tucker/BOS/SFGOV@SFGOV, Andres Power/BOS/SFGOV@SFGOV, Nate Allbee/BOS/SFGOV@SFGOV, Angela Calvillo/BOS/SFGOV@SFGOV  
Cc: Harvey Rose/BudgetAnalyst/SFGOV@SFGOV, Fred Brousseau/BudgetAnalyst/SFGOV@SFGOV  
Date: 10/10/2012 02:11 PM  
Subject: Budget & Legislative Analyst FY 2011-12 Annual Report

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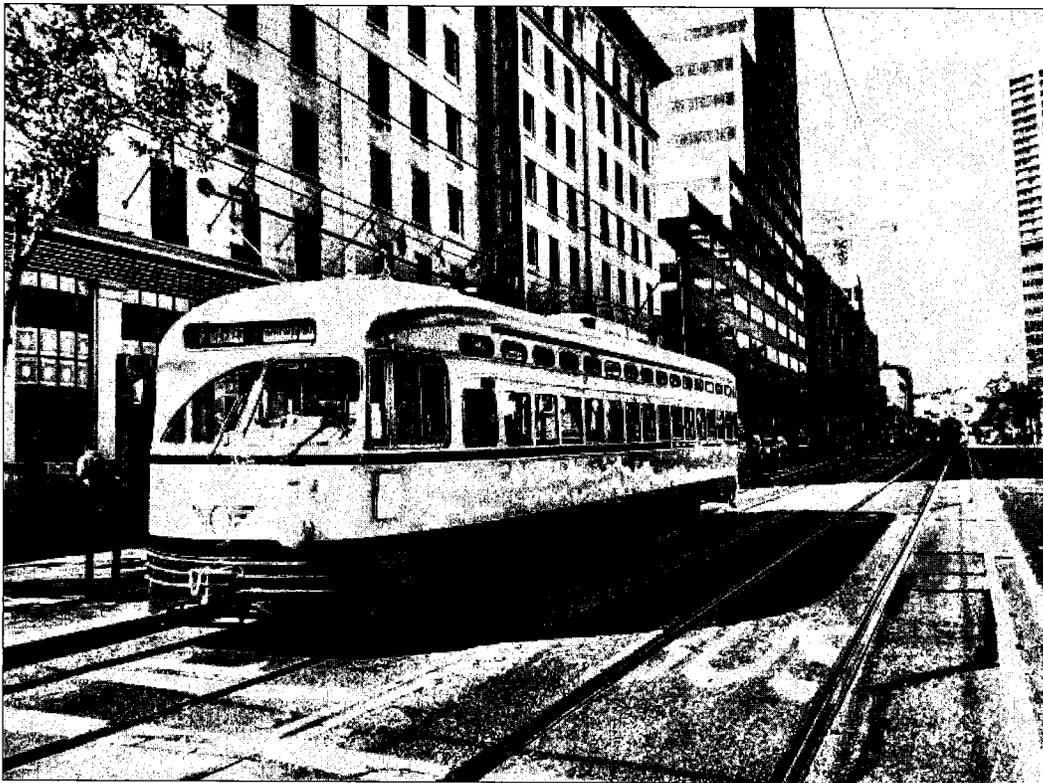
Gabriela Loeza  
Budget & Legislative Analyst Office  
1390 Market Street, Suite 1150  
San Francisco, CA 94102  
(415) 553-4622 direct  
(415) 552-9292 main



(415) 252-0461 fax BLA.Annual Report.2011-12.pdf

City and County of San Francisco  
Board of Supervisors  
Budget and Legislative Analyst

# **Fiscal Year 2011-2012 Annual Report**



Document is available  
at the Clerk's Office  
Room 244, City Hall



To: BOS Constituent Mail Distribution,  
Cc:  
Bcc:  
Subject: SF Dept. on the Status of Women: FY 11-12 ANNUAL REPORT

From: "hoang, stacey" <stacey.hoang@sfgov.org>  
To: Department Heads <departmentheads.bp2ln@SFGOV1.onmicrosoft.com>,  
Date: 10/12/2012 09:50 AM  
Subject: SF Dept. on the Status of Women: FY 11-12 ANNUAL REPORT

---

Dear Departments:

It is with great pleasure that we share with you the release of the *Department on the Status of Women's **FY 2011-12 Annual Report.***

In it, you will find brief synopses of our past year's achievements, including:

- Winning the Work-Life Balance Award for Continent America (from 147 entries!).
- An 80% decline in the number of domestic violence homicides since 2000.
- Recommending and seeing the implementation of new 911 call codes for child abuse and elder abuse by the Dept. of Emergency Management and the Police.

We are constantly striving to better serve the women and girls in San Francisco and welcome any feedback from you.

You can also find our annual report on our website at [www.sfgov.org/dosw](http://www.sfgov.org/dosw).

Thank you,

Emily M. Murase, PhD  
Executive Director  
San Francisco Department on the Status of Women  
25 Van Ness Avenue, Suite 240  
San Francisco, CA 94102  
[emily.murase@sfgov.org](mailto:emily.murase@sfgov.org)  
Tel. 415.252.2571  
[www.sfgov.org/dosw](http://www.sfgov.org/dosw)



# City and County of San Francisco Department on the Status of Women



Mayor Edwin M. Lee

Executive Director  
Emily M. Murase, Ph.D.



Fiscal Year 2011-2012

# ANNUAL REPORT





FW: Exemptions from Overtime Maximum for Employees

Sandler, Risa

to:

Nguyen, Adam, hoang, stacey, Navarro, Tess, Leonardo, Eloida, Hart, Ian, Campbell, Severin, Murase, Emily, Jacques, Simone, Nevin, Peggy, Martinez, Denise  
10/15/2012 02:50 PM

Cc:

"Kao, Theresa", "Trenchel, Chris", "Macaulay, Devin"

Hide Details

From: "Sandler, Risa" <risa.sandler@sfgov.org> Sort List...

To: "Nguyen, Adam" <adam.nguyen@sfgov.org>, "hoang, stacey" <stacey.hoang@sfgov.org>, "Navarro, Tess" <tess.navarro@sfmta.com>, "Leonardo, Eloida" <eloida.leonardo@sfmta.com>, "Hart, Ian" <ian.hart@sfgov.org>, "Campbell, Severin" <severin.campbell@sfgov.org>, "Murase, Emily" <emily.murase@sfgov.org>, "Jacques, Simone" <simone.jacques@sfdpw.org>, "Nevin, Peggy" <peggy.nevin@sfgov.org>, "Martinez, Denise" <denise.martinez@flsfo.com>

Cc: "Kao, Theresa" <theresa.kao@sfgov.org>, "Trenchel, Chris" <chris.trenchel@sfgov.org>, "Macaulay, Devin" <devin.macaulay@sfgov.org>

1 Attachment



overtime\_20121015142413.PDF

Dear Colleagues,

In case you did not receive this message, I am forwarding it to you.

Sincerely,  
Risa

Risa Sandler  
City and County of San Francisco  
Citywide Budget Manager  
Controller's Office, Budget and Analysis Division  
City Hall Room 312  
San Francisco, CA 94102  
415.554.6626

---

**From:** Lane, Maura [<mailto:maura.lane@sfgov.org>]  
**Sent:** Monday, October 15, 2012 2:33 PM  
**To:** CON-Finance Officers; CON-CCSF Dept Heads  
**Subject:** Exemptions from Overtime Maximum for Employees

Dear Finance Officers and Department Heads,

I'm writing to you on behalf of Ben Rosenfield, the Controller.

The attached memo is to clarify recent changes to overtime requirements per Administrative Code Section 18.13.1.

Please feel free to contact Ben if you have questions or anything is unclear.



