

Petitions and Communications received from February 7, 2012, through February 17, 2012, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on February 28, 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 provided will not be redacted.

From Cathy Lerman, regarding the Police Department's sole source contracts with LeadsOnLine, LLC. Copy: Each Supervisor, Human Rights Commission, 3 letters (1)

From Office of the Mayor, submitting the following appointment: Copy: Rules Committee Clerk (2)

Arts Commission

Charles Collins, term ending January 15, 2016

From Clerk of the Board, submitting copy of memorandum sent to the Board of Supervisors regarding the following appointment by the Mayor: (3)

Arts Commission

Charles Collins, term ending January 15, 2016

From Animal Control and Welfare Commission, submitting the FY2010-2011 Quarterly Report. (4)

From Animal Control and Welfare Commission, submitting the FY2011-2012 Quarterly Report. (5)

From Commission on the Environment, regarding the Healthy Nail Salon Recognition Program. (6)

From Office of the Controller, submitting the results of the follow-up review of the 2009 indirect rate submissions from Central Subway Contractors. (7)

From Planning Department, regarding Conditional Use Authorization on property located at 601-14th Avenue. (8)

From SF Ocean Edge, regarding the renovation of the Beach Chalet Athletic Field. Copy: Each Supervisor, 2 letters (9)

From concerned citizens, regarding ranked choice voting. File No. 111212, Copy: Each Supervisor, 4 letters (10)

From concerned citizens, regarding the America's Cup. 2 letters (11)

From Margaret Keyes, submitting opposition to a special election in September. (12)

From Danuta Watola, regarding Sharp Park. (13)

From Office of the Controller, submitting the FY2011-2012 Six-Month Budget Status Report. (14)

*From Department of Public Works, submitting the FY2010-2011 Annual Report. (15)

*From UCSF Campus Planning, submitting the UCSF Medical Center at Mission Bay Fourth Street Public Plaza draft Environmental Impact Report. Copy: Each Supervisor (16)

From Department of Elections, submitting copy of letter sent to the proponent of the "Protect Coit Tower" Initiative Petition, certifying that the petition did contain sufficient valid signatures to qualify for the next election. Copy: Each Supervisor (17)

From Brandt-Hawley Law Group, regarding the America's Cup. File No. 120127 (18)

From Public Utilities Commission, regarding the status of current and pending disputes with Pacific Gas and Electric Company. Copy: Each Supervisor (19)

From Sierra Club, submitting support for the proposed pilot program regarding free monthly Muni Passes for all San Francisco youth. (20)

From Office of the Treasurer & Tax Collector, submitting the January 2012 Investment Report. (21)

From Office of the Treasurer & Tax Collector, submitting a press release announcing that the City and County of San Francisco is expanding deposits in local banks and credit unions. (22)

From U.S. Environmental Protection Agency, regarding the release of two competitive grant announcements for projects that protect and restore the San Francisco Bay and its watersheds. (23)

From concerned citizens, urging the Board of Supervisors to broadcast their meetings on the radio. Copy: Each Supervisor, 2 letters (24)

From Office of the Controller, submitting the fiscal analysis of community-based long term care spending for FY2007-2008 through FY2011-2012. (25)

From Golden Gate Park Preservation Alliance, regarding festivals in Golden Gate Park. File No. 091200, Copy: Each Supervisor, 5 letters (26)

From Office of the Controller, submitting the December 2011 Government Barometer Report. (27)

From Capital Planning Committee, regarding the Jefferson Street streetscape design improvements supplemental appropriation. File No. 120120, Copy: Each Supervisor, Budget and Finance Committee Clerk (28)

From Medical Cannabis Task Force, requesting the Mayor, Board of Supervisors, City Attorney, and Department of Public Health to attend the February 20, 2012, meeting to discuss the permitting process, inspections, and the status of the medical cannabis community moving forward. (29)

From concerned citizens, regarding the lack of adequate working class housing in San Francisco. 2 letters (30)

From Department of Public Health, submitting the Quarterly HIV/AIDS Surveillance Report. (31)

From State Public Utilities Commission, submitting notice of a joint application of Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas and Electric Company for recovery of costs of the Market Redesign and Technology Upgrade Initiative. Copy: Each Supervisor (32)

From State Fish and Game Commission, regarding proposed regulatory action relating to ocean salmon sport fishing. (33)

From State Fish and Game Commission, regarding proposed regulatory action relating to recreational take of abalone. Copy: Each Supervisor (34)

From Office of the Clerk of the Board, the following individuals have submitted a Form 700 Statement: (35)

Christina Olague, Supervisor - Annual
Jason Fried, LAFCo - Annual
Jennifer Low, Legislative Aide - Assuming
Deborah Landis, Deputy Director - Assuming
Edward Campana, SOTF - Assuming

From Office of the Mayor, submitting the following appointments to the General Assembly and Executive Board of the Association of Bay Area Governments: (36)

Jason Elliott, for term ending June 30, 2012
Malcolm Yeung, for term ending June 30, 2012
Renee Willette, for term ending June 30, 2012

From concerned citizens, submitting support for proposed legislation regarding tenant bicycle parking in existing commercial buildings. File No. 111029, 3 letters (37)

From Public Utilities Revenue Bond Oversight Committee, submitting the 2011 Annual Report. Copy: Each Supervisor, Mayor, Library (38)

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

CATHY JACKSON LERMAN, P.A.
7857 W. SAMPLE ROAD
SUITE 140
CORAL SPRINGS, FL 33065
(954)663-5818 phone
(954) 341-3568 fax

BOS-11, COB
cpage, Adm. Deputy
HR Commission

February 7, 2012

Board of Supervisors
City and County of San Francisco
Via Office of the Clerk of the Board
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689
via (415) 354-3150 - fax

City of San Francisco, California
Denise M. M. [unclear] a fax number 415-554-4745
Office of the City Attorney
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4682

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 FEB - 7 AM 8:01
RN

Re: Sole Source Contracts between San Francisco Police Department
and LeadsOnline, LLC - Board Meeting of February 7, 2012

Ladies and Gentlemen:

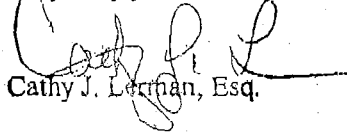
This letter is to advise you that this Law Firm on behalf of its client, Business Watch International (U.S.) Inc., will file a supplemental request for investigation on or before February 10, 2012 regarding the matters referenced in our letter of January 26, 2012 to the Board of Supervisors of the City of San Francisco ("San Francisco"), concerning a series of Sole Source Contracts ("SOS Contracts") between the San Francisco Police Department ("SFPD") and LeadsOnline, LLC ("LOL"), a Texas limited liability company.

Subsequent to our letter of January 26th further information, issues and documents have been produced and reviewed that provide additional clarity to the facts and legal issues surrounding the award of multiple sole source contracts to LOL by San Francisco since 2008. We wanted you to be aware of this pending supplemental filing since we understand that this matter is on the Agenda for the Board of Supervisor's meeting today.

(1)

We stand ready to assist the Board as necessary in the review and investigation of these matters.

Very truly yours,



Cathy J. Lerman, Esq.

Cc: Client

Feb.13.2012 09:32 AM

PAGE. 1/ 1

BOS-11
CUB, Adm Dep
Human Rights
Comm
page

CATHY JACKSON LERMAN, P.A.
7857 W. SAMPLE ROAD
SUITE 140
CORAL SPRINGS, FL 33065
(954)663-5818 phone
(954) 341-3568 fax

February 13, 2012

Board of Supervisors
City and County of San Francisco
Via Office of the Clerk of the Board
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689
via (415) 554-5163 - fax

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 FEB 13 AM 8:13


City of San Francisco, California
Dennis Herrera via fax number 415-554-4745
Office of the City Attorney
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4682

Re: Sole Source Contracts between San Francisco Police Department
and LeadsOnLine, LLC

Ladies and Gentlemen:

This letter is to advise you that I will be in California on business the week of March 3rd. I would be happy to schedule a time to meet with representatives of the Board, the City Attorney's office or their designate on this matter. Please feel free to email me at clerman@lermanfirm.com or call me at 954-663-5818 to make arrangements for a meeting. Thank you.

Very truly yours,


Cathy J. Lerman, Esq.

Enclosures

Cc: Client

Feb.10.2012 02:12 PM

PAGE. 1/ 15

CATHY JACKSON LERMAN, P.A.
7857 W. SAMPLE ROAD
SUITE 140
CORAL SPRINGS, FL 33065
(954)663-5818 phone
(954) 341-3568 fax

BOS-11 page
COB, Adm Dep
Human Rights Comm.

February 10, 2012

Board of Supervisors
City and County of San Francisco
Via Office of the Clerk of the Board
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, Ca. 94102-4689
via (415) 554-5163 - fax

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 FEB 10 AM 10:59
JBC

City of San Francisco, California
Dennis Herrera via fax number 415-554-4745
Office of the City Attorney
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4682

Re: Sole Source Contracts between San Francisco Police Department
and LeadsOnLine, LLC

Ladies and Gentlemen:

This letter will serve as a supplemental request for investigation as per my prior letter of January 26, 2012, which is incorporated by reference as if fully set forth herein, to the Board of Supervisors and City Attorney for the City of San Francisco ("San Francisco") in reference to a series of Sole Source Contracts ("LOL Sole Source Contracts") between the San Francisco Police Department ("SFPD") and LeadsOnLine, LLC ("LOL"). LOL is a Texas limited liability company led by its CEO and President, Dave Finley.

As you aware, this law firm serves as outside general counsel to Business Watch International (U.S.) Inc. ("BWI") and this letter is being submitted on behalf of BWI. Since the submission of our January 26th letter, we have become privy to additional information and matters that need to be brought to your attention. We again request that San Francisco initiate an investigation as to the facts and circumstances surrounding the award of multiple sole source contracts to LOL by SFPD under the ordinances, regulations and codes of San Francisco, the laws of the State of California, and the Ethical Code and Sunshine ordinances of San Francisco as will be further detailed herein.

Feb.10.2012 02:13 PM

PAGE. 2/ 15

Undersigned counsel received, pursuant to multiple Public Records Requests with San Francisco and SFPD, additional information on the facts and circumstances surrounding the LOL Sole Source Contracts. Our Public Records Request ("PRR") to the San Francisco Police Department dated January 31, 2012 requested the following information:

copies of any and all contracts, documents, emails, agreements, correspondence, minutes and/or notes of meetings or other information concerning the negotiation and execution of a contract between the City and County of San Francisco Police Department and LeadsOnLine, LLC, a Texas company.

Undersigned counsel, in response, received two emails from Maureen Conefrey of SFPD which included copies of LOL contract documents and invoices from the Fiscal Division of SFPD. Upon receipt of these emails, undersigned counsel inquired as to when the other documents requested in our PRR would be produced. I was then advised that Ms. Conefrey was going to be gone for three weeks and that Captain John Goldberg of SFPD would assist me. However, I did not receive any further documents or communications from SFPD.

Therefore, on January 31, 2012 I sent another letter to SFPD advising SFPD that it was in violation of the California Public Records Act due to its failure to timely further respond to our request or otherwise advise us as to the status of our California Public Records Act request. SFPD was given until February 2, 2012 to respond. After some sparring with Captain Goldberg about whether SFPD was in violation of the California Public Records Act (it most definitely was), Goldberg advised me that he was going to have someone in SFPD double check to make sure I received everything requested from SFPD. On February 1, 2012, Goldberg sent me a list of titles of SFPD documents, which were mainly additional SFPD/LOL contract information, so that I could advise him as to which documents I wanted SFPD to produce.

Noticeably absent from Goldberg's list of documents were ANY email communications, faxes, minutes of meetings, or general correspondence between SFPD and LOL. I immediately emailed Goldberg upon reviewing the list of documents he forwarded and inquired as to whether there were any email communications between SFPD and LOL from 2005 until the present time. Goldberg's response was "I have conducted a reasonable and diligent search to comply with your FOIA request and will fax you the responsive documents, as noted in your request." I am assuming that Goldberg's answer to my question about the existence of email communications between LOL and SFPD meant "No, there are not any."

No offense to Captain Goldberg but there is not a proverbial "snowball's chance in hell" that there were no email or fax communications between anyone at SFPD and anyone at LOL during the last seven years. While we understand that SFPD may not have had email communications available until a couple of years ago, the chances are a least a trillion to one that no one within LOL communicated with SFPD or vice versa via email or fax over at least the last few years concerning the conduct of day-to-day business transactions regarding such topics as information systems issues, accounting or billing questions, and/or marketing and public relations issues. Someone from LOL would have at least checked in via email every once and awhile to make sure the LOL system was performing adequately. We also know that LOL offers discounted

Feb.10.2012 02:13 PM

PAGE. 3 / 15

annual training conferences that they encourage all of their clients to attend. Invitations to these training conferences are always done via email. Therefore we are requesting that, as part of the investigation into the LOL Sole Source Contracts, an inquiry be conducted into whether, in fact, email communications, correspondence, and minutes of meetings between LOL and SFPD were either deleted, ignored or simply not produced to the undersigned in violation of the California Public Records Act.

After all, according to San Francisco's own records, SFPD has been working with LOL since 2005. It should be emphasized that our concern is not meant to imply any wrongdoing by Captain Goldberg, who was just the messenger, but rather a well-founded belief that a public agency working with an Internet-based company over a seven year period would unavoidably communicate via email or even fax unless, of course, one or both of the parties were deliberately trying to conceal something.

Indeed, there are other facts that bolster our concern about SFPD's failure to produce even a single email between LOL and SFPD pursuant to our PRR. In reviewing the SFPD documents produced pursuant to our FOIA requests, there is not a single transmittal cover letter or memo from LOL to SFPD or vice versa (for documents transmitted via regular or overnight mail) nor are there any fax cover sheets or fax number notations such as fax number received from, date of fax or any other information normally printed in the margins of faxed documents (for documents transmitted via fax). Indeed, emails between LOL and the San Francisco Purchasing Department were produced in our FOIA requests. So why would LOL communicate with the San Francisco Purchasing Department via email but not its own client, SFPD? Either way, this issue necessitates a close and thorough investigation.

We learned via the additional PRR documents produced by SFPD, that Finley provided another sole source documentation/justification letter to SFPD dated September 16, 2009 (attached) in addition to his 2008 and 2010 letters. Again Finley claims in the 2009 letter that LOL is the "sole provider of electronic data transfer services for pawnshop data and scrap metal transaction data operating in San Francisco and nationally." These sole source documentation letters provided by Finley to SFPD in 2008, 2009 and 2010 will be referred to herein as the "Finley Sole Source Letters."

We question how it is possible that a vendor of SFPD could be awarded a sole source contract/blanket authorization year after year by simply claiming that they had no competitors. One would assume that a law enforcement agency would take extraordinary precautions before permitting any vendor access to their information systems and sensitive criminal data particularly for a very expensive almost \$100,000 a year contract. Nevertheless, SFPD pushed through Finley's sole source contracts each year- all entered into illegally.

Now we come to the 2011 LOL Sole Source Contract which is really a contract and not an invoice. As we had indicated previously, the San Francisco Purchasing Department advised SFPD in 2010 that the LOL "blanket authorization" invoices through which SFPD had sole sourced the LOL contract since 2008 could not be continued after the 2010 contract. The San

Feb.10.2012 02:13 PM

PAGE. 4/ 15

Francisco Purchasing Department required SFPD to enter into a standard contract with LOL beginning in 2011.

However, the 2011 LOL/SFPD Sole Source Contract had a new twist. This LOL Sole Source Contract was written as a two year contract for total compensation of \$178,000 for services rendered by LOL from November 1, 2011 until October 31, 2013. **So LOL, once the 2011 contract was in place (which it now is), had an exclusive, sole source agreement with SFPD spanning SIX YEARS with TOTAL COMPENSATION OF \$465,216.00. SFPD and San Francisco taxpayers could have saved almost a quarter of a million dollars for this same period by contracting with BWI for these same services.**

Incredulously, the 2011 LOL/SFPD Sole Source Contract still did not comply with Regulation 21.5 (b) of the Sole Source Rules and Regulations of the San Francisco Administrative Code ("Regulation 21.5(b)"). The "documentation" submitted by SFPD in support of the sole source waiver request was simply a memo dated June 15, 2011 from Officer Shawn Wallace of the SFPD Legal Division to Police Chief Gregory Suhr ("Wallace Memo"). The Wallace Memo recited verbatim the same language used by both Finley and SFPD CFO Kenneth Bukowski in their prior LOL sole source justification letters. The Wallace Memo concludes: "LEADSONLINE is the only company that can provide the service needed for the San Francisco Police Department."

In addition, the Wallace Memo states in reference to LOL's contract pricing: "I have checked with other agencies that utilize LEADSONLINE and I feel that the pricing that they have provided us with is fair and reasonable." We guess that this statement is intended to meet the requirements of Regulation 21.5 (b) which necessitate that the Requestor of the Sole Source Waiver explain the efforts made to obtain the best possible contract price and confirm that the contract price is fair and reasonable.

However, it does not take a legal degree to figure out that the purported "justification" for the 2011 LOL/SFPD Sole Source Contract in the Wallace Memo does not even remotely come close to meeting the "specific and comprehensive information" requirements of Regulation 21.5(b) to justify a sole source waiver request. In addition, the sole source waiver for the 2011 LOL/SFPD Sole Source Contract violates Regulation 21.5 (b) by failing to:

- Explain why LOL is the only vendor that can meet the City's needs;
- Explain why LOL is the only vendor of the product or service to be acquired;
- Explain what steps were taken by SFPD to verify that the services were not available from another source;
- Explain what efforts were made to obtain the best possible price for SFPD;
- Explain why SFPD considers the price of the contract to be fair and reasonable.

It seems highly unlikely that San Francisco, when enacting its codes, laws and ordinances, intended that the award of a sole source waiver under Regulation 21.5 (b) would or could be premised solely upon the unsupported affirmations of "belief" by the Requestor. It seems pretty unusual to justify the "reasonableness" of LOL's contract pricing solely by conferring with other

Feb.10.2012 02:13 PM

PAGE. 5/ 15

agencies using LOL (See Wallace Memo). Taking the logic in the Wallace Memo to its natural conclusion, one could reason that as long as LOL overcharged all of its customers similarly then its pricing would meet the fair and reasonable standards necessary under Regulation 21.5(b). We think not.

Turning to the 2011 LOL/SFPD Sole Source Contract, paragraph 18 of the contract incorporates by reference the provisions of San Francisco Administrative Code §21.35 which is known as the San Francisco False Claims Act ("SFFCA"). In addition, paragraph 44 of the 2011 LOL/SFPD Sole Source Contract requires LOL to make its "best efforts" to comply with San Francisco's charter, codes, ordinances, regulations and all applicable laws. Finley executed this agreement on behalf of LOL.

"Applicable laws" referred to in the 2011 LOL/SFPD Sole Source Contract includes the California False Claims Act ("CFCA") as contained within California Government Code sec. 12650 *et seq.* A "Claim" under both SFFCA and CFCA is defined as a request or demand for money by a contractor of a state or local public entity in California. Under SFFCA, a contractor, subcontractor or consultant who violates its provisions is liable for a mandatory penalty of three times the amount of damages sustained by San Francisco due to the acts of the contractor. In addition, if found liable under SFFCA a contractor must reimburse San Francisco for its cost and attorney's fees expended in bringing a civil action to recover penalties or damages, and the contractor may be liable to San Francisco for a civil penalty of up to \$10,000 for each false claim.

A false claim can arise, under SFFCA and CFCA, where a contractor is found to have:

- Knowingly presented to the City a false claim or request for payment or approval;
- Knowingly made or used a false statement to get a false claim approved by the City;
- Conspired to defraud the City by getting a false claim paid by the City;

"Knowingly" under SFFCA and CFCA means that the contractor has actual knowledge of the information, acts in deliberate ignorance of the truth or falsity of the information, or acts in reckless disregard of the truth or falsity of the information. Specific intent to defraud by the contractor or reliance on the claim by the public entity is not required to prove a claim under SFFCA and CFCA. California courts have broadly construed false claims to include even situations where a contractor submitted an invoice to a public entity when the contractor was not in compliance with the material contract requirements. See, for example, San Francisco Unified School District ex rel. Contreras v. Laidlaw Transit, Inc., 182 Cal. App. 4th 438 (2010).

In addition, under §21.37 of the San Francisco Administrative Code ("SFAC"), a contractor who violates SFFCA may be disqualified as an irresponsible contractor. Should a contractor be disqualified as an irresponsible contractor, under §21.38 of SFAC, the contractor may be prohibited from contracting with San Francisco for a period of up to five years and the contract between the contractor and San Francisco may be cancelled.

Feb.10.2012 02:14 PM

PAGE. 6/ 15

In addition, San Francisco has delineated an Administrative Debarment Procedure in §28 of the SFAC. Among the grounds for debarment are:

- Submission of false information in response to a request for quotes, bids, qualifications or proposals;
- Submission of false claims;

The penalty for an administrative debarment under SFAC is a term of debarment of not more than five years and cancellation of any contract between San Francisco and the contractor.

The documented facts surrounding SFPD's award of sole source contracts to LOL from 2008 until the present are undisputed. Documents don't lie, people do. LOL was awarded contracts totalling almost a half a million dollars by simply claiming to be a "sole source" for the pawn shop and metal recycler transaction services needed by SFPD.

Although San Francisco taxpayers may have thought that controls were in place to preclude the use of illegal sole source contracts, the LOL Sole Source Contracts squarely refute that notion. With nothing more than a one page invoice and a claimed lack of competitors, LOL was permitted for three years to contract with SFPD as a sole source with no questions asked. Even when a formal contract was finally required in order for SFPD to sole source LOL's services, the same mindless, incoherent, and unsubstantiated claims that were used as purportedly legitimate "justification" for the prior LOL/SFPD sole source invoices easily facilitated approval of the 2011 LOL sole source contract through the San Francisco procurement process unabated.

Then there are the Finley Sole Source Letters. Making a representation in a public document used to justify a sole source waiver request by a California public agency is not without inherent risks, particularly if the representations in those documents are not true. Finley repeatedly claimed that he had no competitors in order to get the SFPD sole source waiver approved. This was a pretty gutsy move considering the potential consequences.

Of course Finley knew he had competitors-those were the same contractors bidding against him for work in other jurisdictions and listed on the public bid documents and disclosures in those jurisdictions alongside LOL. Why would Finley think he could get away with claiming to be a sole source contractor in San Francisco? Did anyone at SFPD ever notice that BWI was attending the same law enforcement conferences, seminars, and meetings that LOL attended? Was Finley unaware that while he was declaring to SFPD yearly that his company was a sole source vendor "nationally," BWI was servicing its own clients in California? We don't think so.

The undisputed evidence will establish that since 2003 when Dave Finley joined LOL, Finley was personally aware of the existence of BWI and the fact that BWI was a competitor of LOL. In fact, BWI was in business before LOL was even started. BWI has been in business since 1998. Moreover, when Finley joined LOL he was given a full competitive market disclosure on the pawn broker electronic transaction reporting industry and this included a comprehensive breakdown of market information about BWI who was identified as a competitor in the market. BWI can produce a witness, who is a former LOL founder, who will testify under oath based upon personal knowledge that Finley has been aware since 2003 that BWI was a competitor of LOL.

Feb.10.2012 02:14 PM

PAGE. 7/ 15

BWI expects that it will be given a full and fair opportunity to pursue the award of a contract with SFPD. We also expect that the current contract with LOL will be terminated as soon as reasonably possible and that the egregious conduct complained of herein will be carefully examined and the responsible parties will be held accountable.

Because of the overriding public interest in assuring the appropriate expenditure of public funds, there is a legal presumption in the State of California and, specifically, in San Francisco favoring the use of a competitive bidding process to select vendors and contractors and to avoid both favoritism and collusion in the public agency contracting process. Clearly that presumption and the controlling law were blatantly ignored in the award of the 2008-2011 LOL/SFPD Sole Source Contracts.

ISSUES TO BE ADDRESSED

Since at least 2008, San Francisco and SFPD have been illegally awarding LOL sole source contracts which now total almost a half a million dollars. **SFPD could have saved at least half of that, i.e., a quarter of a million dollars by utilizing BWI.** The San Francisco procurement records reflect that the selection process for each LOL Sole Source Contract was totally devoid of due diligence, business or cost analysis, or any kind of market research. In addition, the award of each LOL sole source contract violated the San Francisco and State of California False Claims Act as well as the San Francisco Sole Source regulations.

We urge the City Attorney and Board of Supervisors to initiate an investigation into the facts and circumstances surrounding:

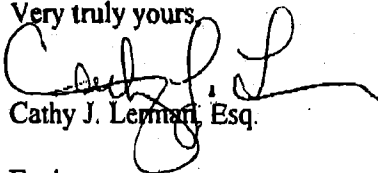
- whether email communications, correspondence, and minutes of meetings between LOL and SFPD were either deleted, ignored or simply not produced to the undersigned in violation of the California Public Records Act;
- how LOL could have received a sole source contract from SFPD from 2008 until 2013 without complying with the San Francisco procurement and purchasing laws and regulations including those governing sole source contracts;
- whether LOL and Finley violated the California and/or San Francisco False Claims Act;
- whether LOL and Finley should be debarred;

The undersigned stands ready to assist the Board of Supervisors and City Attorney as necessary in the requested investigation. We are confident that the Board and City Attorney will find the facts delineated in our requests for investigation as well as the applicable legal analysis to be excruciatingly accurate. We regret that the taxpayers of San Francisco have been victimized in this manner but look forward to assisting in righting this wrong. On behalf of my Client, BWI, we thank you in advance for your time and attention to this very important matter.

Feb.10.2012 02:14 PM

PAGE. 8/ 15

Very truly yours



Cathy J. Lerman, Esq.

Enclosures

Cc: Client

Feb.10.2012 02:14 PM

PAGE. 9/ 15

leadsonline.com

15660 N. DALLAS PARKWAY, SUITE 800 DALLAS, TEXAS 75248 Y 972.361.0900 F 972.361.0901 TX 800.311.2656



385TRF

03571

PPCHFF SRF

San Francisco Police Dept.
850 Bryant Street
San Francisco, CA 94103-4603

Invoice Number: 214242
Invoice Date: 9/29/2008
Customer #: SFCAP
Terms: Due 11/1/08
Taxpayer ID#: 42-1720332

Attn: Romeo Dela Vega

INVOICE

Rep	Status:			P.O. No.
AS	CSCS...			
Months	Description		Total	
12.00	LeadsOnline Investigative System for: San Francisco Police Department			
	LeadsOnline TotalTrack Service Package - Annual Renewal		99,108.00	
<p>We've moved! Please change your records to reflect our new address:</p> <p>15660 N. Dallas Pkwy., Ste. 800 Dallas, TX 75248</p> <p>Contract Dates: 11/1/08 - 10/31/09</p>				
			Kenneth Bukowski Chief Financial Officer	
To pay by credit card, please call 972-361-0900. We accept American Express, Visa, MasterCard, and Discover Card. Thank you for your subscription.				
Please remit payment to: LeadsOnline, 15660 N. Dallas Pkwy., Ste. 800, Dallas, TX 75248			Total	\$99,108.00

Please call 972-361-0900 or email accounting@leadsonline.com should you have any questions about this invoice.

Feb.10.2012 02:14 PM

PAGE. 10/ 15

leadsonline.com

15660 N. DALLAS PARKWAY, SUITE 800 DALLAS, TEXAS 75248 | 972.361.0900 | 972.361.0901 | 800.311.2656



Ken Wysocki Ph.D
Chief Information Officer
San Francisco Police Department

San Francisco Police Department
850 Bryant Street
San Francisco, CA 94103-4603

Anita Sevilla
SFPD IT Manager
850 Bryant St., Ste. 800
San Francisco, CA 94103

Invoice Number: 215588
Invoice Date: 9/1/2009
Customer #: SFCAP
Terms: Due 11/1/09
Taxpayer ID#: 42-1720332

Attn: Officer Romeo Dela Vega

INVOICE

Rep	Status:	P.O. Number	
AS	CSCS...		
Months	Description	Total	
12.00	LeadsOnline TotalTrack Service Package - Renewal LeadsOnline Investigative System for: City of San Francisco Police Department <i>We've moved! Please change your records to reflect our new address:</i> 15660 N. Dallas Pkwy., Ste. 800 Dallas, TX 75248 Contract Dates: 11/1/09 - 10/31/10	99,108.00	
Thank you for your subscription. Please remit payment to: LeadsOnline, 15660 N. Dallas Pkwy., Ste. 800, Dallas, TX 75248 To pay by credit card, please call 972-361-0900. We accept American Express, Visa, MasterCard, and Discover Card. We also accept Direct Deposit Electronic Funds Transfer ACH		Total \$99,108.00	

Please call 972-361-0900 or email accounting@leadsonline.com should you have any questions about this invoice.

Feb.10.2012 02:15 PM

PAGE. 12/ 15

leadsonline.com

15660 N. Dallas Parkway, Suite 800, Dallas, Texas 75248 | 972.361.0900 | 972.361.0901 | 800.311.2435




San Francisco Police Department
850 Bryant Street
San Francisco, CA 94103-4603

Attn: Officer Romeo Dela Vega

Invoice Number: 217282
Invoice Date: 12/13/2010
Customer #: SFCAP
Terms: Due on receipt
Our Tax ID#: 42-1720332

INVOICE

Rep: GE		Status: CSCS...		P.O. Number: DPPC11000491	
Months	Description			Total	
12.00	LeadsOnline TotalTrack Service Package - Renewal			89,000.00	
 Kenneth Rukowski Chief Financial Officer					
Contract Dates: 11/1/10 - 10/31/11					
Thank you for your subscription. Please remit payment to: LeadsOnline, 15660 N. Dallas Pkwy., Ste. 800, Dallas, TX 75248				Total \$89,000.00	
To pay by credit card, please call 972-361-0900. We accept American Express, Visa, MasterCard, and Discover Card. We also accept Direct Deposit Electronic Funds Transfer ACH					

Please call 972-361-0900 or email accounting@leadsonline.com should you have any questions about this invoice.

Feb.10.2012 02:15 PM

PAGE. 13/ 15

leadsonline.com

13460 N. DALLAS PARKWAY, SUITE 800 DALLAS, TEXAS 75248 F 972.361.0900 F 972.361.0901 T 800.311.2634

**SOLE SOURCE DOCUMENTATION**

September 16, 2009

**To Whom It May Concern:**

Thank you for your interest in LeadsOnline. We applaud and support your efforts to provide the City with an efficient and secure method of investigating crimes using data from pawn stores and scrap metal recyclers.

This letter serves as a sole source document for investigations services provided by LeadsOnline.

LeadsOnline is the sole provider of electronic data transfer services for pawnshop data and scrap metal transaction data operating in San Francisco and nationally.

LeadsOnline is the sole source for transaction records from scrap metal recyclers in San Francisco and adjacent jurisdictions to which criminals travel. We provide law enforcement with investigative access across jurisdictional boundaries – borders previously used to the advantage of criminals to escape detection by local authorities.

We look forward to continuing to serve your community, and are available to answer any additional questions you may have.

Sincerely,

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

Dave Finley
President and CEO

Feb.10.2012 02:15 PM

PAGE. 14/ 15

Feb. 2. 2012 5:02PM

No. 0798 P. 1
COPY

Sole Source Waiver Request

Administrative Code Section 21.5(b) provides that commodities or services available only from a sole source shall be procured in accordance with Purchaser's regulations. Purchaser's regulations provide that, "If a department needs a commodity or service which is unique and which is known to be provided by only one vendor, then only one price quotation is solicited from the single vendor. The requesting department must submit documentation to the Purchaser justifying the transaction as a sole source. From time to time, the Purchaser may conduct a formal bid to determine the continuing validity of the sole source determination." (Procurement Instruction 12.06, Exhibit A, Section IX.D, dated April 28, 1989)

Directions: Use this form to justify a sole source transaction. The department requestor must complete the information below and attach a written memo with appropriate supporting documentation to justify this request. The memo must provide specific and comprehensive information that explains why the requested transaction should be considered a sole source. Departments are encouraged to consult with the Human Rights Commission and the City Attorney prior to submitting this request.

Department: SAN FRANCISCO POLICE DEPT. Date Submitted: 8-5-11
Contact: OFF. STEVEN WALLACE #1104 Phone: 553-1096
Vendor Name: LEADSONLINE LLC Vendor # 72303
Type of Contract: Commodity _____ Professional Service _____ Non-Professional Service _____
Other ONLINE SUBSCRIPTION SERVICE
Amount: \$ 178,000 (11-11-10-01-13) ADPICs Doc #:

Describe the product or service:

LEADSONLINE LLC PROVIDES AN ONLINE SUBSCRIPTION SERVICE ENABLING THE SFPD TO ACCESS DATA FROM DAWN WATCH AND CEBY CLUES FOR INVESTIGATIVE PURPOSES.

Has the Human Rights Commission granted a sole source waiver on this transaction? YES
If yes, when was the sole source granted? 8-2-11 Please attach a copy of the HRC Waiver.

Check the appropriate statement. Attach a memo and documentation to address the questions following each statement.

Goods or services are available from only one source.

Explain why this is the only product or services that will meet the City's needs. Why is this the only vendor or contractor that can provide the services or products? What steps were taken to verify that the goods or services are not available from another source? Explain what efforts were made to obtain the best possible price. Why do you feel the price to be fair and reasonable? How was this vendor chosen? How long has the vendor been providing goods or services for your department?

Only one prospective vendor is willing to enter into a contract with the City.

Explain why no other vendors are willing to contract with the City. If there are compliance issues, what have you done to get other possible sources to become compliant? Have you contacted HRC? Have you received a waiver from HRC?

Item has design and/or performance features that are essential to the department, and no other source satisfies the City's requirements.

Explain why the design/performance features are essential. Have you contacted other suppliers to evaluate items with similar features and capabilities? If no, explain why not. If yes, list the suppliers and explain why their goods or services do not meet the department's needs.

Licensed or patented good or service.

Provide proof that the license or patent limits the availability of the product or service to only one source.

Other:

RECEIVED
PURCHASING DEPARTMENT
11 AUG 5 AM 10:57

Feb.10.2012 02:15 PM

PAGE. 15/ 15

Feb. 2. 2012 5:02PM

No. 0798 P. 2

#3

Memorandum

San Francisco Police Department



To: Chief Gregory P. Suhr
Chief of Police
San Francisco Police Department

From: Officer Shawn Wallace # 1104
Legal Division

Date: Wednesday, June 15, 2011

Subject: Contract with "LEADSONLINE LLC"

Issue:

Sole Source Waiver for "LEADSONLINE LLC"

Sir:

LEADSONLINE LLC provides an online service that allows the San Francisco Police Department to access data from pawn shops and recyclers for investigative purposes. They have provided this service for the last two years.

LEADSONLINE LLC is the sole source provider of electronic data transfer services for pawn shops and scrap metal transactions operating in San Francisco and nationally. They provide an online source for transaction records from scrap metal recyclers in San Francisco and adjacent jurisdictions, along with providing information to Law Enforcement with investigative access across jurisdictional boundaries, and borders previously used by criminals to escape detection by local authorities.

LEADSONLINE LLC is the only provider of secure electronic transmission of pawn, secondhand, scrap metal, and eBay records which does not require business owners to change store softwares. This system adapts to virtually all systems in place today.

I have checked with other agencies that utilize LEADSONLINE and I feel that the pricing that they have provided us with is fair and reasonable.

Conclusion:

LEADSONLINE is the only company that can provide the service needed for the San Francisco Police Department.

Approve of LEADSONLINE LLC as the Sole Source provider of this important investigative tool.

Respectfully Submitted

Officer Shawn Wallace # 1104
Legal Division

APPROVED YES NO

GREGORY P. SUHR
Chief of Police

OFFICE OF THE MAYOR
SAN FRANCISCO



Orig: Rules Clerk
COB, Leg. Dep. cpage

EDWIN M. LEE
MAYOR

Notice of Appointment

February 6, 2012

San Francisco Board of Supervisors
City Hall, Room 244
1 Carlton B. Goodlett Place
San Francisco, California 94102

Honorable Board of Supervisors:

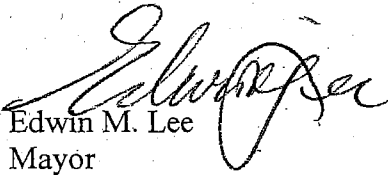
Pursuant to Section 3.100 (18) of the Charter of the City and County of San Francisco, I hereby make the following appointment:

Charles Collins to the Arts Commission, assuming the seat formerly held by Sherri Young, for a term ending January 15, 2016.

I am confident that Mr. Collins, an elector of the City and County, will serve our community well as an at-large member of the Arts Commission. Attached are his qualifications to serve, which demonstrate how this appointment represents the communities of interest, neighborhoods and diverse populations of the City and County of San Francisco.

Should you have any questions related to this appointment, please contact my Director of Appointments, Nicole Wheaton at (415) 554-7940.

Sincerely,


Edwin M. Lee
Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 FEB - 6 PM 4:56

2

OFFICE OF THE MAYOR
SAN FRANCISCO



EDWIN M. LEE
MAYOR

February 6, 2012

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

Dear Ms. Calvillo,

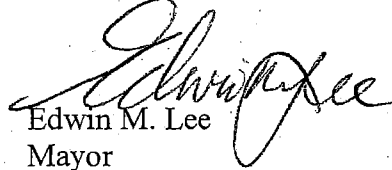
Pursuant to Section 3.100 (18) of the Charter of the City and County of San Francisco, I hereby make the following appointment:

Charles Collins to the Arts Commission, assuming the seat formerly held by Sherri Young, for a term ending January 15, 2016.

I am confident that Mr. Collins, an elector of the City and County, will serve our community well as an at-large member of the Arts Commission. Attached are his qualifications to serve, which demonstrate how this appointment represents the communities of interest, neighborhoods and diverse populations of the City and County of San Francisco.

Should you have any questions related to this appointment, please contact my Director of Appointments, Nicole Wheaton, at (415) 554-7940.

Sincerely,


Edwin M. Lee
Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 FEB - 6 PM 4:56

Bio – Charles “Chuck” Collins

Summary:

A native San Franciscan, Collins is the President and CEO the San Francisco YMCA. He has served as Chairman of the San Francisco Art Institute Board of Trustees, as well as a being a member of the Board for the San Francisco Museum of Modern Art and the National Urban League.

Professional:

President/CEO, YMCA of San Francisco

September 2004 – Present (7 years 6 months)

Comprehensive executive responsibility for \$61 million annual operation in three counties, with 13 branches and in over 120 community-based off-site locations serving 190,000 individuals through a volunteer and professional network, linked regionally, state-wide, nationally and globally to YMCA movement.

Board Chair, San Francisco Art Institute

2000 – 2005 (5 years)

Senior Vice Chairman, National Urban League

1988 – 2005 (17 years)

Member of the Board of Directors and Senior Vice Chairman

President/CEO, Family Service Agency of San Francisco

July 2002 – September 2004 (2 years 3 months)

Turned around the organization and set it on a sustainable programmatic and financial course

Chairman, WDG Ventures, Inc.

1987 – 2002 (15 years)

Real estate development, acquisition and investment

Educational:

Harvard Law School, JD (1973 – 1976)

Massachusetts Institute of Technology, MCP, Urban Studies and Planning (1971 – 1973) Activities and Societies: Outstanding Graduate Student, American Institute of Planners

Athens Center of Ekistics, Certificate, Urban Planning and Development (1969 – 1971)

Williams College, BA (honors), History and History of Art (1965 – 1969)

For more background on Commissioner Collins, check out this article in the Business Times:

<http://arlingtonoutofschool.us/wpcontent/uploads/2011/09/ChuckCollinsProfile.pdf>

BOARD of SUPERVISORS



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

MEMORANDUM

Date: February 7, 2012
To: Honorable Members, Board of Supervisors
From: *AC* Angela Calvillo, Clerk of the Board
Subject: APPOINTMENT BY THE MAYOR

The Mayor has submitted an appointment to the following body:

- Charles Collins, Arts Commission, term ending January 15, 2016

Under the Board's Rules of Order Section 2.24, a Supervisor can request a hearing on an appointment by notifying the Clerk in writing.

Upon receipt of such notice, the Clerk shall refer the appointment to the Rules Committee so that the Board may consider the appointment and act within thirty days of the appointment as provided in Section 3.100(18) of the Charter.

Please notify me in writing by **5:00 p.m. Monday, February 13, 2012**, if you would like to request a hearing on this appointment.

Attachments

Bio – Charles “Chuck” Collins

Summary:

A native San Franciscan, Collins is the President and CEO the San Francisco YMCA. He has served as Chairman of the San Francisco Art Institute Board of Trustees, as well as a being a member of the Board for the San Francisco Museum of Modern Art and the National Urban League.

Professional:

President/CEO, YMCA of San Francisco

September 2004 – Present (7 years 6 months)

Comprehensive executive responsibility for \$61 million annual operation in three counties, with 13 branches and in over 120 community-based off-site locations serving 190,000 individuals through a volunteer and professional network, linked regionally, state-wide, nationally and globally to YMCA movement.

Board Chair, San Francisco Art Institute

2000 – 2005 (5 years)

Senior Vice Chairman, National Urban League

1988 – 2005 (17 years)

Member of the Board of Directors and Senior Vice Chairman

President/CEO, Family Service Agency of San Francisco

July 2002 – September 2004 (2 years 3 months)

Turned around the organization and set it on a sustainable programmatic and financial course

Chairman, WDG Ventures, Inc.

1987 – 2002 (15 years)

Real estate development, acquisition and investment

Educational:

Harvard Law School, JD (1973 – 1976)

Massachusetts Institute of Technology, MCP, Urban Studies and Planning (1971 – 1973) Activities and Societies: Outstanding Graduate Student, American Institute of Planners

Athens Center of Ekistics, Certificate, Urban Planning and Development (1969 – 1971)

Williams College, BA (honors), History and History of Art (1965 – 1969)

For more background on Commissioner Collins, check out this article in the Business Times:

<http://arlingtonoutofschool.us/wpcontent/uploads/2011/09/ChuckCollinsProfile.pdf>

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2012 FEB -9 PM 3:57

37 Ak

Quarterly Report

to the Board of Supervisors
from the Animal Control and Welfare Commission

July 2011

The San Francisco Animal Control and Welfare Commission was established through the SF Health Code. Sec. 41.3 of the Code states: "The Commission shall render written report of its activities to the Board [of Supervisors] quarterly." This report fulfills that requirement.

4

The San Francisco Animal Control and Welfare Commission advises the Board of Supervisors on issues involving animals. People come to Commission meetings to offer their opinions about issues under discussion, and to suggest topics that the Commission might investigate further. **During the second quarter of 2011, the Commission took the following action:**

- 1) Recommended to the Board of Supervisors that they **pass an ordinance requiring the humane acquisition of pets in San Francisco.** The Commission suggested the ordinance state that people can acquire pets of all species through the following methods: 1) Pet store adoption events; 2) Pet store permanent adoption centers/partnerships; 3) Adoption from shelters such as Animal Care and Control (ACC) and the SF/SPCA; 4) Adoption from animal rescue organizations. Methods that fall outside of those listed, such as non-adoption sales through pet stores, would not be permitted. Pets would include dogs, cats, birds, small animals (including but not limited to hamsters, gerbils, rats, mice, guinea pigs, and chinchillas), reptiles, amphibians, and aquarium fish. The Commission considered this issue at several meetings in 2010, with invited speakers representing pet store owners, the pet industry, rescue groups, and animal welfare advocates. The initial discussion concerned stopping the sale of dogs and cats in pet stores because many obtain their animals from "puppy mill" type of situations, where animals are kept in crowded, deplorable conditions, often with inadequate veterinary care and inadequate socialization, and are bred repeatedly. Even if current pet stores don't get animals from mills, there is nothing to prevent them from doing so. Mill animals often develop physical and behavioral problems that can increase the number of surrenders at shelters. ACC reported that many potentially adoptable small animals (not cats or dogs) surrendered to the shelter are euthanized because there are not enough people or rescue groups to take them. Concerns were expressed that many small animals are impulse purchases at a pet store, and, when people realize the care required, they no longer want the animal and it was either released into the wild (essentially a death sentence for the animal; one notable exception being the parrots of Telegraph Hill) or surrendered to ACC. Fish and reptiles were added because of concern that taking these animals from the wild, which happens often in the pet industry trade, has serious ecological and environmental consequences. Rescue groups for all types of animals reported being pushed to the limit trying to find homes for the animals in the shelter.

In mid-2010, a volunteer stepped forward to suggest an educational solution – People would get a certificate after taking an online course (similar to online driving schools) on care of the specific type of animal they were interested in, and pet stores would only sell animals to people who had certificates for that specific type of animal. The Commission tabled the discussion of a ban on sales to allow her a chance to flesh out details of her educational approach. Unfortunately, she was unable to do so. Members of the public asked the Commission to revisit the idea of stopping the sale of animals in stores, and we did so. The Commission was not saying people should not have pets. We were saying that San Francisco should endorse the benefits to animals (and consumers) of adoption from shelters and rescues versus purchases from stores. [Commissioners Young, Gerrie, Russo]

In addition, the Commission has held discussions on the following topics, which highlight animal issues that are of concern to San Francisco residents:

- 1) **Suggestion that San Francisco develop a database of people convicted of animal abuse or proven to have neglected an animal.** This database could then be accessed by rescue groups and city shelters to help screen potential adopters and keep abusers from adopting animals through them. The Commission identified concerns about privacy, criteria for inclusion in and removal from the database, and how the database would be maintained. Several cities and counties nationwide have recently created such databases, and more research on what they have done is needed. Several Commissioners are working with members of the public on this, and it is likely to return to the Commission if the concerns can be adequately addressed. [Commissioners Stephens and Brooks]

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2012 FEB -9 PM 3:57

Alk

Quarterly Report

to the Board of Supervisors
from the Animal Control and Welfare Commission

January 2012

The San Francisco Animal Control and Welfare Commission was established through the SF Health Code. Sec. 41.3 of the Code states: "The Commission shall render written report of its activities to the Board [of Supervisors] quarterly." This report fulfills that requirement.

The San Francisco Animal Control and Welfare Commission advises the Board of Supervisors on issues involving animals. People come to Commission meetings to offer their opinions about issues under discussion, and to suggest topics that the Commission might investigate further. **During the second half of 2011, the Commission took the following action:**

- 1) Sent a letter to the Board of Supervisors, the Mayor, and the SF Arts Commission urging them to **rescind two contracts with artist Tom Otterness** for sculptures at SF General Hospital (\$700,000) and the Central Subway project (\$750,00). Thirty years ago, when he was 25, Otterness adopted a dog from a shelter, chained it to a fence and shot it on film, calling it "art." San Francisco should not have on public display art made by someone who committed such an unforgivable act of premeditated animal cruelty. The Animal Control and Welfare Commission was especially concerned that Otterness, while saying he regretted his actions, had taken no concrete action expressing contrition, e.g., donating time, money, or artwork to animal shelters or animal welfare organizations. The Commission also urged the Arts Commission to ensure future recipients of public art funding have not participated in acts of animal cruelty. In November 2011, the Arts Commission voted to rescind the Central Subway contract to Otterness; no money had been spent on that contract. The Arts Commission voted to keep the contract with Otterness for the SF General Hospital sculpture. A large part of the contract money had already been spent, and the SF Health Department expressed concern about delays in completing the project if the contract was rescinded.

In addition, the Commission has held discussions on the following topics, which highlight animal issues that are of concern to San Francisco residents:

- 1) **Suggestion to create a "Humane Pet Store" Program that would officially recognize stores in San Francisco that do not sell live animals.** The Commission discussed creating a program that would recognize pet stores that do not sell animals with an official designation as a "humane pet store," perhaps including a sign that could be posted in store windows. The program would be similar to the Seafood Watch Program that provides signage and information to participating restaurants that adhere to sustainable seafood guidelines. While acknowledging that a Humane Pet Store Program would help educate the public about problems with puppy mills, inhumane breeding, and impulse buys of animals in pet stores, the Commission ultimately took no action, amid concerns that such a program was outside of our mandate and might be better done by an animal-oriented nonprofit.
- 2) **The San Francisco Zoo.** The Commission receives frequent updates on discussion and issues raised at the Joint Zoo Oversight Committee amid the Commission's continuing concerns about animal welfare at the Zoo.



SF Environment

Our home. Our city. Our planet.

Via Email
RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

cpage



2012 FEB -8 PM 3:08
PN EDWIN M. LEE

Mayor

MELANIE NUTTER
Director

February 8, 2012

EMAIL TRANSMITTAL

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

SUBJECT: Charter Section 4.104 Rules and Regulations to be filed with the Clerk of the Board of Supervisors

Pursuant to Charter Section 4.104 requirement that Rules and Regulations are to be filed with the Clerk of the Board of Supervisors, enclosed is the Department of the Environment's Regulation No. SFE-12-01-HNSRO, Regulation and forms for the Healthy Nail Salon Recognition Program adopted on February 7, 2012. If you have any questions, please contact Swati Sharma, Commercial Toxics Reduction Coordinator, Department of the Environment, telephone (415) 355-5005 or email Swati.Sharma@sfgov.org.

Best Regards,

Monica Fish, Commission Secretary
Commission on the Environment

Attachments: Regulation No. SFE 12-01-HNSRO

Cc: Swati Sharma, Commercial Toxics Reduction Coordinator

1 [Healthy Nail Salon Recognition Program]

2
3 Ordinance amending the San Francisco Administrative Code by adding Chapter 27,
4 Sections 27.1 through 27.6, to create a program to recognize nail salons that use nail
5 polishes free of the toxic chemicals toluene, dibutyl phthalate, and formaldehyde.

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

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

10 Section 1. Findings:

11 1. Approximately 200 business establishments and 1,800 nail technicians provide a
12 variety of nail services within the City and County of San Francisco.

13 2. Nail salon workers and patrons are exposed to chemicals found in nail products
14 used by nail salons.

15 3. Dibutyl phthalate (DBP), included in nail polish to reduce brittleness and cracking,
16 is a reproductive and developmental toxicant that is especially harmful to pregnant women.
17 Developmental toxicants interfere with proper growth or health of a child acting at any point
18 from conception to puberty.

19 4. Toluene, a solvent found in nail polish, is a developmental and neurological toxicant
20 that causes headaches, dizziness, and nausea, among others.