Sincerely,

Maura (on behalf of Ben)



Ben Rosenfield  
Controller

Monique Zmuda  
Deputy Controller

## MEMORANDUM

**TO:** All City and County Department Heads

**FROM:** Ben Rosenfield, Controller 

**DATE:** October 15, 2012

**SUBJECT:** Exemptions from Overtime Maximum for Employees

This memo is to clarify recent changes to overtime requirements per Administrative Code Section 18.13.1. A summary of the most current provisions of the Code is as follows:

- Overtime shall be assigned only by departmental supervisors, when work cannot be completed within regular work schedules.
- Maximum Permissible Overtime for employees is limited to 25% of hours worked (generally 520 hours) per year.
- Overtime is limited to 72 hours in a regular work week (excludes uniformed Fire employees who do not work standard 40 hour work week).
- Overtime cap shall not apply to overtime worked where no direct or indirect costs are incurred or funded by private non-governmental sources (also referred to as third party payments).
- Appointing officers may request an exemption from Director of Human Resources, or in the case of MTA, the Director of Transportation. Criteria for exemptions shall promote efficiency and advance public service.
- Overtime caps are exempt during declared emergencies and disasters where overtime assignments are necessary to protect public safety.
- The Controller shall produce regular reports that include information on budgeted vs. actual overtime, the extent to which departments comply with overtime requirements, the number and justifications of exemptions, and shall identify staff shortages, improved management practices, and recommendations to reduce overtime.

**Overtime paid by third party payments**

In some instances, departments receive third party payments from non-government sources to provide staffing, security and other services to public events. In such instances, department overtime hours worked during such events may be exempted from the maximum if the City fully recovers all costs from private sources. Please notify the Controller's Office if you believe that your department will receive private payments that will fully cover the costs of overtime worked for such events.

Please note that overtime paid by revenue sources included in the City's budget, or from other state, federal or local governmental sources does not exempt your department personnel from the overtime cap. However, overtime earned in a declared emergency or disaster, is exempt.

If the Controller's Office approves selected overtime worked as exempt from the overtime cap, we will provide your department with a pay code to report overtime worked that is paid by third party payments. Please track the number of overtime hours paid by the City from third party sources by employee. The City's financial and timekeeping systems are currently not equipped to track the costs of overtime by funding source. Until such time that the Controller is able to track this data, please be prepared to report the use of overtime paid by third party sources by employee and report them to the Controller's Office quarterly upon request.

**Tracking Overtime**

In order to properly monitor the use of overtime, and to insure that Departments adhere to the restrictions on overtime, the Controller's Office urges department staff to monitor department-wide and employee specific overtime use on a biweekly or monthly basis. Overtime reports are provided to departments through the Controller's Payroll Division on a biweekly basis that provide information on overtime paid for each employee. (Please refer to Fiscal Year Overtime Tracking Report) In addition, departments receive monthly expenditure reports that identify the budgeted and year-to-date overtime expenditures by fund. Please continue to use these tools to assist in monitoring and controlling your overtime use.

The Controller's Office budget staff will continue to consult with department staff in preparing the reports that will be submitted to the Mayor and the Board of Supervisors regarding the City's use and adherence to overtime restrictions.

If you have questions regarding the reporting or use of overtime, please contact Monique Zmuda or Leo Levenson.



Orig: GAO Clerk  
C: COB, Leg Dep, Cpage

City and County of San Francisco  
Employees' Retirement System  
Office of the Executive Director

October 15, 2012

Honorable Judge Katherine Feinstein  
Presiding Judge  
Superior Court of California, County of San Francisco  
400 McAllister Street, Room 008  
San Francisco, CA 94102

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2012 OCT 15 PM 12:20

Re: Response to 2011-2012 Civil Grand Jury Report - Investment Policies and Practices of the San Francisco Employees' Retirement System

Dear Judge Feinstein:

The following attachment is provided as the requested responses from the San Francisco Employees' Retirement System (SFERS) Board and the SFERS Executive Director to the 2011-2012 Civil Grand Jury report titled "Investment Policies and Practices of the San Francisco Employees' Retirement System". For ease of administration, they have been provided in the format used by the Controller's Office to track implementation of Civil Grand Jury recommendations.

The responses provided by the SFERS Board have been reviewed and approved by the SFERS Board. The responses provided by the SFERS Executive Director are mine.

Do not hesitate to contact me with any questions or comments at (415) 487-7015.

Respectfully submitted,

Jay Huish  
Executive Director

Cc: The Honorable Edwin M. Lee  
Ben Rosenfield, Controller  
Angela Calvillo, Clerk of the Board of Supervisors  
Members of the SFERS Board

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**Status of the Recommendations  
by the 2011-12 Civil Grand Jury**

California Penal Code Sections 933.05(a) and (b) requires the responding party to report for each recommendation of the Civil Grand Jury one of the following actions:

<b>1. Recommendation Implemented</b> - Date Implemented - Summary of Implemented Action	<b>2. Will Be Implemented in the Future</b> - Anticipated Timeframe for Implementation	<b>3. Requires Further Analysis</b> - Explanation - Timeframe (Not to exceed six months from date of publication of grand jury report)	<b>4. Will Not Be Implemented: Not Warranted or Not Reasonable</b> - Explanation
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For each recommendation below, indicate one of the four actions you have taken or plan to take in the "Action Plan" column and provide the required explanation in the "2012 Response Text" column.

CGJ Year	Report Title	Recommendation or Finding Number	Recommendation or Finding Text	Response Required From	Action Plan	2012 Response Text
2011-12	Investment Policies and Practices of the San Francisco Employees' Retirement System	F1	The San Francisco Employees' Retirement System Pension Fund is currently underfunded by more than \$2 billion.	SFERS Board SFERS Executive Director	This item is a finding - there will be no action plan in response.	<p><b>SFERS Board:</b> As of the most recent SFERS Actuarial Valuation (July 1, 2011), the SFERS Unfunded Actuarial Liability was \$2.285 billion.</p> <p><b>SFERS Executive Director:</b> As of the most recent SFERS Actuarial Valuation (July 1, 2011), the SFERS Unfunded Actuarial Liability was \$2.285 billion.</p>
2011-12	Investment Policies and Practices of the San Francisco Employees' Retirement System	F2	The San Francisco Employees' Retirement System Board did not complete a "failure analysis" subsequent to the funding loss suffered in 2008-2009.	SFERS Board SFERS Executive Director	This item is a finding - there will be no action plan in response.	<p><b>SFERS Board:</b> We disagree with this Finding. The unrealized loss in market value of the SFERS Trust in 2008-2009 was not a "failure" of the SFERS investment policy, but rather the result of unprecedented conditions in the financial markets. In compliance with our long-standing policy and practice, the Retirement Board reviews the fund's investment performance each quarter. To prepare for that review, SFERS investment staff and the Retirement Board consultants conduct a comprehensive review and analysis of the investments and present their conclusions to the Retirement Board at its regularly scheduled meetings. This process was followed quarterly, before, throughout, and after 2008-2009. In addition, at the September 8, 2009 meeting, we reviewed the annual investment performance and approved recommended changes in the sub-asset class structure of the SFERS portfolio. The changes were recommended by investment staff and the consultant as a result of their review and analysis of the financial markets at the time.</p> <p>Moreover, at the October 13, 2009 meeting, we approved recommended changes to the Investment Policy Statement that were recommended to us.</p> <p><b>SFERS Executive Director:</b> I disagree with this Finding. As is the SFERS Board's long-standing policy and practice, Retirement investment staff and consultants conducted a comprehensive review and analysis of the SFERS Trust investment performance and presented the results of its analysis to the SFERS Board on a quarterly basis throughout and after 2008-2009. The investment performance report of SFERS Trust investment outcomes for Plan Year 2008-2009 was presented to the SFERS Board at its regular meeting on September 8, 2009. The SFERS Board approved recommended changes in the sub-asset class structure of the SFERS portfolio at its September 8, 2009 SFERS Board meeting which were a result of investment staff and consultants' review and analysis of the then-current financial markets. In addition, the SFERS Board approved changes to the Investment Policy Statement as recommended by investment staff and consultants after completion of their extensive review and analysis at its regular meeting on October 13, 2009.</p> <p>The unrealized loss in market value of the SFERS Trust in 2008-2009 was not a "failure" of the SFERS investment policy, but rather the result of extraordinarily difficult financial markets.</p>

**Status of the Recommendations  
by the 2011-12 Civil Grand Jury**

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For each recommendation below, indicate one of the four actions you have taken or plan to take in the "Action Plan" column and provide the required explanation in the "2012 Response Text" column.

CGJ Year	Report Title	Recommendation or Finding Number	Recommendation or Finding Text	Response Required From	Action Plan	2012 Response Text
2011-12	Investment Policies and Practices of the San Francisco Employees' Retirement System	F3	The City must pay increasing contributions to the Fund due to underfunding.	SFERS Board SFERS Executive Director	This item is a finding - there will be no action plan in response.	<p><b>SFERS Board:</b> The SFERS consulting actuary prepares projections under several scenarios, using future long-term investment returns which estimate the City's required contribution rates into the future. The most recent projections, provided to us at the February 2012 meeting, demonstrate that the City's required contribution rate is anticipated to rise over the next two years as SFERS recognizes the deferred losses from Plan Year 2008-2009 under the plan's 5-year smoothing methodology for valuing Plan assets. These projections also indicate that under certain scenarios (e.g. the Plan achieves its assumed investment return on an annualized basis over the long term), the City's required contributions may decrease over time after fiscal 2014-2015 when SFERS recognizes its final installment of the deferred loss associated with Plan Year 2008-2009 under the 5-year smoothing methodology. We also note that increases in City contributions can be triggered by causes other than underfunding.</p> <p><b>SFERS Executive Director:</b> The SFERS consulting actuary has prepared projections under several scenarios of future long-term investment returns which project the City's required contribution rates into the future. The most recent projections provided to the SFERS Board at its February 2012 regular meeting demonstrate that the City's required contribution rate is projected to rise over the next two years as SFERS recognizes the deferred losses from Plan Year 2008-2009 under the Plan's 5-year smoothing methodology for valuing Plan assets. These projections indicate that under certain scenarios (e.g. the Plan achieves its assumed investment return on an annualized basis over the long term), the City's required contributions may decrease over time after Plan Year 2014-2015 when SFERS recognizes its final installment of the deferred loss associated with Plan Year 2008-2009 under the 5-year smoothing methodology. Further, increases in City contributions can be triggered by causes other than underfunding of the SFERS Trust.</p>
2011-12	Investment Policies and Practices of the San Francisco Employees' Retirement System	F4	The increases in pension contributions by the City are growing at a faster rate than expenditures on most other City services since 1999.	SFERS Board SFERS Executive Director	This item is a finding - there will be no action plan in response.	<p><b>SFERS Board:</b> The SFERS Board can neither confirm nor deny the validity of this Finding.</p> <p><b>SFERS Executive Director:</b> The SFERS Executive Director can neither confirm nor deny the validity of this Finding.</p>

**Status of the Recommendations  
by the 2011-12 Civil Grand Jury**

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2011-12	Investment Policies and Practices of the San Francisco Employees' Retirement System	F5	The Fund can artificially reduce the City's estimated liabilities by increasing its investment return assumptions for future years.	SFERS Board SFERS Executive Director	This item is a finding - there will be no action plan in response.	<p><b>SFERS Board :</b> The Board takes issue with the implications behind this Finding. We, and staff and the consultants, are fiduciaries to the trust beneficiaries. We take the obligations to our beneficiaries seriously. As fiduciaries, we are obligated to insure there are sufficient assets to pay the benefits granted by the voters. That promise could be jeopardized by engaging in the activity described in this Finding. For that reason, we carefully consider the investment return assumptions on an annual basis, relying on the independent, consulting actuary for analysis and recommendation. Further, the consulting actuary is bound by the Code of Professional Conduct and Actuarial Standards of Practice set out by the Actuarial Standards Board which strictly prohibit any such "artificial" rate setting recommendation to the SFERS Board.</p> <p><b>SFERS Executive Director:</b> The SFERS Board, staff and consultants are bound as legal fiduciaries to the beneficiaries of the SFERS Trust by the California Constitution, the City Charter, and/or by contract. As fiduciaries to the SFERS Trust, the SFERS Board, staff or consultant's participation in the activity described in this Finding would be strictly prohibited. Further, the SFERS Board's consulting actuarial firm upon whose recommendation the SFERS Board approves the investment return assumption is bound by the Code of Professional Conduct and Actuarial Standards of Practice set out by the Actuarial Standards Board which would strictly prohibit any such "artificial" rate setting recommendation to the SFERS Board.</p>

**Status of the Recommendations  
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2011-12	Investment Policies and Practices of the San Francisco Employees' Retirement System	F6	The unrealistically high assumed investment return rate of 7.66% is driven by concern for the mandated member and City contributions, with little regard for prudent management.	SFERS Board SFERS Executive Director	This item is a finding - there will be no action plan in response.	<p><b>SFERS Board:</b> We vehemently disagree with this Finding. First, there is no basis in fact that the 7.66% assumed investment return rate is "unrealistically high". The annualized investment returns that SFERS has achieved over the past 20 years (8.17% net of manager fees) strongly support our decisions related to investment returns. Further, the annualized investment return for the the three years since 2008-2009 is 11.71% and demonstrates our prudence in setting the assumed rate of return at 7.66%. Second, the Civil Grand Jury's characterization of our motives and concerns in setting the assumed investment return rate is wholly unsubstantiated, and reckless in that light. As set forth above, we, staff and our consultants, are fiduciaries to the beneficiaries. It is our primary obligation to ensure that the SFERS trust assets are sufficient to pay the promised benefits. The Board takes its obligations seriously.</p> <p><b>SFERS Executive Director:</b> The SFERS Executive Director vehemently disagrees with this Finding. First, there is no basis for the assertion that the 7.66% assumed investment return rate is "unrealistically high". The annualized investment returns that SFERS has achieved over the past 20 years (8.17% net of manager fees) strongly support the decisions made by the SFERS Board over the past 20 years related to long-term investment return assumptions for the SFERS Trust. Further, the annualized investment return for the SFERS Trust for the three years since 2008-2009 is 11.71%. Second, the Civil Grand Jury's characterization of the SFERS Board's motives and concerns in setting the assumed investment return rates is wholly unsubstantiated and reckless. The SFERS Board, Executive Director, staff and consultants are bound as legal fiduciaries to the beneficiaries of the SFERS Trust by the California Constitution, the City Charter and/or by contract.</p> <p>As fiduciaries to the SFERS Trust, the SFERS Board, Executive Director/staff or consultant's participation in the activity described in this Finding would be strictly prohibited.</p>
2011-12	Investment Policies and Practices of the San Francisco Employees' Retirement System	F7	Studies show that public funds with low-risk investment policies perform as well as or better than those with high-risk policies.	SFERS Board SFERS Executive Director	This item is a finding - there will be no action plan in response.	<p><b>SFERS Board:</b> The SFERS Board can neither confirm nor deny the validity of this Finding.</p> <p><b>SFERS Executive Director:</b> The SFERS Executive Director can neither confirm nor deny the validity of this Finding.</p>

**Status of the Recommendations  
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2011-12	Investment Policies and Practices of the San Francisco Employees' Retirement System	R1	San Francisco Employees' Retirement System Board address the \$2 billion dollar [sic] underfunding of the San Francisco Employees' Retirement System Pension Fund by forming a high-level task force with City officials, a panel of experts, community groups, and the public to develop courses of action.	SFERS Board SFERS Executive Director	Will Not Be Implemented: Not Warranted	<p><b>SFERS Board:</b> Throughout 2011, City officials, community groups, labor organizations and concerned members of the public engaged in discussions to address concerns over SFERS' funding. Their collaboration resulted in Proposition C, approved by the voters in November 2011. The reform measures approved by City voters will significantly address SFERS funding levels over the next 15 to 20 years. In addition, under the California Constitution and the Charter, the SFERS Board has plenary authority and fiduciary responsibility for the investment of the SFERS trust assets. We engage expert investment and actuarial consultants to support us in our role as fiduciaries. We cannot delegate our investment authority or fiduciary responsibility to the recommended task force. City officials, community groups and the public have other avenues (public comment at SFERS Board meetings or direct communication with the SFERS Board) to express "courses of action" on any subject that they would recommend to the SFERS Board.</p> <p><b>SFERS Executive Director:</b> As pointed out in the report, by authority of the California Constitution and the City Charter, the SFERS Board has the plenary authority and fiduciary responsibility for the investment of the SFERS Trust. The SFERS Board also engages expert investment and actuarial consultants to support them in their role as fiduciaries. The SFERS Board cannot delegate their investment authority or fiduciary responsibility nor let another entity, such as the recommended task force, influence their investment decisions. City officials, community groups and the public have other avenues (public comment at SFERS Board meetings or direct communication with the SFERS Board) to express "courses of action" on any subject that they would recommend to the SFERS Board.</p> <p>The challenge of addressing the underfunding of the Plan is well known to the SFERS Board, staff and consultants and courses of action have been or are in the process of being implemented to address this challenge. Among them, independent from the SFERS Board, previous efforts similar to the task force recommended by the Civil Grand Jury by City officials, community groups, labor organizations and the public have resulted in pension-reform measures approved by City voters which will significantly address SFERS funding levels over the next 15 to 20 years.</p>