21 5. Formaldehyde, a chemical that acts as a disinfectant and as a preservative in nail
22 polishes, is a known carcinogen. Exposure to formaldehyde in the short term can irritate the
23 eyes, nose, throat and skin and in the long term exposure can cause asthma.

1 6. Nail polishes that do not contain toluene, DBP, or formaldehyde and formaldehyde-
2 releasing chemicals are readily available, cost-competitive and effective.

3 7. Nail salon workers are often women of child-bearing age with limited English skills
4 who have difficulty accessing information on ingredients found in nail products and the
5 hazards associated with exposure to the same.

6 8. The California Healthy Nail Salon Collaborative is a coalition of organizations and
7 individuals in California that advocates for the health and safety of nail salon workers and
8 patrons.

9 9. The City and County of San Francisco, based on the precautionary principle,
10 supports and encourages nail salon owners and technicians to become aware of potential
11 hazards posed by ingredients in nail products and actively choose the least toxic nail polishes
12 that do not contain the three toxic chemicals, Dibutyl phthalate, Toluene and Formaldehyde.

13
14 Section 2. The San Francisco Administrative Code is hereby amended by adding
15 Chapter 27; Sections 27.1 through 27.6, to read as follows:

16 **SEC. 27.1. GOALS.**

17 *The purpose of this Chapter is to reduce occupational health hazards for San Francisco's nail*
18 *salon workers as well as the exposure of City residents to potentially-toxic chemicals in nail products,*
19 *through recognition and promotion of nail salons that voluntarily discontinue the use of nail polishes*
20 *containing dibutyl phthalate, toluene, and formaldehyde, the so-called "toxic trio."*

21 *Through this Chapter, the City wishes to increase public awareness of potentially-toxic*
22 *chemicals found in nail products and to encourage nail salons and nail product manufacturers to use*
23 *safer alternatives.*

24
25 / / /

1 **SEC. 27.2. DEFINITIONS.**

2 For the purposes of this chapter, certain terms are defined as follows:

3 (a) "Nail polish" means nail laquer and enamel, base and topcoats.

4 (b) "Nail product" means any product used for and applied to the nails of the hands and feet,
5 of the customer as part of a manicure or pedicure. "Nail product" includes, but is not limited to,
6 lotion, nail polish, polish remover, and artificial nails.

7 (c) "Nail salon" means any business establishment, including salons, spas, and others, that
8 offer pedicures, manicures, or application of artificial nails, and their component processes.

9
10 **SEC. 27.3. HEALTHY NAIL SALON RECOGNITION PROGRAM.**

11 The Department of the Environment shall develop and implement a "Healthy Nail Salon
12 Recognition Program" modeled after a program developed by the California Healthy Nail Salon
13 Collaborative ("the Collaborative"). The Program shall, among other things, provide public
14 acknowledgment of nail salons that use nail polishes that are free of toluene, DBP, and formaldehyde
15 and formaldehyde-releasing chemicals.

16 The Department shall work with the Collaborative and any other interested parties in designing
17 and implementing the Program and conducting public outreach. The Department shall evaluate the
18 success of the program after two years and report its findings to the Board of Supervisors.

19
20 **SEC. 27.4. REGULATIONS.**

21 After a noticed public hearing, the Director of the Department of the Environment shall adopt
22 or amend regulations, application process and forms to implement the Program.

23
24 / / /

25 / / /

1 **SEC. 27.5. NOTICE.**

2 The Director of the Department of the Environment shall, in coordination with the
3 Collaborative, conduct outreach to all local businesses that are eligible to participate in the Program
4 and shall afford the same opportunities for all eligible businesses to participate in the Program.

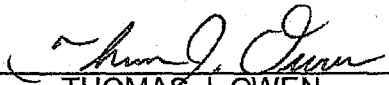
5
6 **SEC. 27.6. DISCLAIMER.**

7 Recognition by the City of a nail salon under the Program shall not be construed as an
8 endorsement by the City of the business or confer any legal right or privilege to the business. The
9 Department may discontinue any program established under this Chapter at any time after notice to
10 participating nail salons and organizations.

11
12 Section 2. **General Welfare.** In adopting and implementing this Chapter, the City and
13 County of San Francisco is assuming an undertaking only to promote the general welfare. It is
14 not assuming, nor is it imposing on its officers and employees, an obligation for breach of
15 which it is liable in money damages to any person who claims that such breach proximately
16 caused injury.

17
18
19 APPROVED AS TO FORM:
20 DENNIS J. HERRERA, City Attorney

21 By:

22 
23 THOMAS J. OWEN
24 Deputy City Attorney
25

Supervisors Chiu, Maxwell, Alioto-Pier, Chu
BOARD OF SUPERVISORS



City and County of San Francisco

Tails
Ordinance

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

File Number: 100963

Date Passed: October 26, 2010

Ordinance amending the San Francisco Administrative Code by adding Chapter 27, Sections 27.1 through 27.6, to create a program to recognize nail salons that use nail polishes free of the toxic chemicals toluene, dibutyl phthalate, and formaldehyde.

October 04, 2010 Public Safety Committee - RECOMMENDED

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

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

October 26, 2010 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

Excused: 1 - Alioto-Pier

File No. 100963

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 10/26/2010 by the Board of Supervisors of the City and County of San Francisco.

Mayor Gavin Newsom

Angela Calvillo
Clerk of the Board

November 5, 2010

Date Approved

Regulation to adopt standards and process for nail salons to qualify for

San Francisco's Healthy Nail Salon Recognition Program

Ordinance No. 269-10, Adopted November 5, 2010

Regulation Effective Date: February 7, 2012

A. Authorization

San Francisco Administrative Code Chapter 27:

SEC. 27.3 – HEALTHY NAIL SALON RECOGNITION PROGRAM

The Department of the Environment shall develop and implement a "Healthy Nail Salon Recognition Program" modeled after a program developed by the California Healthy Nail Salon Collaborative ("the Collaborative"). The program shall, among other things, provide public acknowledgment of nail salons that use nail polishes that are free of toluene, DBP and formaldehyde and formaldehyde-releasing chemicals.

The Department shall work with the Collaborative and any other interested parties in designing and implementing the Program and conducting public outreach. The Department shall evaluate the success of the program after two years and report its findings to the Board of Supervisors.

SEC. 27.4 – REGULATIONS

After a noticed public hearing, the Director of the Department of the Environment shall adopt or amend regulations, application process and forms to implement the Program.

B. Definitions

In addition to the definitions provided in the Ordinance, this section defines additional terms as follows:

Nail Polish Thinners: Solvents used to restore thickened nail enamel to its original consistency.

Nail Polish Removers: Solvents used to dissolve and remove nail polish or enamel.

Nail Salon Staff: Any salon staff member or contractor that comes in contact with any nail products.

C. Policy or Findings

Approximately 200 local nail salon establishments employ 1800 nail technicians, mostly women of childbearing age with limited English skills, to work with nail products containing toxic chemicals.

These nail products include nail polishes, nail thinners and nail polish removers.

Nail polishes can contain toxic chemicals such as toluene, dibutyl phthalate (DBP), and formaldehyde that are collectively referred to as the "toxic trio". Nail polishes that do not contain the toxic trio are available and are safer for the nail salon staff as well as the environment.

Nail polish removers contain toxic chemicals such as ethyl acetate, butyl acetate, and methyl ethyl ketone that cause a range of health and environmental impacts. Safer nail polish removers, such as those that contain acetone, are available and already widely used. In addition, safer practices such as the use of gloves and ventilating the space when using and transferring removers, reduce impacts to nail salon staff and customers.

Nail polish thinners contain toxic chemicals such as toluene, methyl acetate and methyl ethyl ketone. Safer practices such as the use of gloves, droppers, and ventilating the space when using thinners, reduce impacts to nail salon staff and customers.

Nail salons that use safer nail products and train their employees on safer practices that reduce exposure, improve indoor air quality for their staff as well as customers.

D. Recognition Criteria

In order to qualify for the Healthy Nail Salon Recognition Program, salons must be in compliance with the Board of Barbering and Cosmetology's professional code, must choose safer nail products and implement safer practices as established by San Francisco Department of Environment's (SFE) program staff.

1. Choose nail polishes that do not contain the toxic trio (dibutyl phthalate (DBP), toluene, and formaldehyde).
2. Use safer nail polish removers, including but not limited to acetone.
3. Avoid using nail polish thinners unless absolutely necessary. When using thinners do not use those containing toluene and methyl ethyl ketone (MEK).
4. Ensure that all nail salon staff wear nitrile gloves when using nail products.
5. Ventilate the salon to improve air quality in the salon. Designate a specific area for artificial nail services and properly ventilate the area.

6. Install mechanical ventilation unit(s) within one year of entering recognition program, if one does not already exist.
7. Train all nail salon staff onsite (on payroll and on contract) and owners on safer practices using SFE's guide if one does not already exist.
8. Allow SFE program staff to monitor air quality within the salon.
9. Be committed to trying and adopting safer artificial nail products.
10. Do not allow customers to bring in products unless they meet program criteria.

Safer products and practices will be determined by SFE program staff on a case by case basis in consultation with nail salons.

E. Recognition Process

STEP 1: Registration

Interested nail salons submit a registration form via email, mail or contact SFE by phone to express interest and provide registration information. Attachment A has the registration form.

STEP 2: Consultation and Data Collection

SFE program staff will complete an initial consultation to gather baseline information about the products used by the nail salon and provide guidance on safer practices. Baseline information also includes surveys of nail salon staff on health impacts and air monitoring of salons.

STEP 3: Training

Nail salon staff and owners participate in the training of the Healthy Nail Salon practices guide.

STEP 4: Application Form

Nail salons submit a signed application form, including a list of safer nail polish, nail thinner and nail polish remover products and brands in use. In the application form, nail salons must also certify that all nail salon staff and owners are trained in SFE's Healthy Nail Salon guide. (See Attachment B)

STEP 5: Final Site Visit and Recognition

SFE program staff will conduct another site visit to collect data from nail salon staff and conduct air monitoring to measure impacts from the use of safer products and practices. If the nail salon demonstrates that it meets all recognition criteria, SFE will issue recognition.

STEP 6: Renewal

Salons must resubmit latest application form annually to maintain recognition.

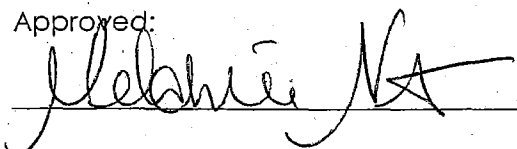
F. Attachments

Attachment A: Registration Form

Attachment B: Application Form

The Director of the Department of the Environment hereby adopts these regulations as of the date specified below.

Approved:



2/7/2012

Melanie Nutter

Date

Director, Department of the Environment



**HEALTHY
NAIL
SALON
PROGRAM**



SF Environment

Our home. Our city. Our planet.

A Department of the City and County of San Francisco

Appl. # _____

Date _____

Healthy Nail Salon Recognition Program: Registration Form

Instructions: Please complete the registration form and submit in person, via email (swati.sharma@sfgov.org) or mail to: Swati Sharma, San Francisco's Department of Environment (SFE), 11 Grove Street, San Francisco, CA 94102

Description and Eligibility Criteria

In order to qualify for the Healthy Nail Salon Recognition Program, salons must be in compliance with the Board of Barbering and Cosmetology's professional code, must choose safer nail products and implement safer practices as established by San Francisco Department of Environment's (SFE) program staff.

1. Choose nail polishes that do not contain the toxic trio (dibutyl phthalate (DBP), toluene, and formaldehyde).
2. Use safer nail polish removers, including but not limited to acetone.
3. Avoid using nail polish thinners unless absolutely necessary. When using thinners do not use those containing toluene and methyl ethyl ketone (MEK).
4. Ensure that all nail salon staff wear nitrile gloves when using nail products.
5. Ventilate the salon to improve air quality in the salon. Designate a specific area for artificial nail services and properly ventilate the area.
6. Install mechanical ventilation unit(s) within one year of entering recognition program, if one does not already exist.
7. Train all nail salon staff onsite (on payroll and on contract) and owners on safer practices using SFE's guide if one does not already exist.
8. Allow SFE program staff to monitor air quality within the salon.
9. Be committed to trying and adopting safer artificial nail products.
10. Do not allow customers to bring in products unless they meet program criteria.

Safer products and practices will be determined by SFE program staff on a case by case basis in consultation with nail salons.

Section I - Contact Information

Legal Name of Business

Name Of Owner(s)

Name of Manager

Business Address

Secondary Contact

Telephone
(415) - -

Mobile
(415) - -

Primary Language Spoken

Web Address (URL)

Email

Section II - General Business Information

Years in Business

Number of Staff

_____ Full Time _____ Part Time

Do Any Nail-Technicians Rent Chairs?

YES _____ (how many?) NO

Section III - Salon Practices

Do you display or have on file MSDS (Material Safety Data Sheets) for all products?

YES NO ONLY SOME MSDS

Do you purchase your supplies through a beauty supply store?

YES NO

Which beauty supply stores?

Do you purchase your supplies through a distributor?

YES NO

Which distributors?

Do you have a ventilation system in your salon?

YES NO

What type of ventilation system?

By submitting this form, I agree to:

- Participate in the Healthy Nail Salon Recognition Program
- Meet eligibility criteria
- Allow SFE program staff to conduct surveys
- Allow SFE program staff to conduct air monitoring to evaluate program progress

By submitting this enrollment form, I confirm that the information being submitted is accurate and complete, to the best of my knowledge.

X _____

SIGNATURE OF OWNER

DATE _____ / _____ / 20_____

IF YOU HAVE ANY QUESTIONS REGARDING THIS FORM, PLEASE CONTACT SWATI SHARMA AT (415) 355 5005 OR swati.sharma@sfgov.org



**HEALTHY
NAIL
SALON
PROGRAM**



SF Environment

Our home. Our city. Our planet.

A Department of the City and County of San Francisco

Appl. # _____
Date _____

Healthy Nail Salon Recognition Program: Application Form

Instructions: Please complete the application and submit in person, via email (swati.sharma@sfgov.org) or mail to Swati Sharma, San Francisco's Department of the Environment (SFE), 11 Grove Street, San Francisco, CA 94102.

Section I - Contact Information

Legal Name of Business		
Name of Owner(s)		Name of Manager
Business Address		Secondary Contact
Telephone (415) -	Mobile (415) -	Email

Section II - Salon Staff Training (Please attach additional pages if needed)

Have all of the nail salon staff and owners been trained in SFE's Healthy Nail Salon guide? YES NO SOME _____ (no. trained/total)

Names of nail salon staff members trained in SFE's Healthy Nail Salon guide:

- | | | |
|----|----|-----|
| 1) | 5) | 9) |
| 2) | 6) | 10) |
| 3) | 7) | 11) |
| 4) | 8) | 12) |

Section III - Products Used (Please attach additional pages if needed)

Nail polish brands/products that do not contain Toxic trio (dibutyl phthalate (DBP), toluene, formaldehyde):

- | | | |
|----|----|-----|
| 1) | 5) | 9) |
| 2) | 6) | 10) |
| 3) | 7) | 11) |

Nail polish removers (brand and product name):

- | | |
|----|----|
| 1) | 3) |
| 2) | 4) |

Nail polish thinners (brand and product name):

- | | |
|----|----|
| 1) | 3) |
| 2) | 4) |

Do you display or have on file MSDS (Material Safety Data Sheet) for all products? YES NO ONLY SOME MSDS

Section IV - Procedures

Do all nail technicians wear nitrile gloves when using nail products? YES NO SOME

Do you have a designated and ventilated area for artificial nail services? YES NO

Do you have a ventilation system in your salon? <input type="checkbox"/> YES <input type="checkbox"/> NO	What type of ventilation system?
---	----------------------------------

By submitting this application form, I confirm that the information being submitted is accurate and complete, to the best of my knowledge. I understand that SFE program staff will visit my store to verify the products in use and conduct air monitoring to measure program success. In addition, SFE program staff will conduct follow up visit.

X _____
SIGNATURE OF OWNER DATE / / 20

To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Results of the Follow-Up Review of the Review of 2009 Indirect Rate Submissions From Central Subway Partners Contractors

From: Controller Reports/CON/SFGOV
To: Angela Calvillo/BOS/SFGOV@SFGOV, Peggy Nevin/BOS/SFGOV@SFGOV, Steve Kawa/MAYOR/SFGOV@SFGOV, Kate Howard/MAYOR/SFGOV@SFGOV, Christine Falvey/MAYOR/SFGOV@SFGOV, Jason Elliott/MAYOR/SFGOV@SFGOV, Severin Campbell/BudgetAnalyst/SFGOV@SFGOV, debra.newman@sfgov.org, sfdocs@sfpl.info, CON-EVERYONE/CON/SFGOV, CON-CCSF Dept Heads/CON/SFGOV, CON-Finance Officers/CON/SFGOV, Ed.Reiskin@sfmta.com, Roberta.Boomer@sfmta.com, Sonali.Bose@sfmta.com, John.Funghi@sfmta.com, Kathleen.Sakelaris@sfmta.com, Shahnam.Farhangi@sfmta.com, jenny.vodvarka@sfgov.org; ross.edwards@sfgov.org, eric.miles@mossadams.com, stephen.fineberg@mossadams.com, sedi.samavati@mossadams.com
Date: 02/08/2012 01:55 PM
Subject: Results of the Follow-Up Review of the Review of 2009 Indirect Rate Submissions From Central Subway Partners Contractors
Sent by: Kristen McGuire

The Office of the Controller, City Services Auditor (CSA), has issued a memorandum regarding the results of its follow-up review of recommendations made in a 2011 report entitled: *Review of Indirect Rate Submissions for Eight Central Subway Partners Contractor*. The 2009 report presented work performed by Moss Adams LLP on behalf of CSA.

CSA's follow-up review indicates that corrective actions needed have been taken to address the findings reported in 2011.

To view the full memorandum, please visit our website at:
<http://co.sfgov.org/webreports/details.aspx?id=1385>

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

7



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER


Ben Rosenfield
Controller

Monique Zmuda
Deputy Controller

AUDIT FOLLOW-UP MEMORANDUM

TO: Edward D. Reiskin, Director of Transportation, San Francisco Municipal Transportation Agency
Board of Directors, San Francisco Municipal Transportation Agency
John Funghi, Program Manager, San Francisco Municipal Transportation Agency

CC: Ben Rosenfield, Controller
Kathleen Sakelaris, Regulatory Affairs Manager, San Francisco Municipal Transportation Agency
Irella Blackwood, Audit Manager
Cathalina Kung, Associate Auditor

FROM:  Moss Adams LLP on Behalf of Tonia Lediju, Director of Audits, City Services Auditor Division

DATE: February 8, 2012

SUBJECT: Results of the Follow-Up Review of the Review of 2009 Indirect Rate Submissions From Central Subway Partners Contractors

EXECUTIVE SUMMARY

Consistent with Government Auditing Standards, Section 7.05, promulgated by the United States Government Accountability Office (GAO), Moss Adams LLP (Moss Adams) conducted a follow-up review of the recommendations in the May 2011 report entitled: *Review of Indirect Rate Submissions for Eight Central Subway Partners (CSP) Contractors*. Section 7.05 states that the purposes of audit reports include facilitating follow-up to determine whether appropriate corrective actions have been taken.

In 2010, Moss Adams performed desk reviews of 2009 overhead rates for eight contractors performing services for the CSP. The desk review objectives were to (i) perform a risk assessment of the submitted overhead rates for eight contractors and (ii) to follow up as necessary, based on the results of the risk assessment to perform directed testing of overhead pool and base amounts to determine if adequate documentation existed to support the contractors' assertions that the overhead rates were computed, in all material respects, in accordance with relevant contract terms

MOSS ADAMS_{LLP}

and with Federal Acquisition Regulation (FAR) Part 31. In the report, Moss Adams documented six reportable conditions associated with three contractors related to inadequate documentation to substantiate that adequate controls existed to prevent noncompliance with contract terms and FAR Part 31 requirements. This memorandum documents the results of the follow-up procedures performed to evaluate whether the additional documentation received from the contractors with reportable conditions met the criteria to resolve the reportable conditions. Of the six reportable conditions, all have been resolved.

BACKGROUND

The City and County of San Francisco's Municipal Transportation Agency (SFMTA) has an agreement with the Central Subway Partners (CSP) to provide program management and construction management (PM/CM) services regarding the Central Subway Project. CSP is a joint venture between AECOM USA, Inc. (AECOM) and EPC Consultants, Inc. (EPC). The Central Subway Project is a transportation improvement that will link neighborhoods in the southeastern part of San Francisco with downtown and Chinatown. The total budget for the Central Subway Project is \$1.58 billion. Subway service is planned to begin in 2018.

The joint venture prime contract and reviewed subcontracts include a clause requiring that the contracts will be cost type contracts subject to applicable regulations regarding the allowability of specific areas of cost. These regulations impact the allowability of indirect costs claimed by the contractors through the submission of claimed indirect rates. Moss Adams LLP (Moss Adams) was engaged to perform reviews of eight (8) prime and subcontract indirect rate submissions in year one of the review agreement that correspond to contractor fiscal years ending in either 2009 or 2010.

On March 31, 2011, the Controller's Office, City Services Auditor, presented its audit report of the desk review results for the eight reviewed contractors' overhead rates under the CSP agreement. The desk review objectives were to (i) perform a risk assessment of the submitted overhead rates for eight contractors and (ii) to follow up as necessary, based on the results of the risk assessment to perform directed testing of overhead pool and base amounts to determine if adequate documentation exists to support the contractors' assertions that the overhead rate was computed, in all material respects, in accordance with relevant contract terms and with Federal Acquisition Regulation (FAR) Part 31.

Moss Adams concluded that there were six reportable conditions associated with three contractors related to inadequate documentation to substantiate that adequate controls existed to prevent noncompliance with contract terms and FAR Part 31 requirements. Two of the issues involved concern regarding applicability of indirect costs to field employees. One issue involved concerns regarding charging of similar costs, both as direct and indirect costs. Three of the issues involved concern regarding controls to preclude charging of unallowable and/or unallocable costs in accordance with FAR Part 31.

OBJECTIVE AND METHODOLOGY

The objective of this engagement was to follow up on the remediation of the six reportable conditions associated with three contractors identified during the 2009 review. As part of the original review, Moss Adams communicated the conditions to the contractors and obtained their responses. To conduct the follow-up review, the audit team reviewed whether the documentation provided was adequate to support the contractors' responses to the initial review. Additionally, Moss Adams reviewed evidence to support the implementation status of the relevant internal control recommendations based on the reportable conditions.

The initial desk review was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants (AICPA) and the standards applicable to attestation engagements contained in Government Auditing Standards issued by the Comptroller General of the United States. A review is substantially less in scope than an examination, the objective of which is the expression of an opinion on the subject contractor's assertions. Accordingly, Moss Adams did not express such an opinion for the engagement.

Follow-up procedures detailed in this report were conducted under AICPA consulting standards. Accordingly, Moss Adams provides no opinion, attestation or other form of assurance with respect to the work or the information upon which the work is based. The procedures performed do not constitute an examination in accordance with generally accepted auditing standards or attestation standards.

RESULTS

Reportable Condition 1: Field Overhead Allocability – AECOM Indirect Labor Cost

Review of 31 indirect labor expenditure transactions totaling \$73,593 out of an indirect labor population of \$186,106,353 resulted in exceptions for all 31 transactions.

During review of the subject transactions, Moss Adams requested documentation to support the allowability, allocability and reasonableness of the selected costs. AECOM was able to provide documentation that indicated that AECOM has an adequate system to identify and segregate unallowable indirect labor costs in accordance with FAR Part 31. However, AECOM indicated that the field rate calculation excluded only occupancy costs such as rent and utilities but did not exclude any indirect labor from its field overhead rate pool. This would be contrary to FAR 31.201-4, which requires that an allocated cost have a relative benefit to the project to which it is being allocated.

AECOM did not provide support to show that, for the selected items, the indirect labor incurred has a causal beneficial relationship to field employees that were stationed at CSP offices. For example, those transactions discussed above that include "occupancy" in the description could indicate that the indirect labor was associated with occupancy activities (janitorial, maintenance, etc.) of another office that would not be allocable to the field employees stationed at the CSP offices. The selected

MOSS ADAMS_{LLP}

indirect labor transactions could also include administrative overhead employees that support AECOM employees that work on other contracts, and for which there is no equivalent support needed for the field employees stationed at the CSP offices.

Original Contractor Response: "AECOM does not concur with the conclusions of the report. The methodology used by AECOM for calculating the field overhead rate has been accepted by Defense Contract Audit Agency (DCAA) and is used by other companies in the industry.

AECOM begins with a single overhead pool from which it calculates both a home and a field rate.

The field rate is calculated by pooling the overhead accounts that apply to all contracts. These accounts exclude costs that are unique to home office projects, such as depreciation, rent, office equipment leases, etc. The base for this rate is total direct labor (both home and field).

The cost associated with the remaining accounts (those unique to home office projects) is separately pooled. A rate is developed to reflect the additional overhead associated with home projects. The base for this rate is home office direct labor.

The audit report concludes that 100 percent of the indirect labor is allocated to field projects. This is an incorrect statement. Direct field labor is approximately 27 percent of the direct labor pool. Thus, field projects receive 27 percent of the indirect labor. Employees working in the field still require management support, HR support, accounting support, marketing support, health and safety, training, etc."