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2011-12	Investment Policies and Practices of the San Francisco Employees' Retirement System	R2	Adopt a realistic and consistent formula for estimating the assumed expected investment return rate.	SFERS Board SFERS Executive Director	Recommendation Implemented	<p><b>SFERS Board:</b> We have had a long-standing policy and practice in place to develop all economic and demographic actuarial assumptions, including the investment return assumption, in compliance with Actuarial Standards of Practice set out by the Actuarial Standards Board. As a result of this policy and practice, in December 2011, we voted to phase in a reduction of the long-term investment return assumption from 7.75% to 7.50%, over a 3-year period beginning July 1, 2011. This decision was based on the consulting actuary's recommendation and was consistent with our capital markets outlook as confirmed by our investment consultants; actual plan experience, and the directional trend in economic assumptions being recommended to public plans nationally by public plan actuaries. The annualized investment return that SFERS has achieved over the past 20 years [8.17% net of manager fees] supports our decision, as well as the fund's annualized investment returns of 11.71% since July 1, 2009.</p> <p><b>SFERS Executive Director:</b> The SFERS Board has a long-standing policy and practice in place to develop all economic and demographic actuarial assumptions, including the investment return assumption, in compliance with Actuarial Standards of Practice set out by the Actuarial Standards Board. As a result of this policy and practice, in December 2011, the Retirement Board voted to phase in a reduction of the long-term investment return assumption from 7.75% to 7.50%, over 3-year period beginning July 1, 2011, as recommended by the Board's consulting actuarial firm and consistent with the Board and investment consultant's capital markets outlook, actual plan experience, and the directional trend in economic assumptions being recommended to public plans nationally by public plan actuaries. Historically, the annualized investment return that SFERS has achieved over the past 20 years [8.17% net of manager fees] supports the decisions that the SFERS Board has made over this same time period related to long-term investment return assumptions. Further, the SFERS Trust has annualized investment returns of 11.71% since July 1, 2009.</p>

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2011-12	Investment Policies and Practices of the San Francisco Employees' Retirement System	R3	The San Francisco Employees' Retirement System Board undertake an in-depth investigation and "failure analysis" study of its investment policy and report its findings to its members and to the public.	SFERS Board SFERS Executive Director	Recommendation Implemented	<p><b>SFERS Board:</b> This recommendation embodies the fiduciary due diligence that we have embedded in our investment policies and procedures over the past decades. In accordance with our long-standing policies, there were thorough, in-depth analyses conducted by investment staff and consultants before, throughout and after 2008-2009, the results of which were reported to us on a quarterly basis at our public meetings. Specifically, at our September 8, 2009 meeting, they presented us with a comprehensive analysis of the investment outcomes for Plan Year 2008-2009, and recommended changes in the investment portfolio's sub asset class structure as a result of their review and analysis of the then-current financial markets. Thereafter, based on these findings, we approved changes to the Investment Policy Statement at our October 13, 2009. These reports are available to the public.</p> <p><b>SFERS Executive Director:</b> This recommendation embodies the fiduciary due diligence that the Retirement Board has embedded in its investment policies and procedures over the years. In accordance with the Retirement Board's long-standing investment policies, there were thorough, in-depth analyses conducted by investment staff and consultants before, throughout and after 2008-2009, the results of which were reported to the Retirement Board on a quarterly basis at its public meetings. SFERS investment staff and consultants completed a comprehensive analysis of the SFERS Trust investment outcomes for Plan Year 2008-2009, the results of which were presented to the SFERS Board at its regular meeting on September 8, 2009. SFERS investment staff and consultants also presented recommended changes in the sub-asset class structure of the SFERS portfolio at the September 8, 2009 SFERS Board meeting which were a result of their review and analysis of the then-current financial markets.</p> <p>In addition, SFERS investment staff and consultants completed an extensive review and analysis of the SFERS Investment Policy Statement and presented recommended changes to the Investment Policy Statement to the SFERS Board at its regular meeting on October 13, 2009. These reports are available to the public.</p>

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2011-12	Investment Policies and Practices of the San Francisco Employees' Retirement System	R4	Investigate, quantify and address all the major risks in the portfolio and make this information public.	SFERS Board SFERS Executive Director	Recommendation Implemented	<p><b>SFERS Board:</b> We have a long-standing strategic business initiative related to analyzing, quantifying and reporting of investment risks in the SFERS portfolio. Most recently, the investment risk management initiative was documented in the SFERS Strategic Plan, which we adopted at our October 12, 2011 meeting. SFERS has retained a risk consultant and licensed a risk measurement and reporting software program to facilitate staff's review, analysis and reporting of investment risk exposures in the SFERS portfolio. The results of the investment risk analysis have been reported to us on a monthly basis since February 2011. SFERS investment staff has fully intergrated the public (U.S. and international) equity portfolio into the risk analysis and is in the process of integrating the fixed income portfolio. All of the reports and presentation materials are available to the public.</p> <p><b>SFERS Executive Director:</b> The SFERS Board has a long-standing business initiative related to the analyzing, quantifying and reporting of investment risks in the SFERS portfolio. Most recently, the investment risk management initiative was documented in the SFERS Strategic Plan adopted by the SFERS Board at its October 12, 2011 regular meeting. SFERS has retained a risk consultant and licensed a risk measurement and reporting software program to facilitate investment staff's review, analysis and reporting of investment risk exposures in the SFERS portfolio. The results of the investment risk analysis has been reported to the SFERS Board on a monthly basis since February 2011. SFERS investment staff has fully intergrated the public (U.S. and international) equity portfolio into the risk analysis and has begun the integration of the fixed income portfolio. Further, the Investment Committee of the SFERS Board has received periodic briefings by SFERS investment staff and consultant over the past five years.</p> <p>All of the reports and presentation materials presented to the SFERS Board related to the investment risk management initiative are available to the public and the Civil Grand Jury.</p>
2011-12	Investment Policies and Practices of the San Francisco Employees' Retirement System	R5	Investigate less volatile and risky investment policies that would attain sufficient returns for the San Francisco Employees' Retirement System Pension Fund.	SFERS Board SFERS Executive Director	Recommendation Implemented	<p><b>SFERS Board:</b> We routinely analyze a full range of investment policies and opportunities in relation to the goals of the SFERS Trust.</p> <p><b>SFERS Executive Director:</b> The SFERS Board has a long-standing policy and practice in place to analyze the full range of investment policies and opportunities in relation to the goals of the SFERS Trust. As reported by the Retirement Board's general investment consultant, as of June 30, 2012, the risk level of the SFERS portfolio, measured by standard deviation of returns, was below the median peer (public funds with assets over \$1 billion) over the trailing one, three and five-year periods.</p>

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2011-12	Investment Policies and Practices of the San Francisco Employees' Retirement System	R6	Replicate the Stanford, Upjohn, and <i>The New York Times</i> evidence-based comparison studies using San Francisco data, to apply their findings to the San Francisco Employees' Retirement System Pension Fund.	SFERS Board SFERS Executive Director	Will Not Be Implemented: Not Warranted and Not Reasonable	<p><b>SFERS Board:</b> The findings of these types of comparison studies are routinely reviewed as part of the due diligence required as fiduciaries to the SFERS Trust. These comparison studies have tangential relevance to our decisions for SFERS, so the time and expense required to replicate these comparison studies are unwarranted and unreasonable.</p> <p><b>SFERS Executive Director:</b> It is not reasonable for the SFERS Board to require investment staff and consultants to replicate these or similar studies. The SFERS Board, staff and consultants routinely review the findings of these types of comparison studies as part of the due diligence required as fiduciaries to the SFERS Trust.</p>



File: 120915

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Page  
San Francisco

Department of Public Health

Edwin M. Lee  
Mayor

Barbara Garcia MPA  
Director of Health

Rajiv Bhatia MD, MPH  
Director of Environmental Health

October 15, 2012

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

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2012 OCT 15 PM 12:18

Dear Supervisors:

In preparation for the upcoming hearing before the Rules Committee of the Board of Supervisors on recent radiological findings on Treasure Island on Monday, October 15, 2012, the San Francisco Department of Public Health (SFDPH) is providing the following information in response to questions received in the hearing request notice.