Reported Contractor Action and Supporting Documentation: AECOM submitted a letter from Cleary and Gill LLP (C&G) along with general ledger (GL) detail to support their original position. Based on this support and additional discussions between Moss Adams and an AECOM financial officer, Moss Adams was able to determine that the method used to calculate the field and overhead rate was sufficient to ensure that the indirect labor incurred had a causal beneficial relationship to field employees that were stationed at CSP offices. Additionally, this method had been previously accepted by the DCAA.

In lieu of determining indirect labor costs based on the specific identification of expenses and then excluding unallowable costs for the field rate, AECOM calculated an allocation rate to apply to the indirect labor pool. This allocation rate was calculated by determining the percentage of direct field labor in the direct labor pool and then applying this direct labor pool percentage to the indirect labor pool.

Moss Adams determined that this method was properly applied in accordance with CAS 402: "Cost Accounting Standard - consistency in allocating costs incurred for the same purpose," such that incurred labor costs had been applied as either direct or indirect but not both. Additionally, CAS 418: "Allocation of direct and indirect costs" had been properly applied such that direct and indirect costs had been consistently accumulated in respective pools and then allocated to the CSP project in reasonable proportion to the causal relationship of these pooled costs (e.g., direct field labor in the direct labor pool.)

MOSS ADAMS LLP

Moss Adams Analysis and Conclusion: Resolved – Moss Adams reviewed the AECOM-provided support for the selected indirect labor costs and determined that the support demonstrated that the costs were allowable, allocable and reasonable. Additionally, Moss Adams reviewed AECOM's relevant internal controls and determined that they were sufficiently robust to ensure these costs had been properly coded.

Reportable Condition 2: Field Overhead Allocability – The Robert Group Rent Expense

The review of building rent costs of \$74,090 included in the submitted overhead pool indicated that some of the rental costs may not be applicable to field employees stationed at the CSP offices, and therefore should not be included in the overhead rate that is applicable to the one employee that worked on the subject project during the period ended December 31, 2009.

The Robert Group (TRG) did voluntarily exclude an additional \$138,750 of rental costs, but the voluntary exclusion appears to be for reasons other than non-allocability to field personnel. TRG did not provide support to show that the building rent cost has a causal beneficial relationship to the field employee stationed at CSP offices.

Original Contractor Response: "TRG concurs with the observation. The audited overhead rate for year 2009 provided was the company-wide overhead rate. Therefore, we recognize that it is not applicable on contracts performed in field offices or, in this case, in the facility provided by SFMTA. We will revise the overhead rate calculation so that it distinguishes between the overhead rate that is applicable to the work done in the Home Office and the applicable overhead rate on the SFMTA contract. We expect to provide the field overhead rate calculation by the second half of May 2011."

Reported Contractor Action and Supporting Documentation: TRG concurred with the finding and revised their 2009 overhead rates. Moss Adams verified that the overhead rate calculation was revised so that it distinguished between the overhead rate that was applicable to the work done in the Home office (Home Office rate) and the applicable overhead rate on the SFMTA contract (Field Overhead rate).

Moss Adams Analysis and Conclusion: Resolved – Moss Adams reviewed the revised overhead rate calculation provided by TRG. Moss Adams verified that the overhead rate calculation had been revised so that it distinguished between the overhead rate that was applicable to the work done in the Home Office (Home Office rate) and the applicable overhead rate on the SFMTA contract (Field Overhead rate).

Reportable Condition 3: Direct Versus Indirect Charging – AECOM Relocation Cost

The review of selected AECOM invoices identified \$150,000 of relocation costs for two employees that were charged as direct costs to the subject contract. Moss Adams also noted that \$1,153,305 of relocation costs were components of both the field and home office overhead pools.

MOSS ADAMS LLP

Moss Adams followed up to obtain additional information concerning the nature of the relocation costs charged to overhead to ascertain whether it appeared likely that the amounts charged to overhead were duplicative of the types of relocation costs that were charged directly to the contract. AECOM did not provide the requested documentation, and Moss Adams was unable to ascertain whether the relocation costs charged to overhead were for employees that then performed project work, which would be duplicative of the reason for the incurrence of the directly charged relocation costs. Absent the requested documentation, which was required to be provided in accordance with FAR 31.201-2, Moss Adams considered the allowability of the indirect relocation charges of \$1,153,305 to be unsupported.

Original Contractor Response: "AECOM does not concur with the conclusions of the report. FAR 31.202 states that, 'no final cost objective shall have allocated to it as a direct cost any cost, if other costs incurred for the same purpose in like circumstances have been included in any indirect cost pool to be allocated to that or any other final cost objective. Direct costs of the contract shall be charged directly to the contract. In addition, as stated in FAR 2.101, costs identified specifically with a contract are direct costs of that contract.'

The relocation costs included in the billings of this contract were identified specifically with the contract, incurred for the sole benefit of the contract, and approved by the client in accordance with Clause 43 of the contract. It should also be noted that the contract limits the amount of relocation reimbursable under the contract. Thus, costs incurred in excess of the contract ceiling are still considered (and 12 accounted for) as a direct cost of the contract, although they are not billable.

The relocation costs contained in the indirect pool are costs that could not be identified with a single direct cost objective. Thus, they are considered indirect costs. The relocation costs reflected as direct costs and those reflected as an indirect cost were not incurred for the same purpose in like circumstances."

Reported Contractor Action and Supporting Documentation: AECOM submitted a letter from Cleary and Gill LLP (C&G) in support of its original position. Additionally, AECOM provided GL detail of relocation costs. Based on the detail provided, Moss Adams was able to determine that relocation costs billed directly to the project had been excluded from the indirect cost pool where other relocation costs not directly billed to the project had been accumulated.

Moss Adams determined that these relocation costs had been properly applied in accordance with CAS 402: "Cost Accounting Standard - consistency in allocating costs incurred for the same purpose," such that the incurred relocation costs had been applied as either direct or indirect but not both.

Moss Adams Analysis and Conclusion: Resolved – Moss Adams determined that the indirect relocation costs had been sufficiently supported as AECOM was able to substantiate the difference between direct relocation costs billed directly to the project per the contract and that indirect relocation costs, which could not be identified with a single direct cost objective, had been reasonably allocable to the home and field office overhead pools.

MOSS ADAMS_{LLP}

Reportable Condition 4: FAR Part 31 Allowability – EPC Travel Cost

Moss Adams' review of sampled travel expenditure transactions resulted in exceptions totaling \$33,312 out of an indirect travel population of \$166,181. Of \$33,312 questioned or unsupported travel costs, Moss Adams had classified \$12,812 of travel costs as unsupported and the remaining \$20,500 as unallowable airfare costs.

Moss Adams requested documentation including specific trip purpose and receipts for amounts expended; documentation was not provided for the selected items. Absent documentation to support the allowability, allocability and reasonableness of the costs, the costs were considered unsupported in accordance with FAR 31.201-2. Additionally, selected airfare expenditures were found to include first class airfare costs that are unallowable in accordance with FAR 31.205-46.

Original Contractor Response: "EPC concurs. EPC will revise its current Employee Expense Report form to include Purpose of Trip/Expense, Name of Personnel/Company and relationship to EPC. EPC will strictly enforce submission of receipts for all expenses being claimed for reimbursement. These will be implemented April 2011."

Contractor Action and Supporting Documentation: Of \$12,812 unsupported indirect travel costs, EPC acknowledged that \$5,250 was unallowable per FAR Part 31.201-2(d). By examining the revised rate, Moss Adams was able to verify that EPC has subtracted these costs from the December 31, 2009, revised Schedule of Overhead Rate.

EPC provided support of specific trip purpose and receipts for amounts expended for the remaining \$7,562 of travel costs. Consequently, Moss Adams agreed that these costs were allowable, and therefore, would not require revision to the overhead rate calculation. Moss Adams verified the calculations to EPC's letter to recalculate a correct overhead rate. The Field overhead rate was reduced from 110.03 percent to 109.91 percent.

EPC provided a doctor's release to support first class airfare totaling \$20,500 in excess of the allowable travel cost noted in FAR 31.205-46. The doctor's release indicated that economy class travel would otherwise not be adequate to meet the needs of the employee who suffered from a bona fide medical condition. A doctor's release is suitable per EPC's policy and FAR regulations in FAR Part 31.205-46. EPC has properly retained these costs in the revised Schedule of Overhead Rate Calculation.

EPC supplied an internal control policy over planned travel control improvements which should help management document the allowability, allocability and reasonableness of travel expenditures as well as exclude unallowable travel costs from amounts claimed in the calculation of indirect rates in accordance with FAR Part 31.205-46. EPC indicated that this policy has been implemented.

Moss Adams Analysis and Conclusion: Resolved – EPC provided the requested expense support and has implemented a policy for requiring documentation to support travel expenses and

MOSS ADAMS LLP

policy on travel in accordance with FAR Part 31.205-46 and 31.201-2(d), as recommended in the Moss Adams final 2009 overhead rate review report.

Reportable Condition 5: FAR Part 31 Allowability and Allocability – EPC Indirect Labor Cost

Moss Adams' review of 11 indirect labor expenditure transactions totaling \$23,293 out of an indirect labor population of \$1,329,549 resulted in exceptions for all 11 transactions. Absent adequate documentation to support the allowability, allocability and reasonableness of the costs, the costs are considered unsupported in accordance with FAR 31.201-2.

Original Contractor Response: "EPC partially concurs: 99% of EPC's Indirect Labor is FAR-allowable. Marketing/selling time spent by staff are meetings with current and prospective clients to present EPC's capabilities and proposals. EPC will issue a memorandum to all employees to provide specifics when filling out timesheets especially those in the marketing/business development departments."

Contractor Action and Supporting Documentation: EPC was able to provide job descriptions for the selected employees but did not provide documentation concerning the actual activities performed on the days selected so that Moss Adams could assess whether the selected expenditures were for (i) activities that were allowable per FAR Part 31, section 205, and (ii) activities that have a causal beneficial relationship to field employees stationed at CSP offices.

EPC did not provide any supporting documentation (e.g., description of actual activities performed, etc.) to determine allowability, allocability and reasonableness of the selected costs. Per EPC response: "EPC does not agree that the indirect labor for certain positions within EPC is unallowable. EPC believes the indirect labor costs incurred through these positions are allocable under Title 48 Code of Federal Regulations (CFR) Part 31.201-4 as the costs benefit both the contract and other work and can be distributed to the contract in reasonable proportion to the benefits received and the costs are necessary for the overall operations of EPC's business and do not represent a direct relationship to any particular cost objective..."

"...EPC believes that the job descriptions provided to Moss Adams for the positions above were adequate to support the reasonableness of the costs as stated in Title 48 CFR Part 31.201.3 and to support their allocability to the contract in accordance with the applicable cost principles of Title 48 CFR Part 31.201-4. EPC has not removed these costs from the revised Schedule of Overhead Rate Calculation."

Moss Adams attempted to verify that EPC had incorporated the necessary policies and procedures which they provided to Moss Adams. EPC indicated that they had implemented the specific Indirect Project Numbers for FAR allowable marketing costs, unallowable labor/ expense costs, and Bid and Proposal (B&P) costs, as shown below:

- 999MARKETING – FAR allowable Marketing Labor & Expenses
- 999FARUC – FAR unallowable Labor & Expenses

MOSS ADAMS_{LLP}

- 999BP0XX – Used to track all Bids and Proposal Labor & Expenses, each pursuit to be assigned a number.

Additionally, EPC will use a separate GL number for Marketing and B&P Labor:

- 51002 – Indirect Labor–Admin
- 51002-1 – Indirect Labor–Marketing
- 51002-2 – Indirect Labor–Bids & Proposals

Per EPC response included in the final report: "EPC will issue a memorandum to all employees to provide specifics when filling out timesheets especially those in the marketing/business development departments." We were able to obtain this memo along with evidence that it had been distributed to employees on July 22, 2011.

Moss Adams Analysis and Conclusion: Resolved – While Moss Adams maintains the position of classifying these indirect labor costs as unsupported in accordance with FAR 31.201-2, Moss Adams verified that EPC has provided a memo to all employees which documented instructions for implementing the internal control policy referenced above. This policy should help to support the allowability, allocability and reasonableness of the costs going forward. Additionally, the primary marketing activities were excluded as unallowable in the rate calculation. Per the EPC response, the unallowable costs referenced in this finding make up only a small fraction of costs performed as part of the duties of supporting administrative staff.

Reportable Condition 6: FAR Part 31 Allowability and Allocability – TRG Indirect Labor Cost

Moss Adams' review of six indirect labor expenditure transactions totaling \$35,426 out of an indirect labor population of \$279,475 resulted in exceptions for all six transactions.

During review of the subject transactions, Moss Adams requested documentation to support the allowability, allocability and reasonableness of the selected costs. TRG did not provide the requested documentation, including job descriptions and documentation of the actual activities performed on the days selected so that Moss Adams could assess whether the selected expenditures were for (i) activities that were allowable per FAR Part 31, section 205, and (ii) activities that have a causal beneficial relationship to field employees stationed at CSP offices. Absent adequate documentation to support the allowability, allocability and reasonableness of the costs, the costs were considered unsupported in accordance with FAR 31.201-2.

Moss Adams found that TRG did not have a separate charge number to record indirect labor that was not allowable per FAR or that was not allocable to field employees. TRG did not identify and exclude any indirect labor costs from its indirect rate calculations.

Original Contractor Response: "TRG partially concurs with the recommendation. We utilize distinct codes in our accounting system to appropriately track labor costs on each project or activity. However, we acknowledge that implementation on the use of the codes require certain enhancements. For instance, the labor code: Admin-Marketing actually represents time spent on

MOSS ADAMS_{LLP}

responding to bid/proposal requests and not marketing. Our clients are very limited and we obtain new contracts via direct selling activities. As regards the concern on whether the indirect salaries claimed is allocable to the field employee stationed at the CSP office, the overhead rate calculation submitted is a company-wide rate as mentioned in (TRG's response to Reportable Condition No. 2 above). Therefore, we acknowledge that the indirect salaries may contain costs that are not allocable to the field employee assigned at the CSP office. We will revise the overhead rate calculation so that it distinguishes between the overhead rate that is applicable to the work done in the home office and the applicable overhead rate on the SFMTA contract. We expect to provide the field overhead rate calculation by the second half of May 2011."

Reported Contractor Action and Supporting Documentation: In response to the finding, TRG prepared a memo addressed to "All Personnel," dated June 1, 2011, which stated that new charge codes will be set up in Time Tracker within a couple of weeks as shown below:

- Admin – Office Admin
- Admin – Office Meetings
- B&P – Bid and Proposals
- Marketing
- Direct Selling

Moss Adams Analysis and Conclusion: Resolved – Moss Adams was provided with a copy of the distributed e-mail to all TRG employees as verification from TRG management that the policy had been implemented. Additionally, TRG provided a revised rate to remove unsupported indirect labor costs of \$35,426.

To: BOS Constituent Mail Distribution,
Cc:
Bcc:

Fw: Additional Department Materials for File No. 120005 Planning Case No. 2011.0198C
Subject: Appeal of approval of Conditional Use authorization for 601-14th Avenue

From: AnMarie Rodgers/CTYPLN/SFGOV
To: Angela Calvillo, Board of Supervisors/BOS/SFGOV@SFGOV
Cc: Andrea Ausberry/BOS/SFGOV@SFGOV, Joy Lamug/BOS/SFGOV@SFGOV, Rick Caldeira, SARA VELLVE, Patrick Fosdahl/DPH/SFGOV@SFGOV
Date: 02/06/2012 12:18 PM
Subject: Additional Department Materials for File No. 120005 Planning Case No. 2011.0198C Appeal of approval of Conditional Use authorization for 601-14th Avenue

Honorable Members of the Board and Clerk Calvillo,

The memorandum and the attachments below constitute the Department's second response to the letter of appeal to the Board of Supervisors regarding the Planning Commission's ("Commission") December 8, 2011 approval of the application for Conditional Use Authorization under Planning Code Sections 303 (Conditional Use Authorization) and 209.6(b) to locate up to four wireless telecommunication panel antennas in one faux chimney on the roof of a building owned by the Jewish Bureau of Education. The Department provided an initial response on January 30, 2012 at which time the appellants submitted their initial materials. This material responds to the appellants 1/30/12 submittal.

Per normal Board procedures for materials submitted on the Monday prior to a hearing, the Department will deliver copies to the Clerk, the Members of the Board, and parties to this appeal.

Members of the Board who have questions about the Department materials should contact AnMarie Rodgers.

Thank you



Supplemental Response - 2.6.12-plus attachments.pdf

AnMarie Rodgers
Manager of Legislative Affairs

SF Planning Department
1650 Mission Street, #400
San Francisco CA, 94103
anmarie@sfgov.org
415.558.6395

Have a question about a proposed development? See our new SF Property Info Map!
<http://propertymap.sfplanning.org>

AnMarie Rodgers
Manager of Legislative Affairs

SF Planning Department

A handwritten signature in a circle, possibly reading 'P' or 'R'.

1650 Mission Street, #400
San Francisco CA, 94103
anmarie@sfgov.org
415.558.6395

Have a question about a proposed development? See our new SF Property Info Map!
<http://propertymap.sfplanning.org>



**SAN FRANCISCO
PLANNING DEPARTMENT**

MEMO

**Conditional Use Authorization Appeal
Supplemental Memorandum
601 – 14th Avenue (Jewish Bureau of Education)**

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DATE: February 6, 2012
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: John Rahaim, Planning Director – Planning Department (415) 558-6411
Sara Vellve, Case Planner – Planning Department (415) 558-6263
RE: File No. 120005 Planning Case No. 2011.0198C
Appeal of approval of Conditional Use authorization for 601-14th Avenue

HEARING DATE: February 6, 2012

ATTACHMENTS:

- A. Department of Public Health's Health Report (dated 1/4/12) and supporting report from Hammett and Edison (dated 12/7/11)
- B. Portion of AT&T's 5-year plan (dated October 2011) showing plans for this location
- C. RF Calculation Methodology and Revised Calculations showing smaller WTS Facility approved by Planning Commission

PROJECT SPONSOR: Amy Million, Tedi Vriheas, 525 Market Street, 19th Floor, SF, CA 94105

APPELLANT: Nilolay Gusenkov, First Slavic Baptist Church of San Francisco, 1300 Balboa Street, San Francisco, CA 94118

INTRODUCTION:

This memorandum ("Supplemental Memorandum") and the attached documents constitute the Department's second response to the letter of appeal to the Board of Supervisors (the "Board") regarding the Planning Commission's ("Commission") December 8, 2011 approval of the application for Conditional Use Authorization under Planning Code Sections 303 (Conditional Use Authorization) and 209.6(b) (Public Facilities and Utilities) to locate up to four wireless telecommunication panel antennas in one faux chimney on the roof of a building owned by the Jewish Bureau of Education. The Department provided an initial response on January 30, 2012. The Department's initial response described matters that will not be covered in this Supplemental Memorandum such as the site description, surrounding properties, project description, project background, and the requirements of the Conditional Use authorization process.

This response addresses the appellant's letter ("Appellant's Second Submission") to the Board filed on January 30, 2012 by the First Slavic Baptist Church of San Francisco, 1300 Balboa Street, San Francisco, CA 94118.

Memo

ISSUES RAISED IN THE APPELLANT'S SECOND SUBMISSION AND PLANNING DEPARTMENT RESPONSES:

The concerns raised in the Appellant's Second Submission are cited in a summary below and are followed by the Department's response:

ISSUE No.1 – Questions about the *Wireless Siting Guidelines* policies for areas zoned as "residential" districts. The Appellant contends that the *Wireless Siting Guidelines* contain a loophole that allows a proposed wireless site in a residential neighborhood to obtain a higher rating based solely on the site's use rather than taking into account the prevailing land uses in the service area.

RESPONSE No. 1: This project has been located in a "Preference One" or most desirable location, according to the City's own adopted policies. The *Wireless Guidelines* not only allow for the placement of WTS facilities on certain properties in residential districts, they specifically identify "public structures" such as this site as the City's most preferred locations. Despite claims by the appellant, this is not a loophole that AT&T just identified. Public structures in "R" districts have been identified since the 1996 *Wireless Guidelines* were first adopted as the preferred alternative for establishing WTS sites in residential districts. The Commission, and under appeal the Board of Supervisors, have reviewed antennas in these locations for the past 15 years without amending this process. Under the City's adopted policies, this site is exactly where the City of San Francisco has told cell providers to locate.

Prior to the adoption of the *Wireless Guidelines* by the Planning Commission, the Board of Supervisors provided input as to where wireless facilities should be located within San Francisco by Resolution No. 635-96. While the Board requested other changes to the *Wireless Guidelines*, they did not request changes to the designation of public structures in residential districts as the most preferred locations. Sites such as schools and this academy are the single highest preference location for WTS sites as identified in the *Wireless Guidelines*, regardless of zoning district, and the project sponsor has accordingly applied to locate the subject WTS facility where City policy recommends such facilities be placed¹.

ISSUE No. 2: Questions about the necessity and desirability of the Project and compatibility with the neighborhood. The Appellant contends that the proposed wireless facility is neither necessary nor desirable as required by Section 303 of the Code.

RESPONSE No. 2: After reviewing submitted material and hearing public comment, the Commission found the Project to be necessary and desirable at this location and compatible with the existing

¹ The *Wireless Guidelines* state that Preference One Locations include, "Public facilities such as police or fire stations, libraries, community centers, utility structures, water towers, elevated roadways, bridges, flag poles, smokestacks, telephone switching facilities, or other public structures. Where the installation complies with all FCC regulations and standards, schools, hospitals, health centers, places of worship, or other institutional structures should also be considered".

community. The Commission found the Project to be necessary and desirable as it provides improved coverage, capacity, and data service to an area surrounding the Subject Property. The

Commission found that the proposed project will be generally desirable and compatible with the surrounding neighborhood because the project will not conflict with the existing uses of the property and will be of such size and nature to be compatible with the surrounding neighborhood. The approval of this authorization has been found, first and foremost, to ensure public safety, and ensure that the placement of antennas and related equipment are located, designed, and treated architecturally so as to minimize their visibility from public places, to avoid intrusion into public vistas, avoid disruption of the architectural integrity of buildings and ensure harmony with the neighborhood character.

The Commission found that the proposed project is necessary in order to achieve sufficient street, in transit and in-building mobile phone coverage and to provide service coverage during high demand periods. Recent drive tests in the subject area conducted by the AT&T Radio Frequency Engineering Team provide evidence that the subject property is the most viable location, based on factors including quality of coverage, population density, land use compatibility, zoning and aesthetics. AT&T presented information to the Commission stating that there is a "significant service coverage gap in the area roughly bordered by 17th Avenue, Anza and Fulton Streets, and 11th Avenue. . . . the service coverage gap is caused by obsolete and inadequate infrastructure along with increased use of wireless broadband services (3G Smartphone) in the area." As indicated on the maps submitted to the Commission, the proposed coverage area will serve the vicinity generally bounded by Fulton and California Streets, and 18th and 9th Avenues. This proposed facility will fill coverage gaps in service in the Richmond District, as well as to provide necessary facilities for emergency transmission and improved communication for the neighborhood, community and the region.

The Commission found that the Project will enhance the City living and working environment, will enhance the business climate and also provide necessary facilities for emergency wireless transmission throughout the neighborhood, community and the region.

The Commission found that the Project is consistent with the General Plan as it provides additional telecommunications infrastructure in residential, commercial and recreational areas along primary transportation routes in San Francisco. The Project is consistent with the Urban Design Element of the General Plan by adequately "stealth" the proposed antennas and related equipment by locating the antennas in a faux chimney located on the northern portion of the building located at the corner of 14th Avenue and Balboa Street. Mechanical equipment would be located in the building's basement. The project complies with the Community Safety Element of the General Plan by enhancing the ability of the City to protect both life and property from the effects of a fire or natural disaster by providing communication services.

For the above reasons, the Commission found that the installation of a wireless facility at 601-14th Avenue to be necessary and desirable as a project and compatible with the existing neighborhood.

ISSUE No. 3: Questions about compliance with the Federal Communications Commission Guidelines. The Appellant contends that the proposed wireless facility does not comply with the 1996 Federal Telecommunications Act.