**Can you describe the Navy's recent disclosure on the radiologically impacted sites on Treasure Island?**

The Navy's August 6, 2012 *Draft Historical Radiological Assessment Supplemental Technical Memorandum (2012 HRASTM)* identified nine (9) areas on Treasure Island that have the potential to be "radiologically impacted." Radiologically impacted means an area requires further study. The 2012 HRASTM is an update to the Navy's 2006 Final Treasure Island Naval Station Historical Radiological Assessment. The 2012 HRASTM documents the findings of additional Navy investigations relative to radiological operations and disposal on Treasure Island performed since the original 2006 HRA was completed, including extensive research of historical records and review of Navy reports documenting environmental investigations on Treasure Island since 2006.

Please note that the term "radiologically impacted" does not mean that these areas are known to contain radiological materials or that a release of radiological materials is known to have occurred. It simply means that the Navy is required to conduct further investigations to determine whether any radiological contamination is present.

As of today, the Navy has not discovered any evidence of radiological contamination in these newly identified impacted areas. Further, the California Department of Toxic Substances Control (DTSC), the State's lead regulatory agency responsible for overseeing the Navy's environmental cleanup, and the California Department of Public Health (CDPH), the State's lead agency responsible for radiological control and protection, have not found any evidence of a human health risk to those living and working on Treasure Island today.



**How is the oversight and monitoring of the Navy's cleanup effort going to happen on an ongoing basis?**

The Navy's environmental cleanup program on Treasure Island is being conducted under a regulatory structure that is known as the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Under this regulatory framework, DTSC is the lead agency responsible for overseeing the Navy's cleanup effort. DTSC and CDPH have been working very closely with TIDA and the City, the Regional Water Quality Control Board, and the United States EPA to ensure that human health and safety of residents and workers is being protected today and will continue to be protected as the Navy completes its cleanup of Treasure Island. DTSC will continue to demand that the Navy fulfill their obligations to clean-up Treasure Island, and will provide ongoing oversight to ensure that precautions are being adhered to by the Navy and its contractors to protect the public.

If any member of the public has concerns with the Navy's cleanup, or if they suspect a violation, they should contact DTSC directly by calling 1-866-495-5651. DTSC will follow up with enforcement actions as necessary. Both DTSC and CDPH have offices in the Bay area and have conducted regular inspections of the Navy's cleanup program and will continue to do so to ensure the Navy and its contractors are following all protocols and carrying out their operations according to approved work plans.

**Do these new radiologically impacted areas pose a human health risk to the individuals living and working on Treasure Island?**

Based on currently available information we are not aware of any risk to people living and working on Treasure Island. This is also the position of DTSC and CDPH.

TIDA's health physicist and radiological expert, Mr. Bob Burns, has also stated that he "is not aware of any evidence that would suggest any human health risk exists today to those living and working on Treasure Island... [and is] confident in the data CDPH has provided and the diligence of the State's oversight of the Navy's radiological program."

**What are the results of recent scans conducted by CDPH?**

Recently, at the request of TIDA, CDPH conducted radiological surface surveys of seven of nine of the newly identified "radiologically impacted" areas to determine if there was a human health risk to those living and working in those areas. According to CDPH's reports on their surveys, "there were no locations in the areas surveyed that indicated any radiological concerns or any reading above background." This means the radiation levels that CDPH measured were at, or below, naturally occurring radiation levels. CDPH also reported that "no health and safety concerns were identified in our surveys in or around the locations" that were scanned. The attached letter to residents that was sent on October 5, 2012 includes the CDPH letter reports on those recent scans.

These recent surface surveys are in addition to surveys CDPH conducted early in 2010 and 2011. A description of each of those surveys is as follows:

1. On October 27, 2010 a survey was conducted of public areas adjacent to the Bayside, Northpoint and Westside Drive/Lester Court areas. No risks were identified.

2. On April 5 to 7, 2011 a gamma survey of areas in Site 12 was conducted. Five localized spots were identified as being elevated adjacent to the Westside Drive/Lester Court fence line and the fence line was adjusted to include these areas within the controlled access areas. No other localized spots were identified elsewhere and no further measures were required by CDPH.
3. On July 13, 2011 a survey was conducted at the 9<sup>th</sup> Street Playground/Recreation Area. No external radiation exposure hazard was identified.

**What is the national standard for level of radiological contamination that is a harm to the health and human safety of individuals? How do the readings that were done compare to these national standards?**

All individuals are continually exposed to natural background radiation from a variety of sources including the following: soil, water, food, medical exposures, radon in air, cosmic rays, consumer products, and other industrial/occupational sources. The national average annual exposure rate is equal to 620 mrem/year/person. Regulators set a limit of an additional 100 mrem/year to general public from radiation sources. As noted above, no health and safety concerns were identified by CDPH as a result of the surveys in or around the locations that were scanned, and no radiological measurements taken were above this national standard.

**What precautions can the City take to ensure the health and human safety of the residents and workers of Treasure Island?**

SFDPH and TIDA will continue to monitor the oversight efforts of DTSC and CDPH to ensure that the Navy's cleanup program is conducted in accordance with the highest human health and safety standards, and will continue to make information available to Treasure Island residents and the general public in a timely manner. SFDPH and TIDA will continue to work with DTSC and CDPH to ensure the Navy continues to implement the following preventative measures that the Navy uses in its environmental cleanup program:

**Dust Control Measures**

- Limit inadvertent movement of contaminated materials, soils or dust
- Performed at all soil excavation sites and during transportation
- Wash down trucks
- Covered trucks

**Weather Monitoring**

- Wind levels measured at all excavation sites
- Work stops when wind levels exceed 25 miles per hour for more than 5 minutes

**Air Monitoring**

- Conducted both in upwind and downwind locations in proximity of excavation sites

**Radiation Monitoring devices (thermoluminescent dosimetry (TLD))**

- Placed at Navy excavation areas
- Used to monitor dose levels at barriers

**Radiologically Controlled Areas (RCA) Barrier Monitoring**

- Areas immediately outside of the fence are surveyed using a meter
- Surveys performed weekly and when radiological conditions change within RCA

- All levels required to be significantly less than a level of concern for public –even if the public stood at the fence 24 hours a day for a year the dose would be less than the Regulatory Agency approved amount
- Ensures that residents and members of the general public do not receive any level of radioactivity above NRC limits for the general public during Navy activities

**Radiologically Controlled Areas (RCA) Access Controls**

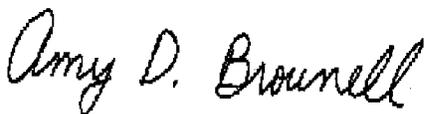
- All RCA are fenced and posted
- Radiological Technician responsibilities include:
  - During field work, stationed at RCA access points
  - Ensures only authorized personnel enter the site
  - Ensures personnel entering the site sign-in and comply with worker requirements
  - Ensures only authorized, clean vehicles enter the site
  - Performs radiation surveys of all personnel and vehicles leaving site to ensure contamination not spread outside of the RCA
  - Ensure access point (gate) is secured when not manned

**What is the City and State going to do to ensure that the Navy conducts proper clean up before land is transferred to the City?**

TIDA and its consultants review, examine and question reports, testing and analysis from the Navy, and the regulatory agencies, and will continue to do so to ensure that the Navy fulfills its obligations to clean the island in a manner that is protective of human health, both for today's residents and to ensure that the redevelopment of Treasure Island will be safe. The development plan will be implemented only after property is transferred from the Navy to the City, which will only occur when the State provides written assurance that the environmental condition of the property complies with all applicable regulations and laws.

Thank you for your time and attention to these important issues. TIDA and SFDPH will continue to inform you in a timely manner of any pertinent or new information as we receive it. Please do not hesitate to contact TIDA or my office with any questions or concerns.

Sincerely,



Amy D. Brownell, P.E.  
Environmental Engineer

Enclosures: October 5, 2012 letter from SFDPH to Treasure Island Residents

Cc: Barbara Garcia, Director of Health, San Francisco Department of Public Health  
Naomi Kelly, City Administrator, San Francisco General Services Agency  
Jim Sullivan, United States Navy BRAC Environmental Coordinator  
Dan Ward, Statewide Department of Defense Cleanup Manager, DTSC  
Steve Woods, CDPH Division of Food, Drug and Radiation Safety Chief  
Treasure Island Development Authority Board of Directors  
Treasure Island/Yerba Buena Island Citizens Advisory Board Members  
United States Navy's Restoration Advisory Board Members



October 5, 2012

Dear Residents and Tenants:

Barbara Garcia MPA  
Director of Health

Rajiv Bhatia MD, MPH  
Director of Environmental Health

On August 31, 2012, the Treasure Island Development Authority (TIDA) sent a letter to all Treasure Island residents and tenants regarding the Navy's recent identification of additional areas requiring further assessment for potential radiological contamination. The letter contained an executive summary and link to the Navy's 2012 *Draft Historical Radiological Assessment – Supplemental Technical Memorandum* (Draft Technical Memo) in which the Navy identified nine (9) areas on Treasure Island that have the potential to be “radiologically impacted.” These new findings are based on the Navy’s research of former Naval Station Treasure Island operations and land uses, as well as the Navy’s field investigations over the past several years.

Please note that the term “radiologically impacted” does not mean that these areas are known to contain radiological materials or that a release of radiological materials is known to have occurred. It simply means that the Navy is required to conduct further investigations to determine whether any radiological contamination is present. As of today, the Navy has not discovered any evidence of radiological contamination in these newly identified areas.

The California Department of Toxic Substances Control (DTSC), the State of California’s lead regulatory agency, is responsible for overseeing the Navy’s cleanup. DTSC and the California Department of Public Health (CDPH), the State’s lead agency responsible for radiological control and protection, based on current information, are not aware of any human health risk to people living and working on Treasure Island. Recently, at the request of TIDA, CDPH conducted radiological surface surveys of seven of nine of the newly identified “radiologically impacted” areas<sup>1</sup> to determine if there was a human health risk to those living and working in those areas (see Figure 1 for the locations where CDPH scanned).

According to CDPH’s reports on their surveys, “there were no locations in the areas surveyed that indicated any radiological concerns or any reading above background.” This means the radiation levels that CDPH measured were at, or below, naturally occurring radiation levels. CDPH also reported that “no health and safety concerns were identified in our surveys in or around the locations” that were scanned (see attached for CDPH reports).

TIDA’s own health physicist and radiological expert, Mr. Bob Burns, has also stated that he “is not aware of any evidence that would suggest any human health risk exists today to those living and working on Treasure Island... [and is] confident in the data CDPH has provided and the diligence of the State’s oversight of the Navy’s radiological program.”



1390 Market Street  
Suite 410

San Francisco, CA 94102  
Phone 415.252.3967  
Fax 415.252.3889

[www.sfenvironmentalhealth.org](http://www.sfenvironmentalhealth.org)

<sup>1</sup> Two of the nine newly identified areas are within restricted access areas of active remediation sites that are not publicly accessible. At the request of TIDA, CDPH also scanned the Life Learning Academy, three baseball fields and the Great Lawn and found no radiological concerns in any of these areas.

Over the next several months, the Navy will continue conducting its own investigations of the newly identified areas with regulatory oversight being provided by DTSC and CDPH. These investigations are separate from, and have a different purpose than CDPH's recent radiological surveys. The purpose of CDPH's recent radiological surveys was to determine if there were any elevated radiation levels that would pose a human health risk to those living and working in the newly identified areas. As noted above, CDPH did not find any elevated readings nor did it identify any health and safety concerns at the locations that were surveyed. The purpose of the Navy's investigations will be to determine if any residual radiological contamination is present in these same areas at any level above background. If any radiological contamination is found, the Navy is required to clean it up in accordance with all applicable laws. The results of the Navy's investigations will be provided to all residents and tenants as soon as they are available.

TIDA and its consultants review, examine and question reports, testing and analysis from the Navy, and the regulatory agencies, and will continue to do so to ensure that the Navy fulfills its obligations to clean the island in a manner that is protective of human health, both for today's residents and to ensure that the redevelopment of Treasure Island will be safe. The development plan will be implemented only after property is transferred from the Navy to the City, which will only occur when the State provides written assurance that the environmental condition of the property complies with all applicable regulations and laws.

The City's Department of Public Health (SFDPH) and TIDA will continue to monitor the efforts of DTSC and CDPH to ensure that the Navy's cleanup program is conducted in accordance with the highest human health and safety standards.

If you are experiencing a new health condition or are concerned about an unusual health condition please contact your primary health care provider or physician. If you do not have a primary health care provider or physician, please call the Healthy San Francisco Hotline at: (415) 615-4555. They will help you through the process of selecting a primary care program in the location you desire.

More information on Healthy San Francisco can be found here at SFDPH's website:

[www.healthysanfrancisco.org/visitors/What\\_Is\\_HSF.aspx](http://www.healthysanfrancisco.org/visitors/What_Is_HSF.aspx)

More information on the Navy's environmental cleanup program can be found on the Navy's website:

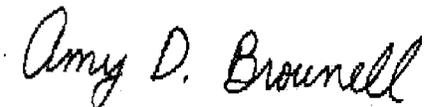
[www.bracpmo.navy.mil/basepage.aspx?baseid=44&state=California&name=treasure\\_island](http://www.bracpmo.navy.mil/basepage.aspx?baseid=44&state=California&name=treasure_island)

The Navy's Draft Technical Memo can also be found on the Navy's website:

[www.bracpmo.navy.mil/base\\_docs/treasure\\_island/documents/enviro\\_docs/D\\_TI\\_HRA\\_SuppTM\\_08-06-2012.pdf](http://www.bracpmo.navy.mil/base_docs/treasure_island/documents/enviro_docs/D_TI_HRA_SuppTM_08-06-2012.pdf)

Thank you for your time and attention to these important issues. TIDA and/or SFDPH will continue to inform you in a timely manner of any pertinent or new information as we receive it. Please do not hesitate to contact TIDA or my office with any questions or concerns.