RESPONSE No. 3: The Department of Public Health has reviewed the analysis completed for AT&T by a qualified and registered engineer and determined the project to be compliant with FCC Guidelines. The Department of Public Health (DPH) evaluated this proposed antenna installation based on the information submitted in the Hammett and Edison report dated 12/7/11. The proposed project, as described in the Hammett and Edison Report would comply with the FCC regulations regarding radio frequency emissions. The WTS Facilities Siting Guidelines require that these reports be prepared by an engineer possessing a certification attested to by a licensed engineer expert in the field of radiofrequency emissions that the facilities are and have been operated within the current applicable standards. In compliance with the WTS Guidelines, the Hammett and Edison Report dated 12/7/11 was signed and stamped by the Registered Professional Engineer, William F. Hammett (see Attachment A). The Department of Public Health has confirmed that the calculations used in the report are consistent with those outlined in the FCC Office of Engineering and Technology Bulletin No. 65. Both reviews predict that the maximum perimeter for the Radio Frequency (RF) field equal to the public exposure limit is expected to extend 57 feet from the face of the antennas. In their submittal, the appellant's claim that the distance at which "the antenna beam weakens" to comply with FCC public exposure guidelines is 150 feet², which is inconsistent with the Hammett and Edison Report and DPH's review. The antennas are to be located approximately 100 feet from the First Slavic Baptist Church (1300 Balboa), which is roughly twice the anticipated public exposure limit (57 feet), and important to recognize. Radio frequency energy decays following the inverse square law. So if the public exposure limit is expected to extend 57 feet then we would expect the RF energy to be about 15% of the public standard at 150 feet. The Department of Public Health requested that Hammett and Edison run calculations for the expected power density at 150 feet. These calculations show the anticipated RF energy to be 14.1% of the acceptable limits allowed by the FCC Guidelines

According to the Hammett and Edison report, the four antennas are mounted in groups of two at an effective height of about 42 feet above the ground. The diagram in the report reviewed by DPH shows the orientation of the antennas as two facing north towards Balboa Avenue and two facing southeast towards Park Presidio Boulevard. The revised plans submitted to the Planning Commission on December 8, 2011 show the same orientation and placement of the proposed four antennas. Given this orientation, most of the area exceeding the FCC public exposure guidelines will be into the air space located well above pedestrian level/grade of both Balboa Avenue and 14th Avenue. There is a public exclusion zone on the roof of 601-14th Avenue that is required to be accessible only to maintenance personnel. FCC regulations require that all WTS installations comply with ground-level exposure standards. The maximum ground level exposure is predicted to be .027 mW/cm² which is 4% of the applicable public exposure limit. These predicted levels will be verified during post installation inspections to avoid public exposure

² See page 4 of the Appellant's Second Submission.

above the FCC standards in the public right-of-way and in buildings. As noted, the interior adjacent buildings are predicted to fall within the allowable RF public exposure limit.

Per standard City policy, the Department of Public Health currently has a three step process for ensuring compliance with FCC exposure standards for radiofrequency radiation from WTS facilities. If this project were to be approved, DPH would complete their review as summarized below:

1. **Health Report:** This first step was completed prior to Commission approval and includes a description of the project and the anticipated cumulative radiofrequency energy levels.
2. **Field Measurements:** This step would occur if the Board approves the Conditional Use authorization, after project completion. Readings would be taken by DPH to verify that the radiofrequency levels are consistent with the projected levels. At this time, project sponsors must notify neighbors within 25 feet of the antenna and offer to take measurements from within the dwellings.
3. **Periodic Safety Measurements.** Every two years after installation, additional readings are required by DPH as part of the ongoing monitoring requirements.

If the Board's primary concern relates to RF levels, and the Board would otherwise be inclined to support the proposal, the Department of Public Health could conduct two additional measurements of RF levels at the church, one prior to installation and one post-installation. These comparative measurements would establish what the actual change in RF levels are at the areas of concern.

This process of post-installation monitoring is probably unique in the nation. The Department is not aware of any other jurisdiction that regularly monitors radiofrequency levels after installation. Lastly, it should be noted that under the 1996 Federal Telecommunications Act, any reading that exceeds the FCC levels for RF would result in immediate disabling of the WTS facility.

ISSUE No. 4: Questions about proof of a coverage/capacity gap for wireless cell service in this area.

The Appellant contends that this location has not been identified as a potential site in AT&T's five year plan and that independent verification is needed of the coverage maps AT&T presented to the Commission.

RESPONSE No. 4a: The Department has suggested that AT&T seek "independent verification" of the maps and data presented to the Planning Commission prior to the pending appeal hearing before the Board.

As noted in the Department's initial response, the Commission's approval of this authorization was prior to Board's requirement that future WTS conditional use authorizations must be accompanied by independent verification by a registered engineer. Nonetheless, the Department has advised AT&T that it may wish to retain an independent verification of the maps and data provided in their application prior to the Board hearing on February 7, 2012. As of this report, AT&T has notified the Department that they have attempted

to secure independent verification by RCC, the same firm that had been selected to evaluate data from the WTS projects at 2041 Larkin Street and 3091 Mission Street.

RESPONSE No. 4b: This site was indentified as a “upgrade” site in AT&T’s 5 year plan filed with the Commission. This macro-antenna is an upgrade to the existing micro-antenna facility located at 601- 14th Avenue. Upon construction and final integration within the existing and planned network, AT&T intends to decommission and remove the existing micro facility. AT&T’s 5-year plan (See Attachment B) identifies the existing micro-site on line 135, and notes in this plan this proposed upgrade to a macro installation.

CONCLUSION:

In the Commission’s authorization of the Conditional Use, the project was found to be visually compatible with the neighborhood as the antennas are screened from view and at a height of approximately 46 feet above grade. The Commission further found the project, at its reduced size of four panel antennas, was necessary and desirable to augment AT&T’s existing cellular service in this area for residents, park users, tourists, businesses and those using the adjacent transit and vehicular corridors.

For the reasons stated above, the Planning Department recommends that the Board uphold the Planning Commission’s decision in approving the Conditional Use authorization for 601 – 14th Avenue and deny the Appellant’s request for appeal.



City and County of San Francisco
DEPARTMENT OF PUBLIC HEALTH
ENVIRONMENTAL HEALTH SECTION

Edwin M. Lee, Mayor
Barbara A. Garcia, MPA, Director of Health
Rajiv Bhatia, MD, MPH, Director of EH

Review of Cellular Antenna Site Proposals

Project Sponsor : AT&T Wireless **Planner:** Michelle Stahlhut
RF Engineer Consultant: Hammett and Edison **Phone Number:** (707) 996-5200
Project Address/Location: 601 14th Ave
Site ID: 87 **SiteNo.:** CN5531

The following information is required to be provided before approval of this project can be made. These information requirements are established in the San Francisco Planning Department Wireless Telecommunications Services Facility Siting Guidelines dated August 1996. In order to facilitate quicker approval of this project, it is recommended that the project sponsor review this document before submitting the proposal to ensure that all requirements are included.

- X 1. The location of all existing antennas and facilities. Existing RF levels. (WTS-FSG, Section 11, 2b)
 Existing Antennas No Existing Antennas: 2
- X 2. The location of all approved (but not installed) antennas and facilities. Expected RF levels from the approved antennas. (WTS-FSG Section 11, 2b)
 Yes No
- X 3. The number and types of WTS within 100 feet of the proposed site and provide estimates of cumulative EMR emissions at the proposed site. (WTS-FSG, Section 10.5.2)
 Yes No
- X 4. Location (and number) of the Applicant's antennas and back-up facilities per building and number and location of other telecommunication facilities on the property (WTS-FSG, Section 10.4.1a)
- X 5. Power rating (maximum and expected operating power) for all existing and proposed backup equipment subject to the application (WTS-FSG, Section 10.4.1c)
Maximum Power Rating: 6590 watts.
- X 6. The total number of watts per installation and the total number of watts for all installations on the building (roof or side) (WTS-FSG, Section 10.5.1).
Maximum Effective Radiant: 6590 watts.
- X 7. Preferred method of attachment of proposed antenna (roof, wall mounted, monopole) with plot or roof plan. Show directionality of antennas. Indicate height above roof level. Discuss nearby inhabited buildings (particularly in direction of antennas) (WTS-FSG, Section 10.41d)
- X 8. Report estimated ambient radio frequency fields for the proposed site (identify the three-dimensional perimeter where the FCC standards are exceeded.) (WTS-FSG, Section 10.5) State FCC standard utilized and power density exposure level (i.e. 1986 NCRP, 200 $\mu\text{w}/\text{cm}^2$)
Maximum RF Exposure: 0.027 mW/cm^2 Maximum RF Exposure Percent: 4
- X 9. Signage at the facility identifying all WTS equipment and safety precautions for people nearing the equipment as may be required by any applicable FCC-adopted standards. (WTS-FSG, Section 10.9.2). Discuss signage for those who speak languages other than English.
 Public_Exclusion_Area Public Exclusion In Feet: 57
 Occupational_Exclusion_Area Occupational Exclusion In Feet: 20

10. Statement on who produced this report and qualifications.

Approved. Based on the information provided the following staff believes that the project proposal will comply with the current Federal Communication Commission safety standards for radiofrequency radiation exposure. FCC standard 1986-NCRP **Approval of the subsequent Project Implementation Report is based on project sponsor completing recommendations by project consultant and DPH.**

Comments:

There are currently 2 antennas operated by AT&T Wireless installed on the roof top of the building at 601 14th Avenue. Existing RF levels at ground level were around 1% of the FCC public exposure limit. There were observed no other antennas within 100 feet of this site but T-Mobile is proposing to install similar antennas about 60 feet away from this location. AT&T Wireless proposes to remove its 2 existing antennas and to install 4 new antennas. The antennas will be mounted at a height of 42 feet above the ground. The estimated ambient RF field from the proposed AT&T Wireless transmitters at ground level is calculated to be 0.027 mW/sq cm., which is about 4 % of the FCC public exposure limit. The three dimensional perimeter of RF levels equal to the public exposure limit extends 57 feet which includes areas of the rooftop but does not reach any publicly accessible areas. Warning signs must be posted at the antennas and roof access points in English, Spanish and Chinese. Workers should not have access to within 20 feet of the front of the antennas while they are in operation and prohibited access areas should be marked with red striping and worker notification areas with yellow striping on the rooftop.

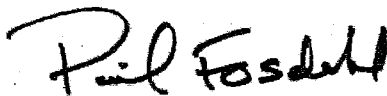
Not Approved, additional information required.

Not Approved, does not comply with Federal Communication Commission safety standards for radiofrequency radiation exposure. FCC Standard

1 Hours spent reviewing

Charges to Project Sponsor (in addition to previous charges, to be received at time of receipt by S)

Signed:



Dated: 1/4/2012

Patrick Fosdahl
Environmental Health Management Section
San Francisco Dept. of Public Health
1390 Market St., Suite 210,
San Francisco, CA. 94102
(415) 252-3904

Search_Ring_Name_or_ID	Previous_Search_Ring_Name_or_ID	Lats to 5 places	Longs to 5 places	Address	City	Search Ring Name	Comments:
SFA034		37.80453	-122.43231	1550 NORTH POINT (15 MARINA BOULEVARD)	San Francisco	MARINA_SAFEWAY	
SFA035		37.80210	-122.42835	3101 GOUGH STREET	San Francisco	CHESTNUT_&_GOUGH	
SFA038		37.77670	-122.47265	601 14TH AVENUE	San Francisco	BALBOA_&_14TH	Proposed macro upgrade CN5531 is scheduled for 10/13/11 PC hearing. Proposed macro upgrade CN5531 will be an upgrade to this micro site SFA038.
SFA040		37.78117	-122.46542	4300 GEARY BLVD	San Francisco	GEARY_&_7TH	Proposed macro upgrade CN5532 is scheduled for the 10/20/11 PC hearing. Proposed macro upgrade CN5532 will be an upgrade to this micro site (SFA040).
SFA043		37.77467	-122.45454	2277 FULTON STREET	San Francisco	FULTON_&_STANYON	

RFR.CALC™ Calculation Methodology

Assessment by Calculation of Compliance with FCC Exposure Guidelines

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission ("FCC") to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The maximum permissible exposure limits adopted by the FCC (see Figure 1) apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits.

Near Field.

Prediction methods have been developed for the near field zone of panel (directional) and whip (omnidirectional) antennas, typical at wireless telecommunications base stations, as well as dish (aperture) antennas, typically used for microwave links. The antenna patterns are not fully formed in the near field at these antennas, and the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) gives suitable formulas for calculating power density within such zones.

For a panel or whip antenna, power density $S = \frac{180}{\theta_{BW}} \times \frac{0.1 \times P_{net}}{\pi \times D \times h}$, in mW/cm²,

and for an aperture antenna, maximum power density $S_{max} = \frac{0.1 \times 16 \times \eta \times P_{net}}{\pi \times h^2}$, in mW/cm²,

- where θ_{BW} = half-power beamwidth of the antenna, in degrees, and
- P_{net} = net power input to the antenna, in watts,
- D = distance from antenna, in meters,
- h = aperture height of the antenna, in meters, and
- η = aperture efficiency (unitless, typically 0.5-0.8).

The factor of 0.1 in the numerators converts to the desired units of power density.

Far Field.

OET-65 gives this formula for calculating power density in the far field of an individual RF source:

power density $S = \frac{2.56 \times 1.64 \times 100 \times RFF^2 \times ERP}{4 \times \pi \times D^2}$, in mW/cm²,

- where ERP = total ERP (all polarizations), in kilowatts,
- RFF = relative field factor at the direction to the actual point of calculation, and
- D = distance from the center of radiation to the point of calculation, in meters.

The factor of 2.56 accounts for the increase in power density due to ground reflection, assuming a reflection coefficient of 1.6 (1.6 x 1.6 = 2.56). The factor of 1.64 is the gain of a half-wave dipole relative to an isotropic radiator. The factor of 100 in the numerator converts to the desired units of power density. This formula has been built into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radiation sources. The program also allows for the description of uneven terrain in the vicinity, to obtain more accurate projections.



Patrick –

As you requested, I'm providing here the formula from the FCC Office of Engineering Technology Bulletin No. 65, which just comes from basic physics, for calculating power density in the far-field of an individual RF source:

$$\text{power density } S = \frac{2.56 \times 1.64 \times 100 \times \text{RFF}^2 \times \text{ERP}}{4 \times \pi \times D^2}, \text{ in mW/cm}^2,$$

where ERP = total ERP (all polarizations), in kilowatts,
 RFF = relative field factor at the direction to the actual point of calculation, and
 D = distance from the center of radiation to the point of calculation, in meters.

The factor of 2.56 accounts for the increase in power density due to ground reflection, assuming a reflection coefficient of 1.6 (1.6 x 1.6 = 2.56). The factor of 1.64 is the gain of a half-wave dipole relative to an isotropic radiator. The factor of 100 in the numerator converts to the desired units of power density.

For calculations in the main beam, RFF by definition is 1.0, so the power density is a function only of ERP and distance. The formula therefore can be simplified in that case to:

$$S = 33.4 \times \text{ERP} / D^2 \quad [\text{see OET pg 22 (9)}]$$

Taking in turn each of the four frequency bands proposed by AT&T, since there are different exposure limits at the different bands, the results for D = 57 feet and D = 150 feet are as follows, showing the derivation of 100% at 57 feet, as reported, and 14% at a distance of 150 feet:

"57 feet"

D = 17.1 m		power density	FCC limit	
band	ERP, kW	mW/cm2	mW/cm2	% of limit
700	0.89	0.1017	0.48	21.2
cell	1.71	0.1953	0.58	33.7
PCS	2.21	0.2524	1.00	25.2
AWS	1.78	0.2033	1.00	20.3
total:				100.4

"150 feet"

D = 45.7 m		power density	FCC limit	
band	ERP, kW	mW/cm2	mW/cm2	% of limit
700	0.89	0.0142	0.48	3.0
cell	1.71	0.0273	0.58	4.7
PCS	2.21	0.0353	1.00	3.5
AWS	1.78	0.0285	1.00	2.8
total:				14.1

Note that these are "main beam" calculations, that is, for someone who is in the direct path of the antenna's signal, both direction and height, at those distances. At the Slavic Church, which appears to be about 104 feet from the antennas, across the Balboa Street, calculations reflecting both direction and height would incorporate RFF values below 1.0 as the actual patterns of the antennas are considered, and the detailed calculations for the top floor of that building indicate exposure levels ranging from 4.7% to 7.5%.

I trust that this provides the additional information you sought. Please let me know if we can provide any further clarifications.

Regards,
 Bill

Hammett & Edison, Inc.
 rfstudy@h-e.com
 707/996-5200



Clerk of the Board

SF Ocean Edge ©

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

Where Golden Gate Park meets Ocean Beach.....

www.sfoceanedge.org 9 PM 3:49

Ak

****February 9, 2012****

Golden Gate Park - Beach Chalet Soccer Fields Project – Flawed Draft EIR

“Of most concern to me is the lack of peer-reviewed scientific and medical data on the health and environmental impacts of artificial turf that uses tire-crumb infill [in the Draft EIR]”

Miriam Pinchuk, medical editor

Ms. Pinchuk is a medical editor. Her clients include the British Medical Journal and the World Health Organization. In her comment letter on the Beach Chalet Soccer Fields Draft EIR, she writes:

“The data presented seem to have been chosen selectively rather than representatively. There is no indication of why the studies included in the report were chosen instead of other, more recent studies; there is no indication of the criteria used to select studies for inclusion; and there is no indication why literature searches were not done to update the references cited in the reports included in the Draft EIR. This raises several questions that need thorough answers. . . .”

“I ask that, given the dearth of appropriate, scientifically valid, and current data presented in the Draft EIR, an unbiased, independent expert - that is, someone without any interest in the outcome of the project who has knowledge of scientific method and research, conducts a thorough review and evaluation of the relevant medical and scientific literature before any conclusions are drawn about the hazards of artificial turf - either to the environment or to health - and its ability to reduce injuries. This person must declare all actual and potential conflicts of interest before undertaking these tasks. . . .”

“I further ask that only scientifically valid, reliable studies that have been peer reviewed or published in peer-reviewed journals be included in the EIR . . .for without valid studies, the report cannot draw valid conclusions.”

SF Ocean Edge supports youth soccer. There is a Compromise Alternative that provides more playing hours for youth while protecting the historic integrity of Golden Gate Park and preserving the beauty of the park and of Ocean Beach for youth today and for future generations:

We ask that the EIR consider the Compromise Alternative as follows:

- ❖ Renovate the Beach Chalet fields with natural grass and NO night lighting;
- ❖ Renovate the West Sunset Playground or other playing fields in San Francisco with improved playing surfaces and lighting for youth soccer.

Our Mission Statement

SF Ocean Edge supports active recreation and parkland with a win-win solution:

- Renovation of the existing Beach Chalet grass playing fields with natural grass, better field construction, and better maintenance;
- Use of the remainder of the \$12 million funding for other playing fields and parks, providing recreation opportunities for youth all over San Francisco;
- Preserving Golden Gate Park’s woodland and meadows as wildlife habitat and as a parkland heritage for future generations.

Miriam Pinchuk
1336 Willard Street, Apt. E
San Francisco, CA 94117

Bill Wycko
Environmental Review Officer
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
bill.wycko@sfgov.org

RE: Draft Environmental Impact Report on renovation of the Beach Chalet Athletic Fields
Planning Department Case No. 2010.0016E
State Clearinghouse No. 2011022005

Dear Mr Wycko,

I am submitting these comments in response to the Draft Environmental Impact Report for the renovation of the Beach Chalet Athletic Fields.

Of most concern to me is the **lack of peer-reviewed scientific and medical data** on the health and environmental impacts of artificial turf that uses tire-crumbs infill. I have worked as a medical editor for more than 10 years, editing research papers and medical information. (My clients include the *BMJ* [*British Medical Journal*] and the World Health Organization.) This is why I have several concerns about the data presented in the Draft EIR.

The data presented seem to have been chosen selectively rather than representatively. There is no indication of why the studies included in the report were chosen instead of other, more recent studies; there is no indication of the criteria used to select studies for inclusion; and there is no indication why literature searches were not done to update the references cited in the reports included in the Draft EIR. This raises several questions that need thorough answers.

- **Who selected the studies cited in the draft EIR?** What are this person's **qualifications** for selecting relevant studies and assessing their findings?
- **Does this person have any conflicts of interest that would influence the studies that s/he selected or the interpretation of their results?** (For example, what is his

or her view on the proposed project and could this have influenced the decision about which studies were included?)

- **Was this person asked about conflicts of interest? If not, why not?**

It is common for most medical and scientific journals to ask authors to declare any conflicts of interest that they may have or any interests that may be perceived as biasing their judgment. *JAMA* (the *Journal of the American Medical Association*) sums up conflicts of interest this way:

"A conflict of interest may exist when an author (or the author's institution or employer) has financial or personal relationships or affiliations that could influence (or bias) the author's decisions, work, or manuscript. All authors are required to complete and submit the ICMJE Form for Disclosure of Potential Conflicts of Interest. In this form, authors will disclose all potential conflicts of interest, including relevant financial interests, activities, relationships, and affiliations..., including

Any potential conflicts of interest 'involving the work under consideration for publication' (during the time involving the work, from initial conception and planning to present),

Any 'relevant financial activities outside the submitted work' (over the 3 years prior to submission), and

Any 'other relationships or activities that readers could perceive to have influenced, or that give the appearance of potentially influencing' what is written in the submitted work (based on all relationships that were present during the 3 years prior to submission).

Authors are expected to provide detailed information about all relevant financial interests, activities, and relationships within the past 3 years as stipulated in the ... Form ... including, but not limited to, employment, affiliation, grants or funding, consultancies, honoraria or payment, speakers' bureaus, stock ownership or options, expert testimony, royalties, donation of medical equipment, or patents planned, pending, or issued...."¹

Additionally, the *BMJ* (the *British Medical Journal*) asks authors

"to disclose four types of information. Firstly, their associations with commercial entities that provided support for the work reported in the submitted manuscript (the time frame for disclosure in this section of the form is the lifespan of the work being reported). Secondly, their associations with commercial entities that could be viewed as having an interest in the general area of the submitted manuscript (the time frame for disclosure in this section is the 36 months before submission of the manuscript). Thirdly, any similar financial associations

¹ Instructions for authors: conflicts of interest and financial disclosures. *JAMA* (<http://jama.ama-assn.org/site/misc/ifora.xhtml#ConflictsofInterestandFinancialDisclosures>, accessed December 4, 2011).

involving their spouse or their children under 18 years of age. Fourthly, non-financial associations that may be relevant to the submitted manuscript."²

Clearly, it is important that the people who selected and reviewed the studies that were included in the Draft EIR have appropriate skills and knowledge; they should also be asked to declare any conflicts of interest to ensure that the public benefits from a complete and unbiased report.

- **What specific criteria were used to select studies for inclusion?** Only a handful of studies are cited, yet in a 15-minute search on a publicly accessible database of peer-reviewed biomedical research (PubMed, part of the National Library of Medicine at the National Institutes of Health)³ I found far more studies than were included in the Draft EIR. I was able to identify numerous scientifically valid studies on hazards associated with artificial turf, on MRSA and artificial turf, and studies on injuries that compared artificial turf with grass playing fields. The two most recent studies evaluating the possible toxicity of artificial turf were published in 2011. Neither of these studies was included in the Draft EIR. I have appended to this letter a selection of the most recent studies that I identified (there are too many to provide all of them); although it is only a selection, it serves to show how much valid data were overlooked by the Draft EIR. Please include these studies as part of my comments. I would like to know why studies such as these were not included in the Draft EIR. And I would like to know why no databases of scientific and medical literature were searched.
- **Why were the studies included not limited to those that had been peer-reviewed?** Peer-review is the "gold standard" in scientific publishing: research is reviewed by those who are specialists in an area to determine the validity of the data collected, the methods used to collect the data, the statistics used to analyze the data, and the conclusions drawn. Peer-review is also used to weed out conflicts of interest that may have affected the results of a study.

² Disclosure of competing interests. *BMJ* 2009;339:b4144 (<http://www.bmj.com/content/339/bmj.b4144.full>, accessed December 4, 2011).

³ Medline, which is the largest component of PubMed, selects journals for inclusion in its database using a number of criteria including **Quality of editorial work:** The journal should demonstrate features that contribute to the objectivity, credibility, and quality of its contents. These features may include information about the methods of selecting articles, especially on the explicit process of external peer review; statements indicating adherence to ethical guidelines; evidence that authors have disclosed financial conflicts of interest; timely correction of errata; explicit responsible retractions as appropriate; and opportunity for comments and dissenting opinion...." Complete guidelines are available at <http://www.nlm.nih.gov/pubs/factsheets/jsel.html>.

One of the primary reviews cited by the Draft EIR is the 2008 report by the San Francisco Recreation and Parks Department's Synthetic Playfields Task Force. The Draft EIR states that "...the Task Force report includes a complete listing of all literature reviewed" (section IV, page H-6). However, the 2008 task force seems not to have reviewed any scientifically valid data for the sections on *Material Composition: Overall Chemical Composition and Flammability Issues* and *Material Composition: Ingestion – Inhalation of Turf Product Materials*. Appendix B – the master list of studies consulted by the task force – cites only non-peer reviewed communications with manufacturers of artificial turf, studies performed for the artificial-turf industry, non-reviewed reports commissioned by the SF Department of the Environment, and a couple of other questionable reports that were neither published nor peer-reviewed. Additionally, the "Ecosystem study group" did not even prepare a formal written summary.

In light of the lack of scientifically valid evidence used to compile the 2008 report, and the clear conflicts of interest present in some of the "data," **I would ask that mention of the 2008 report and any of its conclusions be removed from all sections of the Draft EIR, and that the Draft EIR does not rely on any findings from the 2008 report.**

- **Why wasn't a search done to update the references in the reports cited in the Draft EIR?** In addition to the 2008 task-force report, section IV, subsection H, of the Draft EIR reviews studies from 2007 (the Integrated Waste Management Board Study), 2009 (the Office of Environmental Health Hazard Assessment Study) and 2010 (California Department of Resources Recycling and Recovery Study). The latest date for any study included in these reports is 2009; thus the research cited by the Draft EIR is not up-to-date. All of these studies were commissioned, and none seems to have been peer-reviewed. (This is in contrast to the studies conducted in Connecticut that are cited in the Draft EIR; all were peer-reviewed by an independent agency.) The Draft EIR cites no studies from 2011, and also neglected to include relevant, independent research conducted on playing fields in San Francisco.⁴

⁴ Dworsky C et al. *Runoff water from grass and artificial turf soccer fields: which is better for the soccer player, the city and the environment?* *Eos, Transactions, American Geophysical Union*, 2009;90 (Fall Meeting Supplement):Abstract ED43A-0557 (<http://www.agu.org/pubs/eos-news/supplements/>). (Also available at <http://dig.abclocal.go.com/kgo/PDF/2009%20AGU%20Poster%20-%20Claire%20Dworsky-final.pdf>, accessed December 6, 2011).

While I realize that as Commissioner Borden stated, the Commission will never have all the evidence it needs to make any decision, surely it is the responsibility of the Planning Department and the Commission to assess all of the current, relevant literature regardless of whether the findings are conclusive.⁵ At least then the public would know that an evidence-based decision had been made rather than one that relied on evidence selected to support foregone conclusions.

The low standards used in preparing the 2008 task-force report and the fact that it was included in the Draft EIR despite its obvious shortcomings, seem a clear warning that **much of the other data presented about risks to health and the environment should be subject to scrutiny by an independent expert.**

I ask that, given the dearth of appropriate, scientifically valid, and current data presented in the Draft EIR, **an unbiased, independent expert – that is, someone without any interest in the outcome of the project – who has knowledge of scientific method and research, conducts a thorough review and evaluation of the relevant medical and scientific literature before any conclusions are drawn about the hazards of artificial turf – either to the the environment or to health – and its ability to reduce injuries.** This person must declare all actual and potential conflicts of interest before undertaking these tasks. Additionally, if reports that are not readily accessible to the public are cited, then they should be included in the Draft EIR for the public to review. I realize that not all of the data favor my position on the artificial-turf fields, but as an interested citizen I would rather that the evidence be assessed fairly and without bias.

I further ask that **only scientifically valid, reliable studies that have been peer-reviewed or published in peer-reviewed journals be included in the EIR,** especially in Section IV, subsection H, **for without valid studies, the report cannot draw valid conclusions.**

Thank you for considering my comments.

Sincerely,

Miriam Pinchuk

⁵ In some areas the findings are conclusive. Contrary to the arguments put forward by City Fields and their supporters, the evidence on injury is clear: there is no difference in the number of injuries sustained on grass playing fields compared with artificial-turf fields; there is no difference in terms of the number of minor injuries or in the number of severe injuries. The only difference is in terms of the types of injuries.



Clerk of The Board
BOS-11 page
SF Ocean Edge ©

Where Golden Gate Park meets Ocean Beach.....

www.sfoceanedge.org

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2012 FEB 16 AM 11:50

AK

****February 16, 2012****

Golden Gate Park - Beach Chalet Soccer Fields Project -

- Many young soccer players oppose artificial turf
- Injuries for girls on artificial turf

In their comment letter for the Draft EIR, Kathleen McCowin and her 26-year-old daughter, Elizabeth Dal Bon write:

"My daughter Liz and I oppose the proposal to artificial turf and stadium lights in the Beach Chalet Athletic Fields. This happened to our fields in Palo Alto, and the results made all the soccer players on my daughter's teams, and many of her friends on other teams in the AYSO Fall leagues and Spring Select, miserable. They actually preferred playing on natural fields even in the rain, because soccer players are a hardy bunch, and they love playing in the mud. See the attached picture - I have others of the entire team mudded up and smiling."

"... My daughter and her friends were miserable playing soccer in Palo Alto when they changed the fields to artificial turf. Besides constant skin abrasions and poor footing, there were many more accidents, and the girls just hurt more after playing on them. My daughter had a mini-concussion."

See the attached letter for the full text.



Our Mission Statement

SF Ocean Edge supports active recreation and parkland with a win-win solution:

- Renovation of the existing Beach Chalet grass playing fields with natural grass, better field construction, and better maintenance;
- Use of the remainder of the \$12 million funding for other playing fields and parks, providing recreation opportunities for youth all over San Francisco;
- Preserving Golden Gate Park's woodland and meadows as wildlife habitat and as a parkland heritage for future generations.

9

From: Kathleen McCowin [<mailto:kmccowin@berkeley.edu>]

Sent: Thursday, December 08, 2011 5:35 PM

To: bill.wycko@sfgov.org

Cc: 'Liz Dal Bon'; sfoceanedge@earthlink.net

Subject: Soccer players want natural grass

Kathleen McCowin and Elizabeth Dal Bon
2448 Great Highway #15
San Francisco, CA 94116
650-862-4703

December 8, 2011

Mr. Bill Wycko
Environmental Review Officer
San Francisco Planning Department
1650 Mission St. Room 400
San Francisco, CA 94103

Subject: BEACH CHALET ATHLETIC FIELDS RENOVATION
Draft Environmental Impact Report
Planning Department Case No. 2010.0016E
State Clearinghouse No. 2011022005

Dear Mr. Wycko:

My daughter Liz and I oppose the proposal to artificial turf and stadium lights in the Beach Chalet Athletic Fields. This happened to our fields in Palo Alto, and the results made all the soccer players on my daughter's teams, and many of her friends on other teams in the AYSO Fall leagues and Spring Select, miserable. They actually preferred playing on natural fields even in the rain, because soccer players are a hardy bunch, and they love playing in the mud. See the attached picture-I have others of the entire team mudded up and smiling.

We live near the Beach Chalet fields, and I bike past them on the way to the Safeway for our groceries. In my experience, the current paths work just fine for passage by bike from one windmill to the other, even in rainy weather.

We support the Compromise Alternative put forth by the public during the Planning Commission hearing of December 1st, 2011. My daughter and her friends were

miserable playing soccer in Palo Alto when they changed the fields to artificial turf. Besides constant skin abrasions and poor footing, there were many more accidents, and the girls just hurt more after playing on them. My daughter had a mini-concussion.

Also, we am fearful for the fragile shore and other wildlife if floodlights are used. We love our little snowy plovers, and they are barely hanging on as it is. Having lived for 10 years in Palo Alto without easy access to the beach, we would hate to see this unique natural gift compromised. Liz runs barefoot on the beach, such as this morning, and I walk it most mornings. Please don't take an action that could hurt it.

Liz and I request that the Planning Department focus on the compromise alternative and work to find a solution that protects Golden Gate Park's parkland and doesn't hurt the shore.

Thank you for considering Liz and my concerns. We would also like to receive a printed copy of the Comments and Responses and the Final EIR by mail.

Please let me know that you have received this letter.

Thank you,

Liz Dal Bon
Kathleen McCowin

Liz Dal Bon 16-Explainer at the Exploratorium, and City College student

Kathleen McCowin, MS JD
Licensing Officer
IPIRA/Office of Technology Licensing
University of California, Berkeley
2150 Shattuck Ave. Suite 510
Berkeley, CA 94704
kmccowin@berkeley.edu
510-642-8355

Petition

BDS-11
v a page

FROM:

ALLAN CRAIGIE

File # 11/212

TO:

BOARD OF SUPERVISORS

THAT THE BOARD OF SUPERVISORS
CONSIDER AND CONCUR WITH
SUPERVISORS FAYRULL AND ELSBERND'S
LEGISLATION TO REPLACE

R.C.V.

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 FEB 14 PM 1:15
RCV

File 111212
File 111329
cpage

The importance of design in the effectiveness of ranked choice voting

John.Avalos, Eric.L.Mar, Mark.Farrell,

Dana Chisnell to: David.Chiu, Carmen.Chu, Jane.Kim,

02/08/2012 01:09 PM

Sean.Elsbernd, Scott.Wiener, David.Campos,

Cc: John Arntz, ITD Macdonald Dave, Board.of.Supervisors

1 attachment.



Letter to SF BOS RE RCV.pdf

Supervisors:

Although new voting systems are in place throughout the US since 2000, we continue to see the effects of poor design on voters and the outcomes of elections. San Francisco is no exception as it reconsiders use of ranked choice voting. Please see the attached letter, in which I outline the importance of design in ensuring that people can get the way they intend.

Best regards,
Dana Chisnell

.....
Dana Chisnell
415.519.1148

dana AT usabilityworks DOT net

www.usabilityworks.net

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

www.civicdesigning.org



8 February 2012

Dana Chisnell

San Francisco Board of Supervisors
Honorable John Avalos, David Chiu, Malia Cohen, Mark Farrell, Eric Mar,
Scott Wiener, David Campos, Carmen Chu, Sean Elsbernd, Jane Kim,
Christina Olague
VIA email

dana@usabilityworks.net

RE: The importance of design in the effectiveness of ranked choice voting

Dear Supervisors,

415.519.1148

Whatever is decided about ranked choice voting in San Francisco, we know:

Ballot design, clear instructions, and plain language error messages matter. If we don't do a better job than we are doing now, we're disenfranchising voters through design. When ballots are difficult to understand and use effectively, voters of all kinds make mistakes that prevent them from voting as they intend. We know this from observational research done at the [National Institute of Standards and Technology \(NIST\)](#), through the [Design for Democracy](#) project, and by the Brennan Center for Justice at New York University (reports: [Design Deficiencies and Lost Votes](#) and [Better Ballots.](#))

510 Turnpike Street
Suite 102

There are models for good design and ways to test it behaviorally, observing while people use ballots and election materials. Doing this kind of testing reveals important problems with designs that are impossible to find by other methods, such as surveys or focus groups. You don't have to be a trained researcher or tester to do this testing. The Usability Professionals' Association has developed a [kit especially for local election officials](#) to do quick, inexpensive testing before ballots reach voters. Voter and poll worker education also need testing for usability to ensure it is communicating clearly, accurately, and effectively.

North Andover,
Massachusetts 01845

Study participants we observed were confused about ranked choice voting. In a [small pilot test in San Francisco and Oakland in December 2011](#), my colleagues and I saw signs of confusion in voters about how to mark RCV ballots and about the implications of how they marked their choices. Some voters in our sample marked ballots in ways that were counter to their intentions, and when we asked them how their votes were counted for ranked choice, only 2 of the 40 came close to explaining how RCV votes are counted. None of the other participants could explain it at all. This is important because when voters know how the counting is done, they make different decisions about how they make choices. But voter education alone will not remedy this issue.



My pilot study included 2 designs. We were not looking to determine which was better, but we did find that it is crucial that the ballot does a better job of communicating how to vote to make sure your vote counts the way you want it to. A "valid ballot" and a ballot that reflects the voter's intention are not always the same thing. This is a project that the San Francisco Department of Election should take on.

There are many relatively inexpensive options for addressing these issues. The AIGA Design for Democracy project has a fellowship program. Here, a designer specializing in civic design would be resident in the election department for 1 or 2 years. There are also people like me who work on these types of issues professionally. I am at your service as an advisor, expert, and consultant.

Finally, this is all true no matter what you and the voters decide about ranked choice voting. Voters encounter confusion and frustration on ballots with and without alternative counting methods. Good, evidence-based design in elections helps ensure that votes are counted as intended, not just counted as cast.

Regards,

Dana Chisnell
Principal Researcher
UsabilityWorks

CC:

John Arntz, Director of Elections, San Francisco County

Dave MacDonald, Registrar of Voters, Alameda County

To: BOS Constituent Mail Distribution, Linda Wong/BOS/SFGOV,
Cc:
Bcc:
Subject: File 111212: Do not repeal rank choice voting

From: Jackie Omotalade <jomotalade@gmail.com>
To: "Board.of.Supervisors@sfgov.org" <Board.of.Supervisors@sfgov.org>
Date: 02/14/2012 09:11 AM
Subject: Do not repeal rank choice voting

Dear San Francisco Board of Supervisors:

I implore you not to repeal rank choice voting!

Sincerely,

K. Jacquelyn Omotalade
165A Bartlett St
San Francisco, CA 94110

Sent from my iPhone

FROM: Allan Craigie

TO: All Supervisors

To notify of my
backing of Supervisors

Farrell and Gisbernd's

legislation to repeal

Ranked Choice Voting.

RECEIVED SUPERVISOR'S
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 FEB - 6 PM 12:59
JL

To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Americas Cup Scam

From: Paul Nisbett <pnisbett@hotmail.com>
To: ed lee <mayoredwinlee@sfgov.org>, <board.of.supervisors@sfgov.org>
Date: 02/10/2012 11:12 AM
Subject: Americas Cup Scam

Thank you Mayor and Board of Stupidvisers for screwing up the city's waterfront and subsidizing Larry Ellison .
The city can't fix the roads but can afford to give a billionaire millions of dollars to hold a sailboat race.
Once again the city gets screwed by an inept government .
Ed Lee just wants to build an empire . Basically,he is Willie Brown II .
The city has the "honor" of hosting and subsidizing a sporting event that only millionaires are even interested in.
When is the last time anybody you know has even thought about watching a sailboat race ?
If you think SF is going to make any money out of this fiasco ,you are smoking way too much.
Why don't you just be honest and call your next Bond Appeal " Larry Ellison's Benefit Fund" ?
I guess it doesn't matter because it's not your money and you get free tickets to any sporting event you want anyway.
-Paul Nisbett

11

To: BOS Constituent Mail Distribution, Victor Young/BOS/SFGOV,
Cc:
Bcc:
Subject: File 120127: Item 8 on February 15 Budget and Finance Committee

----- Forwarded by Carmen Chu/BOS/SFGOV on 02/15/2012 07:45 PM -----

From: Jennifer Clary <jenclary@sbcglobal.net>
To:
Cc: carmen.chu@sfgov.org, john.avalos@sfgov.org, David.campos@sfgov.org, david.chiu@sfgov.org,
jane.kim@sfgov.org
Date: 02/15/2012 10:57 AM
Subject: Re: Item 8 on February 15 Budget and Finance Committee

My apologies - see attachment

From: Jennifer Clary <jenclary@sbcglobal.net>
Sent: Wed, February 15, 2012 9:27:00 AM
Subject: Item 8 on February 15 Budget and Finance Committee

Dear Supervisor

Please see the attached comment letter regarding today's AC34 agenda item

Sincerely,

Jennifer Clary
President
San Francisco Tomorrow



C: (707) 483-6352 SFT_AC34_Recs.pdf

11



San Francisco Tomorrow

Since 1970, Working to Protect the Urban Environment

February 15, 2012

Carmen Chu
Chair, Budget and Finance Committee
San Francisco Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
Sent via electronic mail

Re: February 15 Budget & Finance meeting Agenda Items 8 & 9; Approving the America's Cup Project and related Transactions; resolution of intent to form an IFD

Dear Chair Chu and committee members:

On behalf of San Francisco Tomorrow (SFT), I am writing to urge this committee to recommend changes to the Design and Development Agreement (DDA) to lessen the level of economic risk faced by the Port and by the General Fund in hosting the America's Cup races.

SFT is one of several environmental and neighborhood groups that have worked with City staff over the past year to ensure a successful and sustainable event. That goal is jeopardized by the combination of spiraling costs and dwindling attendance projections for the event. While the Supervisors acted responsibly on December 14, 2010, in approving the Host and Venue agreement, changing circumstances should trigger changes to that agreement to reduce the financial exposure of the City and the Port. The two largest changes are the costs of environmental mitigation, and the near doubling of the cost to retrofit Piers 30-32.

SFT supports the recommendations of the Budget Analyst to reduce the financial risk of the City, but feel that these are not sufficient to protect the City's interests. A more significant and successful action to reduce the City's long-term liability would be to *replace Piers 30-32 as a venue for the America's Cup* and instead move the operations intended for this site to Pier 80. The original Host and Venue Agreement did not anticipate the ballooning for costs for retrofitting this pier; the need to repay the Event Authority for those increased costs places enormous pressure on the Port's operating budget and the City's General Fund. Under the proposed DDA, the Port will be required to devote a significant portion of its budget over the

Will you want to live in San Francisco – tomorrow?

41 Sutter Street, Suite 1579 . San Francisco CA 94104-4903 . (415) 566-7050

Recycled Paper





San Francisco Tomorrow

Since 1970, Working to Protect the Urban Environment

course of decades towards repaying the Event Authority for costs incurred (plus interest) in retrofitting a pier that will provide no financial return to the Port. This is funding that would otherwise be spent to maintain revenue-producing properties.

When management of the Port of San Francisco was transferred from the state to the city under the Burton Act of 1968, the state also transferred a \$50 million debt and an obligation to incur an additional \$25 million in debt. This debt, which was only retired a few years ago, severely limited the Port's ability to maintain its properties for many decades. The DDA currently before your committee will essentially re-instate that situation, encumbering the Port with an albatross of debt for an asset that provides zero income and drains their ability to maintain structures already suffering from decades of neglect. The City will inevitably face a choice of abandoning Port properties or subsidizing their repair through General Fund appropriations or bond expenditures.

SFT is very interested in promoting a successful event that showcases the Bay and brings maritime uses to the waterfront. Unfortunately, the financial terms of the DDA are not favorable to the City. This committee has a fiduciary responsibility to protect the City and its assets, and is obligated to consider alternatives that will protect the short and long-term financial outlook for the City and the Port.

Sincerely,

Jennifer Clary
President

Will you want to live in San Francisco – tomorrow?

41 Sutter Street, Suite 1579 . San Francisco CA 94104-4903 , (415) 566-7050

Recycled Paper



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: NO september elections!

From: Margaret Frings Keyes <mfk@margaretkeyes.net>
To: Board.of.Supervisors@sfgov.org
Date: 02/11/2012 02:16 PM
Subject: NO september elections!

3 elections in one year is not going to produce the highest voter representation. This year we really need to hear from genuine city residents NOT the corporate voice of money. I urge you to work to make the highest turnout possible.

I grew up in SF and have served on the Civil Grand Jury as well as in many other ways. California and the country as a whole NEEDS our authentic voice in our citizens votes. Thank you, Margaret Keyes, 613 Wisconsin Street- on Potrero Hill

Please vote YES to Save The Sharp Park Wetlands

Danuta Watola to: Board of Supervisors

02/13/2012 12:57 AM

Please respond to facebook

Dear Board of Supervisors

As a supporter of SAVE THE FROGS! (www.savethefrogs.com), I am writing to urge you to support Supervisor John Avalos' proposed legislation that would re-purpose the Sharp Park Golf Course to a new public park managed by the National Park Service that all can enjoy. The Sharp Park Wetlands provide critical habitat for the endangered California Red-Legged Frog and a variety of other wildlife. Both frogs and wetlands are rapidly disappearing in California and worldwide, so it is disconcerting that the City of San Francisco is currently using taxpayer dollars to pump the Sharp Park Wetlands dry, killing endangered frogs in the process, and violating state and federal laws.

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

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

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

On behalf of all those who enjoy nature and wildlife, thanks for your consideration.

Danuta Watola

Kalety, ot
PL

13

To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Controller's Office Report: FY 2011-12 Six-Month Budget Status Report

From: Controller Reports/CON/SFGOV
To: Angela Calvillo/BOS/SFGOV@SFGOV, Peggy Nevin/BOS/SFGOV@SFGOV,
BOS-Supervisors/BOS/SFGOV, BOS-Legislative Aides/BOS/SFGOV, Steve
Kawa/MAYOR/SFGOV@SFGOV, Kate Howard/MAYOR/SFGOV@SFGOV, Naomi
Drexler/MAYOR/SFGOV@SFGOV, Christine Falvey/MAYOR/SFGOV@SFGOV, Jason
Elliott/MAYOR/SFGOV@SFGOV, Severin Campbell/BudgetAnalyst/SFGOV@SFGOV, Debra
Newman/BudgetAnalyst/SFGOV@SFGOV, Harvey Rose/BudgetAnalyst/SFGOV@SFGOV,
CON-EVERYONE/CON/SFGOV, CON-CCSF Dept Heads/CON/SFGOV, CON-Finance
Officers/CON/SFGOV
Date: 02/13/2012 03:08 PM
Subject: Controller's Office Report: FY 2011-12 Six-Month Budget Status Report
Sent by: Debbie Toy

The City and County of San Francisco Controller's Office has issued its Fiscal Year 2011-12 Six-Month Budget Status Report. The report projects an ending General Fund balance of **\$129.1 million**, driven primarily by improvement in the City's general tax revenues. Departmental operations are showing a small net operating surplus, with significant State revenue losses at the Department of Public Health offset by savings at the Human Services Agency and a one-time reimbursement for costs incurred in constructing the new Laguna Honda Hospital. The projected ending balance will be available to address a portion of the estimated shortfall for the coming two fiscal years.

<http://www.sfcontroller.org/modules/showdocument.aspx?documentid=2909>

144

City and County of San Francisco

Office of the Controller

FY 2011-12 Six-Month Budget Status Report



February 13, 2012



City and County of San Francisco

Office of the Controller

FY 2011-12 Six-Month Budget Status Report

February 13, 2012

Summary

The Controller's Office provides periodic budget status updates to the City's policy makers during the course of each fiscal year, as directed by Charter Section 3.105. This report provides the most recent expenditure and revenue information and projections for the Fiscal Year End. This report provides expenditure and revenue information and projections as of December 31, 2011, incorporating more current information up to the date of publication as available.

Table 1. FY 2011-12 Projected General Fund Variances to Budget, \$M

	Surplus (Shortfall)
A. Better than anticipated starting balance	\$ 8.1
B. Citywide Revenues and Baselines	
Citywide Revenue Surplus	122.3
General Fund Impact of Baseline Revenue Transfers	(15.8)
Subtotal Citywide Revenues and Baselines	106.5
C. Departmental Operations	10.6
D. Changes to Reserves	
Withdrawals from General Reserve	9.7
Deposit to Budget Savings Incentive Reserve	(4.8)
Subtotal Reserve Deposits and Withdrawals	4.9
E. Pending Supplemental Appropriations	(1.0)
F. Ending Surplus (Shortfall)	\$ 129.1

A. General Fund Starting Balance

The General Fund available fund balance at the end of FY 2010-11 was \$168.5 million. The FY 2011-12 budget assumed and appropriated \$159.4 million of this balance, leaving a surplus of \$9.1 million available at the beginning of the current fiscal year. Of that amount, \$1.0 million was used in a supplemental appropriation providing a spending plan for funds received in a 2010

settlement related to closure of the Potrero Power Plant, leaving \$8.1 million available prior year fund balance.

B. Citywide Revenues and Baseline Transfers

As shown in Table 2, Citywide revenues have improved by \$122.3 million compared to revised budget, primarily due to a recovery in local economic activity resulting in improved outlooks for real property transfer tax, property tax, payroll tax, sales tax and hotel tax. More information on these revenue trends is provided in Appendix 1.

Table 2. General Fund Citywide Revenues Variances to Budget (\$ Millions)

	Revised Budget	6-Month Projection	Surplus (Shortfall)
Property Tax	1,028.7	1,060.0	31.3
Payroll & Business Registration Tax	389.9	409.7	19.8
Sales Tax - Local 1% and Public Safety	175.9	188.1	12.3
Hotel Room Tax	165.9	177.4	11.6
Transfers In from Other Funds	158.5	159.8	1.4
1991 Realignment Sales Tax/VLF	143.7	147.4	3.7
Utility User & Access Line Taxes	136.7	131.0	(5.7)
Property Transfer Tax	118.8	162.5	43.7
Parking Tax	72.0	75.4	3.4
Interest Income	6.1	7.8	1.8
Motor Vehicle In-Lieu	1.7	0.8	(0.9)
Total Major Citywide Revenues	2,397.7	2,520.0	122.3

Table 3 shows that as a result of the improvement in discretionary revenues, projections for baseline and parking tax in-lieu transfers to the Municipal Transportation Agency (MTA), Public Library and Public Education Enrichment Fund are increased by a net \$15.8 million compared to budget. Projected discretionary revenues increase the Children's Baseline funding requirement from \$103.2 million in the adopted budget to \$108.7 million, which is \$7.4 million below the \$116.1 million appropriated in the budget.

Table 3. General Fund Baseline and In-Lieu Transfers (\$ Millions)

	Revised Budget	6-Month Projection	Variance
Aggregate Discretionary Revenues (ADR)	2,074.6	2,185.1	110.5
MTA Baseline 9.2% ADR	190.7	200.9	10.2
Library Baseline 2.3% ADR	47.4	49.9	2.5
Public Education Fund Baseline 0.3% ADR	6.0	6.3	0.3
Total Baseline Transfers	244.1	257.2	13.0
80% Parking Tax in Lieu Transfer to MTA	57.6	60.3	2.7
Total Baselines and In-Lieu Transfers	301.7	317.5	15.8

C. Departmental Operations

We project a net departmental operations surplus of \$10.6 million summarized in Table 4 below and further detailed and discussed in Appendix 2.