Sincerely,



Amy D. Brownell, P.E.  
Environmental Engineer

Enclosures: Figure 1 and CDPH reports

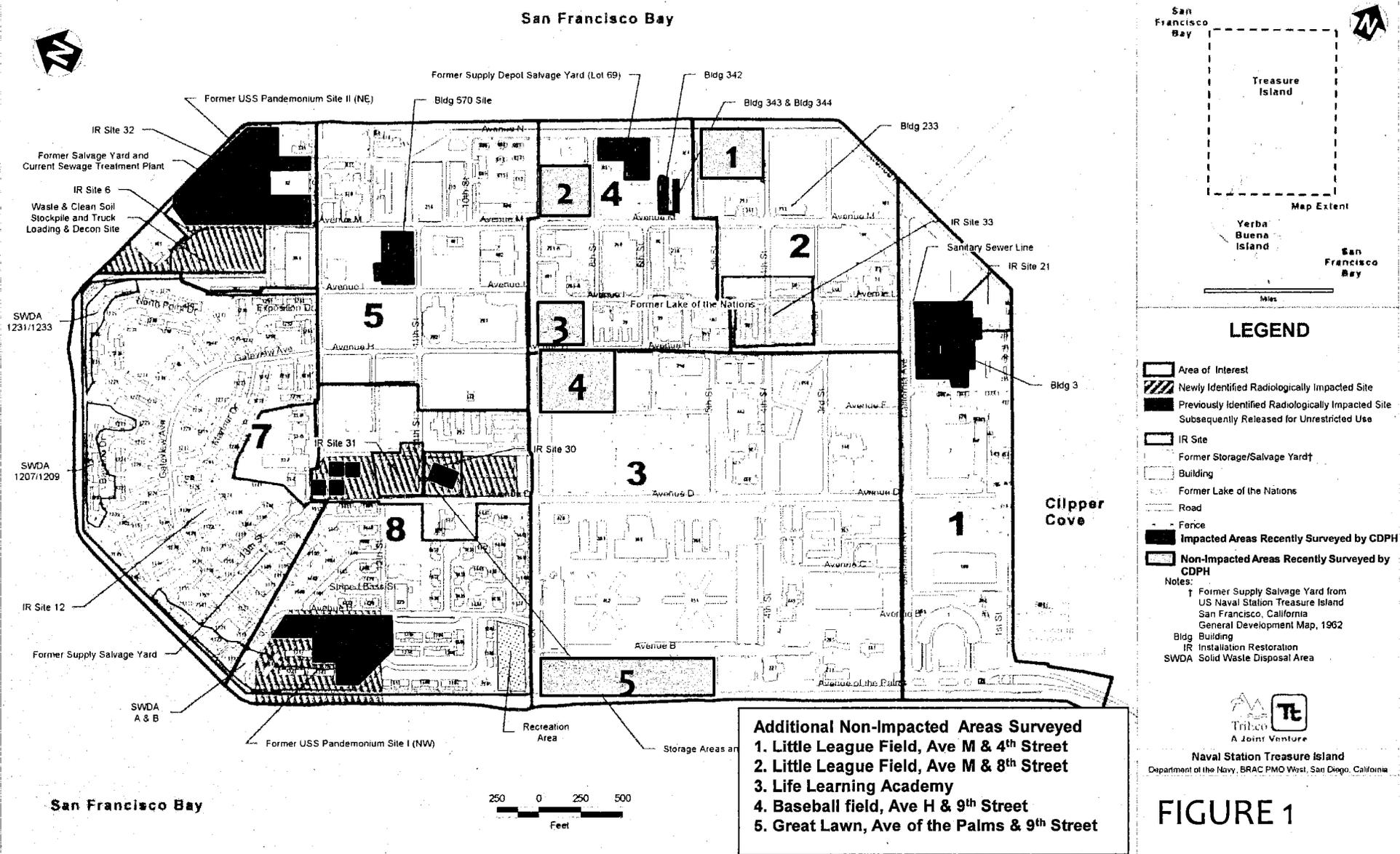
October 5, 2012

Page 3

cc:

Jane Kim, District 6 Supervisor, City and County of San Francisco  
Barbara Garcia, Director of Health, San Francisco Department of Public Health  
Naomi Kelly, City Administrator, San Francisco General Services Agency  
Jim Sullivan, United States Navy BRAC Environmental Coordinator  
Dan Ward, Statewide Department of Defense Cleanup Manager, DTSC  
Steve Woods, CDPH Division of Food, Drug and Radiation Safety Chief  
Treasure Island Development Authority Board of Directors  
Treasure Island/Yerba Buena Island Citizens Advisory Board Members  
United States Navy's Restoration Advisory Board Members

# Areas Recently Surveyed by CDPH





RON CHAPMAN, MD, MPH  
Director & State Health Officer

State of California—Health and Human Services Agency  
California Department of Public Health



EDMUND G. BROWN JR.  
Governor

**Date:** September 11, 2012

**To:** John Hill, PE  
Base Closure Manager  
NAVFAC HQ BRAC PMO

**Subject:** A reporter was concerned about the safety of two children who she/he saw riding their bicycles and entered the Shaw gate. She stated that she saw the children touching the blue bins.

**Licensee:** Shaw Environmental, Inc.

**REPORT SUMMARY:**

A reporter claimed that he/she: "took pictures at 6:15pm yesterday, August 21. These pictures depict the parking lot outside Site 570, which contains the more dangerous radioactive materials. The gate was wide open and no workers were around. Two children rode by on bikes. If a child were to go inside the gate and touch the blue bins or the large box for the most dangerous radioactive materials, would he/she be safe? Would he/she be safe standing in that area?"

RHB visited the Shaw Environmental, Inc. Site 570 on Treasure Island. RHB surveyed the empty blue bins/water containers that are placed upside down, and surveyed around the large box that contained radioactive material. The large box is locked and fenced within a locked gated area.

**SURVEY RESULTS:**

- A. The surveys around the blue empty bins measured with Victoreen CHP 450, s/n 421, calibrated on August 14, 2012, were at background radiation levels.
- B. The restricted area inside the locked gate, where the large box resides, is posted with a "Caution Radioactive Material," sign, and the survey reading varies between (20-90) microrem per hour inside the gate.

Based on our radiation surveys and observations, the location where the blue bins are located is essentially at background radiation. Shaw employees informed us that, even though the main gate is open during working hours, activity is always monitored inside

the compound. The locks on the gate and the large box are barriers that would prevent access and possible exposure to radiation.

**HEALTH AND SAFETY:**

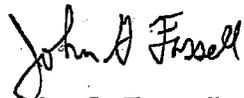
No health and safety concerns were identified in our surveys in or around Shaw Environmental, Inc. compound.

**ENFORCEMENT ACTIONS:**

No violations were issued.

**INVESTIGATION STATUS:**

This investigation is closed.



John G. Fassell, CHP

Chief, Radioactive Material Inspection, Compliance and Enforcement Section

cc:

Michael Tymoff  
Project Director  
Treasure Island Development Project  
One South Van Ness Avenue, Fifth Floor  
San Francisco, CA, 94130

Dan Ward, DTSC



RON CHAPMAN, MD, MPH  
Director & State Health Officer

State of California—Health and Human Services Agency  
California Department of Public Health



EDMUND G. BROWN JR.  
Governor

Date: September 11, 2012

To: John Hill, PE  
Base Closure Manager  
NAVFAC HQ BRAC PMO

Subject: Treasure Island Development concerns regarding elevated radiation levels in five areas

**REPORT SUMMARY:**

The Navy requested the CDPH to investigate radiation levels in the following areas:

1. Treasure Island Childcare Center, 850 Avenue D
2. Boys and Girls Club, Buildings 33A & 33B
3. School, Building 33C
4. Kendrex Winery, Building 33D
5. Trailer, 9<sup>th</sup> and D Streets

On August 28, 2012, RHB performed radiation surveys in and around the areas mentioned above, using a Thermo Scientific RadEye B-20, calibrated on August 12, 2012 and a Victoreen 450 CHP, calibrated on August 14, 2012. RHB also took five random wipe samples in the areas to check for radioactive contamination. One wipe sample was from the Boys and Girls Club, two from Buildings 33A and 33C, and two from Building 502, the Daycare Center. The five wipe samples were submitted for analysis to the CDPH Drinking Water and Radiation Laboratory Branch on August 29, 2012. The wipe sample analysis requested was for Gross Alpha, Gross Beta, and Radium 226.

**SURVEYS AND LABORATORY RESULTS:**

Background radiation levels observed using the RadEye B-20 were approximately (11 – 16, (readings were expected to be slightly higher as the GM over responds)) micro rem per hour. Actual radiation levels measured in the five locations using the RadEye B-20 were noted to be approximately (11 – 16) micro rem per hour or background radiation levels.

Based on our surveys using both the RadEye B-20 and Victoreen 450 CHP instruments, the RHB determined that the five locations surveyed were essentially at background radiation levels, and no elevated radiation levels were observed in or around these facilities.

The preliminary results, from the Drinking Water and Radiation Laboratory analysis report, indicate that all wipe samples collected by RHB were within the allowable limits.

**REPORTING:**

Reporting to the NRC is not required.

**HEALTH AND SAFETY:**

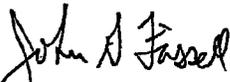
No health and safety concerns were identified in our surveys in or around the five locations at the Treasure Island.

**ENFORCEMENT ACTIONS:**

No violations were issued.

**INVESTIGATION STATUS:**

This investigation is closed.



John G. Fassell, CHP

Chief, Radioactive Material Inspection, Compliance and Enforcement Section

cc:

Michael Tymoff  
Project Director  
Treasure Island Development Project  
One South Van Ness Avenue, Fifth Floor  
San Francisco, CA, 94130

Dan Ward, DTSC



RON CHAPMAN, MD, MPH  
Director & State Health Officer

State of California—Health and Human Services Agency  
California Department of Public Health



EDMUND G. BROWN JR.  
Governor

Date: September 17, 2012

To: Michael Tymoff  
Project Director  
Treasure Island Development Project  
One South Van Ness Avenue, Fifth Floor  
San Francisco, CA, 94130

Subject: Treasure Island Development concerns regarding elevated radiation levels in six areas

**REPORT SUMMARY:**

Following a request from the Treasure Island Development Association (TIDA), the RHB performed and has completed walk through surveys of the areas noted below using properly calibrated Bicron micro rem and Ludlum Model 19 microR meters. No radiation contamination wipe samples were collected. There were no locations in the areas surveyed that indicated any radiological concerns or any reading above background.

1. USS Pandemonium Site 1 (NW) (Site 12)
2. Former Salvage Yard and Wastewater Treatment Plant / PUC Corp Yard (Lot 69)
3. Building 342
4. Building 3
5. Site 31
6. The Life Learning Center Garden Area

The surveys of the six areas indicated that background radiation levels with both instruments were approximately (6-9) micro rem per hour, and the radiation levels measured in the five locations visited were noted to be approximately (6-9) micro rem per hour or background radiation levels.

For building 3, TIDA officials asked that our staff only survey the Optics Shop on the roof of the building. Staff completed that requests and also found no radiological concerns. TIDA still needs the remainder of building 3 surveyed. It is expected this remaining survey will be completed next week.

**REPORTING:**

Reporting to the NRC is not required.

**HEALTH AND SAFETY:**

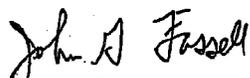
No health and safety concerns were identified in our surveys in or around the five locations at the Treasure Island.

**ENFORCEMENT ACTIONS:**

No violations were issued.

**INVESTIGATION STATUS:**

This investigation is closed.



John G. Fassell, CHP

Chief, Radioactive Material Inspection, Compliance and Enforcement Section



RON CHAPMAN, MD, MPH  
Director & State Health Officer

State of California—Health and Human Services Agency  
California Department of Public Health



EDMUND G. BROWN JR.  
Governor

Date: September 24, 2012

To: Michael Tymoff  
Project Director  
Treasure Island Development Project  
One South Van Ness Avenue, Fifth Floor  
San Francisco, CA, 94130

Subject: Treasure Island Development concerns regarding elevated radiation levels in residential backyards and Bldg. 3

**REPORT SUMMARY:**

Following a request from the Treasure Island Development Authority (TIDA), the RHB performed and has completed walk through surveys of the areas noted below using properly calibrated Ludlum Model 19 microR meters. No radiation contamination wipe samples were collected. There were no locations in the areas surveyed that indicated any radiological concerns or any reading above background.

1312-A through F backyards Gateview Ave, Village at Treasure Island  
1313-A through F backyards Gateview Ave, Village at Treasure Island  
1314-A through D backyards Gateview Ave, Village at Treasure Island  
1315-A through F backyards Gateview Ave, Village at Treasure Island  
1316-A through F backyards Gateview Ave, Village at Treasure Island  
1318-A through F backyards Gateview Ave, Waldon House  
Bldg 3 interior including the large open hangar space and perimeter offices

The surveys of the six areas indicated that background radiation levels were approximately (6-9) micro rem per hour, and the radiation levels measured in the six locations visited were noted to be approximately (6-9) micro-rem per hour or background radiation levels.

All backyards were surveyed with the assistance of Mr George Hristov of the Treasure Island Villages office. These areas were in or near the former USS Pandemonium Site (NW). All results were at background levels.

**REPORTING:**

Reporting to the NRC is not required.

**HEALTH AND SAFETY:**

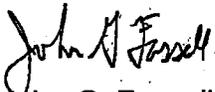
No health and safety concerns were identified in our surveys in or around the five locations at the Treasure Island.

**ENFORCEMENT ACTIONS:**

No violations were issued.

**INVESTIGATION STATUS:**

This investigation is closed.



John G. Fassell, CHP

Chief, Radioactive Material Inspection, Compliance and Enforcement Section



RON CHAPMAN, MD, MPH  
Director & State Health Officer

State of California—Health and Human Services Agency  
California Department of Public Health



EDMUND G. BROWN JR.  
Governor

Date: October 5, 2012

To: Michael Tymoff  
Project Director  
Treasure Island Development Project  
One South Van Ness Avenue, Fifth Floor  
San Francisco, CA, 94130

Subject: Treasure Island Development concerns regarding elevated radiation levels in the interior of the Waste Water Treatment Plant, 3 Little League Ball Fields, and the Great Lawn

**REPORT SUMMARY:**

Following a request from the Treasure Island Development Authority (TIDA), the RHB performed and has completed walk through surveys of the areas noted below using properly calibrated Ludlum Model 19 microR meters. No radiation contamination wipe samples were collected. There were no locations in the areas surveyed that indicated any radiological concerns or any reading above background other than one baseball infield which showed readings twice background. This infield had areas with higher than average readings because the natural materials brought in as baseball field top dressing were from another natural source of higher background (a granitic material).

Ball Field, Avenue N and 5<sup>th</sup> Streets  
Ball Field, Avenue M and 8<sup>th</sup> Streets  
Ball Field, Avenue H and 9<sup>th</sup> Streets  
Great Lawn, Avenue of the Palms and 9<sup>th</sup> Street  
Waste Water Treatment Plant interior areas including buildings

The surveys of the five areas indicated that background radiation levels were approximately (6-9) micro rem per hour as observed with recently calibrated Ludlum Model 19 survey meters. Radiation levels measured in the five locations were also between 6 and 9 micro rem/hr except for one area where they were 10 to 16 micro rem/hr. Surveys were conducted by walking the areas with about 3-4 feet between surveyors. With one exception the radiation levels in the areas surveyed did not exceed the background values. The one exception was the baseball field located at H and 9<sup>th</sup> streets. The bare dirt area (infield area), with the exception of the area around third base, had a uniform radiation level that was slightly less than twice background. The soil in the affected area was noticeably darker. The little league groundskeeper

indicated he had been bringing in fill material as top dressing for the infield from off site as part of his maintenance of the field. Because of the uniform, and low, radiation levels associated with the material RHB personnel concluded that the material contained low levels of Naturally Occurring Radioactive Material (NORM). This NORM does not pose a health threat.

**REPORTING:**

Reporting to the NRC is not required.

**HEALTH AND SAFETY:**

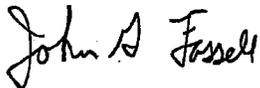
No health and safety concerns were identified in our surveys in or around the five locations at the Treasure Island.

**ENFORCEMENT ACTIONS:**

No violations were issued.

**INVESTIGATION STATUS:**

This investigation is closed.



John G. Fassell, CHP  
Chief, Radioactive Material Inspection, Compliance and Enforcement Section



San Francisco  
Water Power Sewer

Services of the San Francisco Public Utilities Commission

525 Golden Gate Avenue, 13th Floor  
San Francisco, CA 94102  
T 415.554.3155  
F 415.554.3161  
TTY 415.554.3488

Orig: Leg Dep  
C: COB  
B+F Chair + Clerk  
cpaqe

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

October 10, 2012

**Subject: Water System Improvement Program (WSIP) Release of Reserves Requests for CUW392 Program Management \$34,897,331 and CUW395 Program Reserve \$27,356,361**

Dear Ms. Calvillo:

I would like to request your assistance to have calendared the release of reserves for WSIP Projects CUW392 Program Management and CUW395 Program Reserve.

The release of reserved funding from Project CUW392 Program Management is now needed as planned to continue WSIP Program management, Program Construction Management and Communications.

I'm also requesting the release of reserved funding of \$27,356,361 from Project CUW395 Program Reserve and the reallocation of these funds to Projects CUW373 San Joaquin Pipeline System, CUW384 Tesla Treatment Facility, CUW359 New Irvington Tunnel, CUW382 Habitat Reserve Program to fund Vegetation Restoration of WSIP Construction Sites, and CUW392 Program Management.

Regards,

Harlan L. Kelly, Jr.  
General Manager

Attached: Release of Reserve Summary by Project

RECEIVED  
BOARD OF SUPERVISORS  
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Anson Moran  
President

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Francesca Viotor  
Commissioner

Vince Courtney  
Commissioner

Harlan L. Kelly, Jr.  
General Manager

18



Summary of the WSIP Release of Reserves & Allocation Request

CUW392 Program Management Project \$34,897,331

CUW395 WSIP Program Reserve for:

**San Joaquin Pipeline System:**

1. San Joaquin Pipeline \$12,557,134

3. Tesla Treatment Facility \$2,042,227

**New Irvington Tunnel:**

1. New Irvington Tunnel \$6,500,000

2. Alameda Siphon No. 4 \$1,600,000

**Vegetation Restoration of WSIP Construction Sites** \$2,200,000

**Program Management** \$2,457,000

CUW395 Total \$27,356,361