Table 4. FY 2010-11 Departmental Operating Summary (\$ Millions)

	Revenue Surplus / (Shortfall)	Uses Savings / (Deficit)	Net Surplus / (Deficit)
Net Shortfall Departments			
Public Health	\$ 27.8	\$ (34.3)	\$ (6.5)
City Attorney	-	(3.2)	(3.2)
Police	(0.6)	-	(0.6)
Recreation & Park	(0.1)	-	(0.1)
Subtotal Departments with Net Deficits	\$ 27.2	\$ (37.5)	\$ (10.4)
Net Surplus Departments			
Human Services Agency	\$ (18.2)	\$ 34.1	\$ 15.9
Assessor/Recorder	0.5	1.0	1.5
Controller	0.6	0.7	1.3
Adult Probation	-	0.8	0.8
Sheriff	(0.6)	0.8	0.2
Other Net Surplus	(0.1)	1.4	1.3
Subtotal Departments with Net Surpluses	\$ (17.8)	\$ 38.8	\$ 20.9
Combined Total	\$ 9.3	\$ 1.2	\$ 10.6

Based on these projections, supplemental appropriations would be required to cover anticipated shortfalls in the Department of Public Health and City Attorney's Office. In addition, while the Police Department and Fire Department are projected to end the year within expenditure budget overall, they will likely require supplemental appropriations to shift funding from savings in permanent salaries and other categories to cover over-expenditures in overtime, pursuant to San Francisco Administrative Code Section 3.17, adopted by the Board of Supervisors in September, 2011. For all other departmental shortfalls, the Mayor's Office and the Controller's Office will continue to work with departments to develop a plan to bring expenditures in line with revenues by year-end without requiring supplemental appropriations.

D. Reserves

This report assumes \$9.7 million in withdrawals from the General Reserve to support supplemental appropriations required to respond to anticipated shortfalls in the Department of Public Health and services of the City Attorney's Office. The report also assumes a \$4.8 million deposit to the Citywide Budget Savings Incentive Reserve due to projected FY 2011-12 expenditure savings in other departments. A discussion of the status of reserves, including the General Fund Reserve, is included in Appendix 3.

E. Pending Supplemental Appropriations

A supplemental appropriation using \$1.0 million of available starting balance for the Small Business Revolving Loan Fund in the Office of Economic and Workforce Development is pending before the Board of Supervisors. Assuming this legislation is approved, the projected year-end balance will be reduced by \$1.0 million.

F. Ending Available General Fund Balance: \$129.1 Million

Based on the above assumptions and projections, this report anticipates an ending available General Fund balance for FY 2011-12 of \$129.1 million, or \$7.9 million above the prior five-year average of \$121.2 million. Pursuant to the financial policy on the use of nonrecurring revenues adopted by the Board of Supervisors in 2011 (Administrative Code section 10.61), any ending available General Fund balance above the prior five-year average would be considered a "nonrecurring revenue," and may only be used for nonrecurring expenditures. This policy may be temporarily suspended through a two-thirds vote of the Board of Supervisors.

G. Other Funds

Special revenue funds are used for departmental activities that have dedicated revenue sources or legislative requirements that mandate the use of segregated accounts outside the General Fund. Some of these special revenue funds received General Fund baseline transfers and other subsidies.

Enterprise funds are used primarily for self-supporting agencies, including the Airport, Public Utilities Commission and the Port. The Municipal Transportation Agency receives a significant General Fund subsidy.

Projected General Fund Support requirements for these funds are included in the department budget projections in Appendix 2. Appendix 5 provides a table of selected special revenue and enterprise fund projections and a discussion of their operations.

H. Impacts of Redevelopment Agency Dissolution Are Still Being Evaluated

The FY 2011-12 State Budget called for the dissolution of Redevelopment Agencies, with unencumbered fund balances and proceeds of surplus nongovernmental assets distributed to property tax beneficiaries. After litigation, the dissolution of Redevelopment Agencies became effective February 1, 2012. Pursuant to a resolution of the Board of Supervisors, the City and County of San Francisco became the successor agency to the San Francisco Redevelopment Agency.

The City is working with the State to clarify the status of various projects to determine to what degree they constitute enforceable obligations and the amount of funds that may be retained to fulfill these obligations. In addition, there are certain activities of the former San Francisco Redevelopment Agency that will cease to be considered enforceable obligations once existing contracts expire. The Mayor and Board of Supervisors will have to decide whether to continue these activities using other funding sources. Until these major issues are resolved, the impact of the dissolution on the General Fund cannot be determined. Further discussion of these matters will be provided in the Controller's Nine-Month Budget Status Report due in early May, 2012.

I. Projection Uncertainty Remains

In addition to uncertainties surrounding the impact of the dissolution of the San Francisco Redevelopment Agency, other projection uncertainties include:

- The potential for continued fluctuations in general tax revenues.
- The potential for property tax appeal decisions that may require the Controller's Office to revise our assumptions regarding set-asides for future refunds.
- The outcome of litigation challenging the State's ability to reduce In-Home Support Services hours and to reduce Medi-Cal provider rates to skilled nursing facilities

J. Additional Projections will be Provided in the Joint Report and Nine-Month Budget Status Report

The "Joint Report" of the Mayor's Office, Controller's Office and Board of Supervisors Budget Analyst will provide revenue and expenditure projections for Fiscal Year 2012-13 through FY 2015-16 in early March, 2012. The Controller's Office will update this report with the Nine-Month Budget Status Report, scheduled to be published in early May, 2012.

K. Appendices

1. General Fund Revenues and Transfers In
2. General Fund Department Budget Projections
3. Status of Reserves
4. Salaries and Benefits Reserve Update
5. Other Funds Highlights

Appendix 1. General Fund Revenues and Transfers In

As shown in Table A1-1, total General Fund citywide and departmental revenues are projected to be \$116.3 million above budget. Of this total, -\$6.0 million relates to departmental operations discussed in Appendix 2 and \$122.3 million is due to improvements in citywide revenue as discussed in this Appendix.

The FY 2011-12 budget assumed continued moderate recovery in tax revenues throughout the fiscal year. Tax revenues projected to recover beyond budgeted levels include property, payroll, sales, hotel, and property transfer taxes. These gains are partially offset by shortfalls in state health and social service subventions, utility users tax, and charges for services. Selected revenue streams are discussed below.

Table A1-1: Detail of General Fund Revenue and Transfers In

GENERAL FUND (\$ Millions)	FY 2010-11		FY 2011-12		6-Month Projection	Surplus/ (Shortfall)
	Year End Actual	Original Budget	Revised Budget			
PROPERTY TAXES	\$ 1,061.9	\$ 1,028.7	\$ 1,028.7	\$ 1,060.0	\$ 31.3	
BUSINESS TAXES						
Business Registration Tax	8.1	8.4	8.4	8.4	-	
Payroll Tax	383.0	381.5	381.5	401.4	19.8	
Total Business Taxes	391.1	389.9	389.9	409.7	19.8	
OTHER LOCAL TAXES						
Sales Tax	106.3	106.6	106.8	114.3	7.5	
Hotel Room Tax	158.9	165.9	165.9	177.4	11.6	
Utility Users Tax	91.7	95.6	95.6	89.8	(5.7)	
Parking Tax	72.7	72.0	72.0	75.4	3.4	
Real Property Transfer Tax	135.2	118.8	118.8	162.5	43.7	
Stadium Admission Tax	2.4	2.3	2.3	2.3	-	
Access Line Tax	40.9	41.1	41.1	41.1	-	
Total Other Local Taxes	608.2	602.3	602.5	662.9	60.5	
LICENSES, PERMITS & FRANCHISES						
Licenses & Permits	9.4	8.6	8.6	8.6	-	
Franchise Tax	15.8	15.7	15.7	15.7	-	
Total Licenses, Permits & Franchises	25.3	24.3	24.3	24.3	-	
FINES, FORFEITURES & PENALTIES	6.9	7.7	7.7	7.7	-	
INTEREST & INVESTMENT INCOME	8.2	6.1	6.1	7.8	1.8	
RENTS & CONCESSIONS						
Garages - Rec/Park	12.4	10.1	10.1	9.0	(1.1)	
Rents and Concessions - Rec/Park	8.8	10.7	10.7	11.7	1.0	
Other Rents and Concessions	2.2	2.1	2.1	2.1	-	
Total Rents and Concessions	23.4	22.9	22.9	22.8	(0.1)	
INTERGOVERNMENTAL REVENUES						
Federal Government						
Social Service Subventions	184.5	205.8	198.4	198.4	-	
Other Grants & Subventions	26.7	3.0	8.4	8.4	-	
Total Federal Subventions	211.3	208.8	206.8	206.8	-	
State Government						
Social Service Subventions	143.6	142.5	130.2	110.1	(20.1)	
Health & Welfare Realignment - Sales Tax	100.3	101.4	101.4	106.6	5.3	
Health & Welfare Realignment - VLF	42.9	42.3	42.3	40.8	(1.6)	
Health & Welfare Realignment - CalWORKs MOE	-	-	25.5	27.4	1.9	
Health/Mental Health Subventions	69.7	114.4	114.3	87.5	(26.8)	
Public Safety Sales Tax	68.4	69.1	69.1	73.9	4.8	
Motor Vehicle In-Lieu	5.3	1.7	1.7	0.8	(0.9)	
Other Grants & Subventions	26.2	13.1	19.0	18.9	(0.1)	
State Budget Reduction Placeholder	-	(15.0)	(11.6)	(11.6)	-	
Total State Grants and Subventions	456.5	469.6	491.8	454.3	(37.5)	
CHARGES FOR SERVICES:						
General Government Service Charges	35.1	36.3	36.2	36.5	0.3	
Public Safety Service Charges	22.4	22.2	22.3	21.1	(1.2)	
Recreation Charges - Rec/Park	12.6	12.1	12.1	12.1	-	
MediCal, Medicare & Health Service Charges	52.2	58.0	58.1	56.9	(1.1)	
Other Service Charges	11.5	14.7	14.6	14.6	-	
Total Charges for Services	133.8	143.3	143.2	141.2	(2.0)	
RECOVERY OF GEN. GOV'T. COSTS	10.3	10.4	10.4	10.4	-	
OTHER REVENUES						
Laguna Honda SB 1128 Reimbursement	-	-	10.2	50.8	40.6	
Other Revenues	8.5	18.8	18.2	18.8	0.6	
Total Other Revenues	8.5	18.8	28.4	69.6	41.2	
TOTAL REVENUES	2,945.1	2,932.7	2,962.6	3,077.5	114.9	
TRANSFERS INTO GENERAL FUND:						
Airport	30.2	30.3	30.3	31.7	1.4	
Other Transfers	76.9	126.9	128.2	128.2	-	
Total Transfers-In	107.1	157.2	158.5	159.8	1.4	
TOTAL GENERAL FUND RESOURCES	\$ 3,052.2	\$ 3,089.9	\$ 3,121.07	\$ 3,237.37	\$ 116.3	

Property Tax revenue in the General Fund is projected to be \$31.3 million above budget. \$20.9 million of the improvement is due to an improved outlook from the Assessor's Office for supplemental and escape tax assessments. \$2.2 million of the improvement is due to penalties and interest receipts anticipated to come in higher than budgeted. The remaining \$8.2 million improvement is due to an updated analysis of amounts required to be set aside for property tax appeals and current year roll corrections and other factors. Projected property tax set asides to special revenue funds are shown in the table below.

Please note that uncertainties remain regarding the fiscal impact of State legislation resulting in the February 1, 2012 dissolution of the San Francisco Redevelopment Agency. An updated consideration of those impacts on General Fund property tax revenues will be provided in the Nine-Month budget status report scheduled for early May, 2012.

Property Tax Set Asides

	Original Budget	6-Month Projection	Variance
Children's Fund	42.7	44.3	1.6
Open Space Fund	35.6	36.9	1.3
Library Preservation Fund	35.6	36.9	1.3
Total	113.9	118.1	4.2

Business Tax revenues are projected to be \$19.8 million over budget, or 4.8% above prior year actual revenues. Bureau of Labor Statistics data indicate higher than expected growth in private employment and average weekly wages in the first two quarters of 2011, indicating total wages increased by 11.8% and 10.7% over the same quarter prior year. The projection assumes rates of growth in the last two quarters of 2011 taper off from these high levels, to 6.1% in the third quarter and 5.6% in the fourth quarter. These projected rates of growth in calendar year taxable payroll result in a 4.8% increase in FY 2011-12 revenue, given the timing of payroll tax payments. True-up payments for tax year 2011 are due at the end of February 2012, and will be factored into projections in the Nine-month report to the extent they are available.

Local Sales Tax revenues are projected to be \$7.5 million over budget, or 7.5% over prior year actual revenues. Cash collections for the first quarter of FY 2011-12 increased 12.8% from the same quarter prior year, due in large part to higher gas and jet fuel prices, but also to increased taxable sales at restaurants and in general retail and construction. This was the fourth consecutive quarter of double-digit gains in local sales tax revenue. The current projection assumes growth in the remaining three quarters of FY 2011-12 slows to 7.5% in the second quarter and approximately 5% in the second half of the year, resulting in revenues exceeding FY 2007-08 prior peak by \$2.9 million.

Hotel Room Tax revenues allocated to the General Fund are projected to be \$11.6 million (7%) over budget and 11.7% over prior year actual revenues. The average monthly increase in Revenue per available Room (RevPAR, which is the combined effect of occupancy, average daily room rates, and room supply) during the first 6 months of FY 2011-12 was 18% over the same period prior year. Current projections assume continued, albeit slower, RevPAR increases through the remaining months of the fiscal year that result in an annual increase of 11% over FY 2010-11.

General Fund allocations of hotel tax grow more quickly since all other allocations are fixed by the administrative provisions of the budget.

San Francisco and a number of other jurisdictions in California and the U.S. are currently involved in litigation with online travel companies regarding the companies' duty to remit hotel taxes on the difference between the wholesale and retail prices paid for hotel rooms. Final year-end revenue will be either greater or less than our projection depending on developments with these lawsuits.

Utility Users Tax revenues are projected to be \$5.7 million under budget and 2.0% below prior year actual revenues. Changes are driven by a projected 3.6% decrease in gas and electric user tax from prior year actual revenues because of an exceptionally warm and dry winter through December and flat natural gas prices. Telephone user taxes are projected to end the year 1.5% below prior year revenues as certain carriers have stopped collecting the tax on cell phone data plans. Water user tax revenue represents a small portion of UUT but is projected to increase 13.2% from prior year actual revenues due to continued annual rate increases.

Parking Tax revenues are projected to be \$3.4 million (4.1%) over budget and \$2.7 million (3.7%) above prior year actual revenues. Parking tax revenues are strongly correlated with business activity and employment. The recovery in business activity and employment as reflected in increases to payroll and sales tax projections is driving increases in parking tax revenues. Additionally, beginning in December 2010, the City increased enforcement efforts towards parking lot operators who do not hold Certificates of Authority to collect parking tax, increasing both compliance and revenues.

Real Property Transfer Tax revenues are projected to be \$43.7 million over budget and 20.2% above prior year actual revenues. Increases in FY 2011-12 include the annualization of the value of Proposition N, passed by voters in November 2010, which became effective in December 2010. Proposition N increased the property transfer tax rate on transactions valued at \$5 million to \$10 million from 1.5% to 2.0%, and from 1.5% to 2.5% for transactions valued at over \$10 million. Revenues continue to benefit from the provisions of Proposition N of November 2008, which increased some rates and enhanced the City's ability to collect taxes, penalties and interest on unrecorded transactions. This revenue has traditionally been one of the General Fund's most volatile taxes and is highly dependent on a number of factors including investor interest, economic cycles, interest rates, and credit availability. Class A office and premium hotel space in gateway cities such as San Francisco are currently attractive investments compared to other options.

Access Line Tax revenues are projected to be on budget. Year to date revenues through December were approximately 2.3% above prior year actual revenues. This rate of increase is projected to slow over the second half of FY 2011-12 reflecting strong growth over the same period during FY 2010-11.

Interest & Investment Income is projected to be \$1.8 million (29.5%) over budget and 4.1% below prior year actual revenues. This is largely due to the projected average monthly pooled interest rate of 1.2%, which is 22.4% above budgeted rates, as well as higher cash balances from improved revenues.

State Grants and Subventions are projected to be \$37.5 million under budget, due largely to a projected \$46.9 million shortfall in state social service and mental health subventions discussed in Appendix 2, partially offset by changes from budget in the following items:

Public Safety Sales Tax revenues are projected to be \$4.8 million over budget and 8% over prior year actual revenues. Revenues through January 2012 are up 14% over the same time prior year due to an improvement in the statewide sales tax base for this subvention. Current projections assume a 6.3% increase in State sales tax revenue available for this allocation, as well as a 1.7% increase in San Francisco's share of these revenues.

Health & Welfare Realignment – Sales Tax revenues are projected to be \$5.3 million over budget and 6.3% above prior year actual revenues, due to a 6.3% projected increase in statewide sales tax.

Health & Welfare Realignment – Vehicle License Fee revenues are projected to be \$1.6 million under budget and 5.0% below prior year actual revenues. Increases in new vehicle registrations are projected to be up 8.3% from the prior year due to strong new car sales, however, this is not enough to overcome the erosion in the amortized values of existing vehicles, which declined dramatically during the recession and generate over 80% of VLF revenue.

Health & Welfare Realignment – CalWORKs MOE revenues are projected to be \$1.9 million over budget due to year to date receipts and projected growth in state sales tax. The State's FY 2011-12 budget reallocated a portion of state sales tax and state and local VLF revenues to the Local Revenue Fund for a number of realigned programs. Counties receive Local Revenue Fund revenue for mental health programs and can then use existing county medical health funding to pay for a higher share of CalWORKs grant costs. San Francisco's CalWORKs MOE allocations are recalculated every year and are directly tied to what the county would have received under the 1991 realignment formula for distribution of funding for mental health services.

Appendix 2. General Fund Department Budget Projections

Table A2-1. General Fund Supported Operations (\$ Millions)

GENERAL FUND (\$ millions)	Uses Revised Budget	Uses Projected Year-End	Revenue Surplus / (Shortfall)	Uses Savings / (Deficit)	Net Surplus / (Deficit)	Notes
PUBLIC PROTECTION						
Adult Probation	18.6	17.8	-	0.8	0.8	1
Superior Court	33.2	33.2	-	-	-	
District Attorney	35.5	35.4	(0.1)	0.1	-	
Emergency Management	42.6	42.6	-	-	-	
Fire Department	278.4	277.9	(0.5)	0.5	-	2
Juvenile Probation	32.5	32.5	0.8	-	0.8	3
Public Defender	26.0	26.0	-	-	-	
Police	396.8	396.8	(0.6)	-	(0.6)	4
Sheriff	146.6	145.8	(0.6)	0.8	0.2	5
PUBLIC WORKS, TRANSPORTATION & COMMERCE						
Public Works	62.7	62.7	-	-	-	
Economic & Workforce Development	21.4	21.4	-	-	-	
Board of Appeals	0.9	0.9	-	-	-	
HUMAN WELFARE & NEIGHBORHOOD DEVELOPMENT						
Children, Youth & Their Families	31.7	31.7	-	-	-	
Human Services	671.4	637.3	(18.2)	34.1	15.9	6
Environment	1.4	1.4	-	-	-	
Human Rights Commission	0.7	0.7	-	-	-	
County Education Office	0.1	0.1	-	-	-	
Status of Women	3.3	3.3	-	-	-	
COMMUNITY HEALTH						
Public Health	834.5	818.8	27.8	(34.3)	(6.5)	7
Public Health General Fund	617.1	612.6	12.4	4.5	16.9	
SF General Hospital Realignment	50.1	-	(0.5)	-	(0.5)	
Subsidy Transfer to SF General Hospital Fund	120.8	147.3	21.6	(26.5)	(4.9)	
Subsidy Transfer to Laguna Honda Hospital Fund	46.5	58.8	(5.7)	(12.3)	(18.0)	
CULTURE & RECREATION						
Asian Art Museum	7.2	7.2	-	-	-	
Arts Commission	9.5	9.5	-	-	-	
Fine Arts Museum	11.6	11.6	-	-	-	
Law Library	0.8	0.7	-	0.1	0.1	
Recreation and Park	74.2	74.2	(0.1)	-	(0.1)	
Academy of Sciences	4.0	4.0	-	-	-	
GENERAL ADMINISTRATION & FINANCE						
City Administrator	64.2	64.2	-	-	-	
Assessor / Recorder	21.8	20.8	0.5	1.0	1.5	8
Board of Supervisors	11.7	11.7	0.1	-	0.1	
City Attorney	8.7	11.9	-	(3.2)	(3.2)	9
Controller	15.3	14.6	0.6	0.7	1.3	10
City Planning	24.2	23.9	(0.3)	0.3	-	
Civil Service Commission	0.5	0.5	-	-	-	
Ethics Commission	12.0	11.8	-	0.1	0.1	11
Human Resources	13.4	13.4	-	-	-	
Health Service System	0.6	0.6	-	-	-	
Mayor	8.3	8.3	-	-	-	
Elections	14.9	14.9	-	-	-	
Retirement System	1.9	1.9	-	-	-	
Technology	3.3	3.3	-	-	-	
Treasurer/Tax Collector	24.3	24.1	-	0.2	0.2	
GENERAL CITY RESPONSIBILITIES						
	171.7	171.7	-	-	-	12
TOTAL GENERAL FUND	3,142.6	3,091.2	9.3	1.2	10.6	

Notes to General Fund Department Budget Projection

The following notes provide explanations for the projected variances for select departments' actual revenues and expenditures compared to the revised budget.

1. Adult Probation

The Adult Probation Department projects to end the fiscal year with expenditure savings of \$0.8 million from salary and fringe benefits due to delayed hiring for the Public Safety Realignment implementation plan.

2. Fire Department

The Fire Department projects total expenditures to be on budget. However, based on current projections, the Department will be required to request a supplemental appropriation to shift funding from savings in fringe benefits and other categories to cover over-expenditures in overtime, pursuant to Administrative Code Section 3.17.

3. Juvenile Probation

The Juvenile Probation Department projects to end the fiscal year with a net surplus of \$0.8 million. The Department projects a revenue surplus of \$0.8 million primarily driven by an increase in State Juvenile Probation and Camps Funding (JPCF) revenue. The Department projects expenditures to be on budget; however, the Department could face \$0.4 million in additional expenditures if it is required to remit a fee to the State Division of Juvenile Justice for juvenile offenders in State custody that was included in the Governor's "trigger cuts." To date the State has assessed but has not attempted to collect the fee.

4. Police Department

The Police Department projects to end the fiscal year with a net deficit of \$0.6 million. The Department projects a revenue shortfall of \$0.6 million primarily driven by a shortfall in car park solicitation revenue. The Department projects total expenditures to be on budget. However, the Department projects a \$1.5 million over-expenditure in overtime pay primarily due to providing support for Occupy SF. This shortfall will require a supplemental appropriation to shift funding from other categories to cover the projected deficit in overtime spending pursuant to Administrative Code Section 3.17.

5. Sheriff

The Sheriff's Department projects to end the fiscal year with a net surplus of \$0.2 million. The Department projects a \$0.6 million revenue shortfall due to decreased State funding for the boarding of prisoners as a result of Public Safety Realignment. In their FY 2011-12 budget, the Sheriff's Department received \$0.8 million on Mayor's reserve to increase their electronic monitoring capacity in the event that the jail population increased at a rapid rate. Although the daily jail population has increased since the start of this fiscal year, as of the writing of this report it has not increased to a level that warrants the release of this reserve. Therefore, the Department projects expenditure savings of \$0.8 million.

6. Human Services Agency

The Human Services Agency projects to end the fiscal year with a \$15.9 million surplus. Projected expenditure savings of \$34.1 million are partially offset by an associated \$18.1 million revenue shortfall in state and federal reimbursements. The Agency is projecting a \$7.7 million net surplus in Aid programs, primarily due to lower than expected caseloads in County Adult Assistance Program (CAAP) and CalWORKs, and lower than expected expenditures in Adoptions, Foster Care, Foster Care Childcare, and In Home Supportive Services. As the

projected number of cases and associated expenditures decrease, the amount of eligible state and federal reimbursements decreases. The Agency is also projecting an \$11.2 million net surplus in other operations due to \$4.0 million in salary under-spending, and \$5.4 million in contract and project savings as well as \$1.8 million in unused funding for Adult Day Health Centers that were originally eliminated by the State but later restored through a legal settlement. The Board of Supervisors had approved a supplemental appropriation using \$3.4 million of Reserves for State Budget Impacts to restore funding for Adult Day Health Centers. Following the legal settlement, a another supplemental appropriation was introduced to redirect \$1.6 million of these unneeded funds to the Department of Public Health to offset federal funding reductions to Ryan White AIDS/HIV programs. This projection assumes that the legislation is approved.

7. Public Health

The Department of Public Health projects to end the fiscal year with a net deficit of \$6.5 million. Revenues are projected to be \$27.8 million greater than budget due to a net increase of \$21.6 million in patient revenues and other operating revenues at San Francisco General Hospital and \$40.6 million in State SB1128 reimbursement revenue for Laguna Honda Hospital Debt Service. These surpluses are offset by a revenue shortfall of \$34.4 million at Laguna Honda Hospital and Public Health General Fund operations, primarily driven by State and Federal revenue reductions. Expenditures are projected to be \$34.3 million above budget at the hospitals. The Department will request a supplemental appropriation to cover the projected shortfall using General Fund Reserve, surplus patient revenues and the Laguna Honda reimbursement revenue.

Table A2.2. Department of Public Health by Fund (\$ Millions)

Fund	Sources Surplus / (Shortfall)	Uses Savings / (Deficit)	Net Surplus / (Deficit)
Public Health General Fund	\$ (28.2)	\$ 4.5	\$ (23.7)
Laguna Honda Hospital	(5.7)	(12.3)	(18.0)
San Francisco General Hospital	21.6	(26.5)	(4.9)
SF General Realignment Revenue	(0.5)	-	(0.5)
Laguna Honda Debt Service Reimbursement (SB 1128)	40.6	-	40.6
Total All Funds	\$ 27.8	\$ (34.3)	\$ (6.5)

Non-Hospital Operations in the General Fund

The Department of Public Health projects a \$23.7 million deficit in its non-hospital operations in the General Fund, primarily due to decreased revenues of \$26.8 million in mental health, and resulting from a delay in the effective date for a State Plan Amendment, to draw federal matching funds for the Short-Doyle program. The State Plan Amendment is now scheduled to be implemented in FY 2012-13. The Department is projecting smaller variances in other divisions including surpluses of \$2.7 million in primary care and \$0.8 million in substance abuse,

offset by deficits of \$0.6 million in health at home, \$0.7 million in jail health, and \$0.6 million in public health.

In addition, the Department expects to receive \$67.6 million in Medi-Cal reimbursements for costs incurred in constructing the new Laguna Honda Hospital. Of this amount, \$27.0 million is expected to be set aside for future debt service payments, leaving a \$40.6 million surplus that can be used as a source for the supplemental appropriation.

Laguna Honda Hospital

The Department projects an \$18.0 million deficit for Laguna Honda Hospital, which will require a supplemental appropriation. Revenues are projected to be below budget by \$5.7 million. This deficit is caused primarily by the State decision to reduce Medi-Cal per diem rates for skilled nursing facilities to 10% below FY 2008-09 levels, resulting in \$15.2 million in lost revenues to Laguna Honda Hospital. That reduction is currently the subject of litigation. The State-imposed rate reduction is offset by other favorable net patient revenues totaling \$9.5 million. The Department projects a \$12.3 million expenditure deficit due to \$2.7 million in materials costs, including pharmaceuticals, and a \$9.5 million expenditure increase in staffing costs.

San Francisco General Hospital

The Department projects a \$4.9 million deficit for San Francisco General Hospital. The Department estimates a \$21.6 million revenue surplus comprised of \$9.6 million in favorable net patient revenues, \$16.0 million in favorable Medicaid Disproportionate Share Hospital (DSH) and Safety Net Care Pool Revenues, offset by a \$4.0 million shortfall in State Health Care Initiative revenues and a loss of \$0.5 million in State Health and Welfare Realignment funds. Expenditures over budget of \$26.5 million are due to higher than budgeted personnel costs driven by patient census and other factors. San Francisco General Hospital will request a supplemental appropriation of \$26.5 million, partially funded by \$21.6 million in revenues greater than budget.

8. Assessor Recorder

The Assessor Recorder projects to end the fiscal year with a net surplus of \$1.5 million. The Department projects a revenue surplus of \$0.5 million primarily driven by an increase in recording fees as a result of State Senate Bill 676, which increased the maximum allowable base recording fees to be charged. The Department projects \$1.0 million in expenditure savings driven by a decrease in salary and fringe benefits as a result of delayed hiring and positions being held on Budget and Finance Committee reserve.

9. City Attorney

The City Attorney's Office projects a \$3.2 million year-end shortfall due to increased litigation expenses for General Fund departments above budgeted work order amounts, including \$0.9 million for the Planning Department, \$0.8 million for the Recreation and Park Department, and \$0.3 million for the Department of Emergency Management. The Mayor's Office and Controller's Office will continue to work with the departments on a plan to cover the over-expenditures in City Attorney costs. If they are unable to cover the shortfalls, a supplemental appropriation will be required using General Fund Reserve or other sources.

10. Controller

The Controller projects to end the year with a net surplus of \$1.3 million due to \$0.7 million in personnel and project expenditures savings in City Services Auditor and \$0.6 million in expired check revenue.

11. Ethics Commission

The Ethics Commission is projected to end the fiscal year with a net surplus of \$0.1 million. The Department projects revenues to be on budget, and projects \$0.1 million in expenditure savings primarily in salaries and fringe benefits. In addition, the Election Campaign Fund began the fiscal year with a balance of \$9.7 million. \$2.0 million has been withdrawn from the fund in the current fiscal year for public campaign financing payments for the November 2011 Mayoral election, and the Department projects an additional \$0.4 million to be withdrawn for the November 2012 Supervisorial elections by the end of the fiscal year. This results in a projected fiscal year-end balance of \$7.3 million. The total 2011 Mayoral election public campaign financing payments that have been paid to date is \$4.7 million, including \$2.7 million in payments that were made in FY 2010-11.

Appendix 3. Status of Reserves

General Reserve: To date, there have been no appropriations from the budgeted \$25.0 million General Fund Reserve. This report assumes \$9.7 million in withdrawals from the General Reserve to support anticipated supplemental appropriations to address departmental shortfalls (\$6.5 million for the Department of Public Health and \$3.2 million for services of the City Attorney's Office).

Pursuant to a financial policy approved by the Board of Supervisors in 2011 and codified in Administrative Code Section 10.60(b), year-end balances in the General Reserve are carried forward into subsequent years and thereby reduce the amount of future appropriations required to support minimum reserve requirements established by the policy. For the upcoming budget years 2012-13 and 2013-14, the policy requires that the General Reserve shall be no less than 1.0% and 1.25% of budgeted regular General Fund revenues, respectively.

Budget Savings Incentive Reserve: The Citywide Budget Savings Incentive Reserve (authorized by Administrative Code Section 10.20) receives 25% of year-end departmental expenditure savings to be available for one-time expenditures, unless the Controller determines that the City's financial condition cannot support deposits into the fund. At FY 2010-11 year-end, the Reserve received \$8.7 million from expenditure savings. To date, none of those funds have been withdrawn. This report assumes that the reserve will receive a further \$5.3 million in deposits due to departmental expenditure savings projected for FY 2011-12, bringing the total available in the reserve to \$14.0 million.

Recreation and Parks Savings Incentive Reserve: The Recreation and Parks Saving Incentive Reserve, established by Charter Section 16.107(c), is funded by the retention of year-end net expenditure savings by the Recreation and Park Department. This Reserve ended FY 2010-11 with \$6.2 million, of which \$4.4 million was appropriated in the FY 2011-12 Annual Appropriation Ordinance, leaving \$1.8 million remaining. No further deposits to the Reserve from FY 2011-12 net expenditure savings are projected by the Recreation & Park Department at this time.

Rainy Day Economic Stabilization Reserve: Charter Section 9.113.5 establishes a Rainy Day Economic Stabilization Reserve funded by excess revenue growth in good years, which can be used to support the City General Fund and San Francisco Unified School District operating budgets in years when revenues decline. The Rainy Day Economic Stabilization Reserve began the year with \$33.4 million. As prescribed in the FY 2011-12 budget, \$8.4 million was withdrawn from the Reserve for the benefit of the San Francisco Unified School District to offset the impact of declining State aid. As a result, the projected year-end balance for the Rainy Day Economic Stabilization Reserve is \$25 million.

Budget Stabilization Reserve: Established in 2010 by Administrative Code Section 10.60(c), the Budget Stabilization reserve augments the Rainy Day Economic Stabilization Reserve. The Budget Stabilization Reserve is funded by the deposit each year of 75% of Real Property Transfer Taxes above the prior five-year average (adjusted for policy changes) and ending unassigned fund balance above that appropriated as a source in the subsequent year's budget. The first deposit into the Reserve representing its current balance of \$27.2 million was made from FY 2010-11 surplus unassigned fund balance. Transfer tax revenues in the current year, adjusted for rate increases in

November 2008 and November 2010, are not projected to exceed the deposit threshold of \$86.4 million at this time.

Salary and Benefits Reserve: Administrative Provisions Section 10.4 of the FY 2011-12 Annual Appropriation Ordinance (AAO) authorizes the Controller to transfer funds from the Salary and Benefits Reserve, or any legally available funds, to adjust appropriations for employee salaries and related benefits for collective bargaining agreements adopted by the Board of Supervisors. The Salary and Benefits Reserve had a fiscal year starting balance of \$20.7 million (\$7.2 million was carried forward from FY 2010-11 and \$13.5 million was appropriated in the FY 2011-12 Annual Appropriation Ordinance). As of February 13, 2012, the Controller's Office has transferred \$0.9 million to individual City departments and anticipates transferring the remaining amount to City departments by year-end, as detailed in Appendix 4.

Allowance for Other State Revenue Losses: Of the \$15 million budgeted allowance for State budget impacts, \$3.4 million has been appropriated to offset planned cuts in the State's Adult Day Health Care program, leaving a balance \$11.6 million. Although the Adult Day Health Care reductions were mostly restored through a legal settlement, there is legislation pending before the Board of Supervisors to redirect a portion of that appropriation to offset reductions in Federal Ryan White HIV/AIDS program funding. Significant uncertainty remains regarding State and Federal budget impacts during the current fiscal year, including the impact of the dissolution of the San Francisco Redevelopment Agency. This report assumes no available balance in this account at the end of the fiscal year.

Appendix 4. Salary and Benefits Reserve Update

Table A4-1. Salary and Benefits Reserve (\$ millions)

SOURCES

Adopted AAO Salary and Benefits Reserve	\$	13.5
Remaining FY 2010-11 Salary and Benefits Reserve Balance		7.2
Total Sources	\$	20.7

USES

Transfers to Departments

SEIU as needed temporary employees healthcare (Q1 & Q2)	\$	0.5
Various Training, Tuition & Other Reimbursements		0.3
Visual Display Terminal Insurance (Q1 & Q2)		0.1
Total Transfers to Departments	\$	0.9

Anticipated Allocations

Police Wellness, Premium, and Compensatory Time Payouts	\$	9.0
Fire Wellness, Premium, and Compensatory Time Payouts		5.0
Sheriff Longevity Pay Premium		1.2
Citywide retirement/severance payouts		2.0
Other Premium Payouts		0.7
SEIU as needed temporary employees healthcare (Q3 & Q4)		0.5
Various Depts - Local 21 Life Insurance		0.5
Various, Training, Tuition & Other Reimbursements		0.4
Police Recruitment Committee		0.3
Police Home Owner & Rental Assistance Programs		0.1
Visual Display Terminal Insurance (Q3 & Q4)		0.1
Total Remaining Allocations	\$	19.7

Total Uses	\$	20.7
-------------------	-----------	-------------

Net Surplus / (Shortfall)	\$	-
----------------------------------	-----------	----------

Appendix 5. Other Funds Highlights

Table A5-1. Other Fund Highlights, \$ Millions

	Prior Year		FY 2011-12					
	FY 2010-11 Year-End Available Fund Balance	Fund Balance Used in FY 11-12 Budget	Starting Available Fund Balance	Sources Surplus / (Shortfall)	Uses Savings / (Deficit)	Net Operating Surplus / (Deficit)	Estimated Year-end Fund Balance	Note
<u>SELECT SPECIAL REVENUE AND INTERNAL SERVICES FUNDS</u>								
Building Inspection Operating Fund	\$16.5	\$0.0	\$16.5	\$2.1	\$0.1	\$2.3	\$18.7	1
Children's Fund	\$4.7	\$1.9	\$2.8	\$1.2	\$1.1	\$2.3	\$5.1	2
Convention Facilities Fund	\$19.3	\$8.4	\$10.9	\$0.0	\$7.1	\$7.1	\$18.0	3
Golf Fund	\$0.2	\$0.0	\$0.2	\$0.0	\$0.0	\$0.0	\$0.2	4
Library Preservation Fund	\$18.3	\$0.9	\$17.3	\$1.3	\$0.4	\$1.7	\$19.0	5
Local Courthouse Construction Fund	(\$1.1)	\$1.0	(\$2.1)	(\$0.6)	\$0.0	(\$0.6)	(\$2.7)	6
Open Space Fund	\$4.6	\$1.8	\$2.8	\$1.3	\$0.0	\$1.3	\$4.1	7
Telecomm. & Information Systems Fund	\$9.0	\$7.1	\$1.9	\$0.0	\$2.7	\$2.7	\$4.6	8
<u>SELECT ENTERPRISE FUNDS</u>								
Airport Operating Fund	\$94.2	\$31.5	\$62.8	(\$6.8)	\$23.4	\$16.7	\$79.5	9
MTA – Operating Funds	\$29.6	\$0.0	\$29.6	\$14.6	\$0.0	\$14.6	\$44.2	10
Port Operating Fund	\$40.1	\$12.2	\$27.8	\$5.5	\$4.7	\$10.2	\$38.0	11
PUC – Hetch Hetchy Operating Fund	\$88.4	\$21.2	\$67.2	(\$3.8)	\$9.8	\$6.0	\$73.2	12
PUC – Wastewater Operating Fund	\$41.0	\$0.0	\$41.0	(\$3.2)	\$11.3	\$8.1	\$49.1	13
PUC – Water Operating Fund	\$22.4	\$0.0	\$22.4	\$4.7	\$7.3	\$12.0	\$34.4	14

Notes to Special Revenue, Internal Services and Enterprise Funds

Select Special Revenue & Internal Services Funds

1. Building Inspection Fund

The Building Inspection Department operating fund began the year with \$16.5 million in available fund balance. The Department projects operating revenues net of refunds to be \$2.1 million over budget and an expenditure savings of \$0.1 million, resulting in a projected fiscal year-end available fund balance of \$18.7 million.

2. Children's Fund

The Children's Fund began the fiscal year with \$2.8 million in available fund balance. Current year revenues are projected to be \$1.2 million better than budget due to estimated increases in Property Tax set-aside revenue. \$1.1 million in expenditure savings are projected, made up of \$0.3 million savings in expenditures for services from other departments, and \$0.8 million that is not expected to be spent on childcare services. As a result, the projected fiscal year-end available fund balance is \$5.1 million.

3. Convention Facilities Fund

The Convention Facilities Fund began the fiscal year with \$10.9 million in available fund balance. The Department projects revenues to be on budget and expenditure savings of \$7.1 million due to Moscone Center debt service savings. The net result is an operating surplus of \$7.1 million and a projected fiscal year-end available fund balance of \$18.0 million.

4. Golf Fund

The Golf Fund began the fiscal year with \$0.2 million in available fund balance. The Recreation and Park Department projects revenues and expenditures to be on budget, resulting in a fiscal year-end available fund balance of \$0.2 million.

5. Library Preservation Fund

The Library Preservation Fund began the fiscal year with \$17.3 million in available fund balance. The Department projects a revenue surplus of \$3.6 million due to increases in the Property Tax allocation and the General Fund baseline contribution. The Department projects expenditure savings of \$0.4 million primarily due to savings in materials and supplies. Pursuant to San Francisco Charter Section 16.109, the Department would also return the General fund share of savings, resulting in a reduction to the required baseline contribution of \$2.3 million, for a total revenue surplus of \$1.3 million. The net result is an operating surplus of \$1.7 million and a projected fiscal year-end available fund balance of \$19.0 million.

6. Local Courthouse Construction Fund

The Local Courthouse Construction Fund began the year with a fund balance shortfall of \$2.1 million after taking into account the \$1 million assumed in the FY 2011-12 budget. Current year revenues are expected to be about \$0.6 million under budget due to a decline in the number of parking tickets issued and an associated loss of parking ticket surcharge revenues dedicated for this fund. This results in an anticipated year-end fund balance shortfall of \$2.7 million.

The fund supports debt service on the Certificates of Participation sold to support construction of the 400 McAllister Street Courthouse Certificates of Participation and lease costs for the Community Justice Center at 575 Polk Street. The fund is expected to begin running an

operating surplus in FY 2016-17, when debt service requirements are scheduled to drop by over \$2 million per year.

7. Open Space Fund

The Open Space Fund began the fiscal year with \$2.8 million in available fund balance. The Recreation and Park Department projects expenditures to be on budget and revenues to be \$1.3 million greater than budget due to increased Property Tax set-aside revenues. The net result is an operating surplus of \$1.3 million and a projected fiscal year-end available fund balance of \$4.1 million.

8. Telecommunication & Information Services Fund

The Telecommunication & Information Services Fund began the fiscal year with an available fund balance of \$1.9 million. The Department of Technology projects revenues to be on budget and expenditure savings of \$2.7 million in personnel and non-personnel costs, resulting in a projected net surplus of \$2.7 million and a fiscal year-end available fund balance of \$4.6 million.

Select Enterprise Funds

9. Airport Operating Fund

The Airport Operating Fund began the fiscal year with \$62.8 million in available fund balance. The Department is projecting a net revenue shortfall of \$6.8 million, which consists of a \$9.6 million increase in operating revenues, including an \$8.9 million increase in non-airline revenues, primarily from parking and concessions, and a \$0.8 million increase in aviation revenues, primarily from landing fees. However, this increase is offset by a decrease in non-operating revenues consisting of a \$2.2 million projected shortfall in interest income, a \$20.7 million shortfall in the use of fund balance to cover last year's appropriations carried forward into the current year, slightly offset by the \$6.5 million difference between the Airport's rates and charges use of fund balance and the approved budget. The Department projects expenditure savings of \$23.4 million driven by \$14.4 million in non-personnel services, \$4.4 million in services of other departments, \$1.5 million in materials and supplies, \$1.3 million in light, heat, and power, \$1.2 million in public safety costs, \$1.1 million in debt service, and \$0.9 million in salaries and fringe benefits. The expenditure savings are partially offset by a \$1.4 million increase in the annual service payment to the City due to higher concession, parking, ground transportation, and car rental revenues. These factors result in a projected net surplus of \$16.7 million and a fiscal year-end available fund balance of \$79.5 million.

10. Municipal Transportation Agency (SFMTA) Operating Funds

SFMTA began the fiscal year with \$29.6 million in available operating fund balance. The Agency is projected to end the year with a net operating surplus of \$14.6 million, resulting in a projected year-end fund balance of \$44.2 million. The Agency projects a revenue surplus of \$14.6 million. This consists of a \$12.4 million surplus in Transit Fares, \$10.2 million in increased General Fund Baseline transfers, \$5.0 million in increased parking meter revenues, and \$3.1 million in additional revenues from rentals and fees. These surpluses are offset by a shortfall of \$11.5 million in traffic fines and \$4.6 million in reduced parking lot and garage revenue.

The Agency projects to end the year within its overall expenditure budget. However, salaries and benefits are expected to exceed budget by \$48.0 million, which will be offset by reduced

spending in non-personnel items, including \$22.0 million in contracts and other services, \$15.0 million in materials and supplies, \$6.0 million in payments to other agencies, and \$5.0 million in reduced spending for equipment and maintenance. By reducing spending in these non-labor categories, the Agency anticipates that there may be an impact on service, including deferred maintenance of the transit fleet and transit facilities.

11. Port Operating Fund

The Port Operating Fund began the fiscal year with \$27.8 million in available fund balance. The Department projects a \$5.5 million revenue surplus primarily driven by a \$4.7 million increase in real estate revenues from rents and parking along with a \$0.9 million increase in maritime revenues as a result of higher cruise volumes and other marine services. The Department projects \$4.7 million in expenditure savings consisting of \$1.4 million in non-personnel services, \$1.2 million in annual projects, \$1.0 million in salaries and fringe benefits, \$0.7 million in services of other departments, and \$0.5 million in debt service savings as a result of delays in issuing new debt for capital projects. However, the expenditure savings is partially offset by a \$0.2 million shortfall in expenditure recoveries. This results in a projected net operating surplus of \$10.2 million and a fiscal-year end available fund balance of \$38.0 million.

12. Public Utilities Commission – Hetch Hetchy Operating Fund

The Hetch Hetchy Operating Fund began the fiscal year with \$67.2 million available fund balance. The Department projects a net revenue shortfall of \$3.8 million, due to lower power sales to City Departments and the termination of the Clean Renewable Energy Bonds. This shortfall is offset by \$9.8 million in projected expenditure savings, resulting in a projected net operating surplus of \$6.0 million and an available year-end balance of \$73.2 million. In addition, the Department has submitted a supplemental appropriation using \$19.5 million in fund balance to establish reserves for the CleanPower SF program. If this legislation is approved, the available fiscal year-end fund balance would be \$53.7 million.

13. Public Utilities Commission – Wastewater Operations Fund

The Wastewater Operations Fund began the fiscal year with \$41.0 million in available fund balance. A projected revenue shortfall of \$3.2 million due to lower than budgeted water consumption and associated wastewater charges is projected to be offset by \$11.3 million in expenditure savings. This results in a projected net operating surplus of \$8.1 million and a fiscal year-end available fund balance of \$49.1 million.

14. Public Utilities Commission – Water Operating Fund

The Water Operating Fund began the fiscal year with \$22.4 million in available fund balance. Water revenues of \$4.7 million are higher than budget, primarily due to property sales, although water sales are below budget. Additionally, there are expenditure savings of \$7.3 million, resulting in a projected net surplus of \$12.0 million and a fiscal year-end available fund balance of \$34.4 million.

Staff Contacts

Leo Levenson, Director of Budget & Analysis, Leo.Levenson@sfgov.org

Michelle Allersma, Revenue Manager Michelle.Allersma@sfgov.org

Drew Murrell, Budget Analyst, Drew.Murrell@sfgov.org

Theresa Kao, Budget Analyst, Theresa.Kao@sfgov.org

Joe Nurisso, Budget Analyst, Joe.Nurisso@sfgov.org

Risa Sandler, Principal Budget Analyst, Risa.Sandler@sfgov.org

Swetha Venkat, Budget Analyst, Swetha.Venkat@sfgov.org

Jamie Whitaker, Property Tax Allocation Manager, James.Whitaker@sfgov.org

Rick Wilson, Acting Budget Manager, Rick.Wilson@sfgov.org

To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: The San Francisco Department of Public Works Annual Report for FY 2010-11

From: Department of Public Works <dpw@sfdpw.org>
To: angela.calvillo@sfgov.org
Date: 02/13/2012 10:03 AM
Subject: The San Francisco Department of Public Works Annual Report for FY 2010-11

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

Dear Friends and Partners,

I am pleased to present the 2010-2011 annual report for the Department of Public Works. In this report, you will read about many of the exciting projects DPW accomplished in the 2010-2011 Fiscal Year.

On behalf of more than 1,000 committed DPW employees who have worked tirelessly throughout the year, I invite you to review our annual report.

If you haven't already, please follow us on Twitter and Facebook. This is a great way to keep up to date on the many programs and services provided by the Department of Public Works every day.

Your feedback is welcome. For questions or comments, please visit www.sfdpw.org or contact my office at (415) 554-6926.

Sincerely,

Mohammed Nuru
Interim Director of Public Works

15

University of California
San Francisco



Campus Planning

BOS 11 - Done
CPR

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2012 FEB 15 PM 1:07

RBO

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

NOTICE OF COMPLETION

Lori Yamauchi
Assistant Vice Chancellor
654 Minnesota Street, 2nd Floor
Box 0286
San Francisco, CA 94143-0286
tel: 415/476-2911
fax: 415/476-9478

To: City & County of San Francisco
Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

From: Regents of the University of California
University of California, San Francisco
Campus Planning Office
654 Minnesota Street
San Francisco, CA 94143-0286

Subject: Notice of Completion of Draft Environmental Impact Report

Project Title: UCSF Medical Center at Mission Bay – Fourth Street Public Plaza
SCH No. 2011122065

In compliance with the State and University of California guidelines for implementation of the California Environmental Quality Act, The Regents is the Lead Agency and the University of California, San Francisco (UCSF) has prepared a Draft Environmental Impact Report for the project identified above. UCSF proposes to construct and maintain a public plaza at the UCSF Medical Center at Mission Bay (MCMB) site, bounded by 16th Street, Third Street, Mariposa Street, and future Owens Street in the Mission Bay area of the City of San Francisco. The proposed plaza would be located on University property and within the adjacent Fourth Street right-of-way between 16th and Mariposa Streets as part of Phase I of the MCMB. The proposed Project also includes implementation of various traffic improvement measures that require approval by the City and County of San Francisco.

The Draft EIR has been prepared and is now available for public review. The public review period extends for 45 days from **February 15, 2012 to April 2, 2012**.

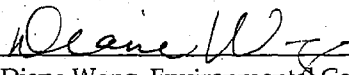
Office of Record: UCSF Campus Planning
654 Minnesota Street, Box 0286
San Francisco, CA 94143-0286

UCSF will hold a public hearing on the Draft EIR on March 22, 2012 at the UCSF Mission Bay campus site, Genentech Hall auditorium, 600 16th Street, at 7:00 PM.

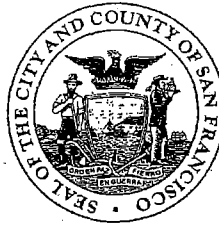
Enclosed is a printed copy of the Draft EIR. The Draft EIR is also available online at <http://campusplanning.ucsf.edu>.

Should you have any questions, please contact Ms. Diane Wong at (415) 502-5952.

Date: February 15, 2012


Diane Wong, Environmental Coordinator
(415) 502-5952 direct / 476-2911 reception
EIR@planning.ucsf.edu

16



JOHN ARNTZ
Director

BOS-11
Orig: Jay
COB, cpage
Leg Dep

HAND DELIVERED

February 14, 2012

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 FEB 14 PM 2:59

ANGELA CALVILLO, CLERK OF THE BOARD

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

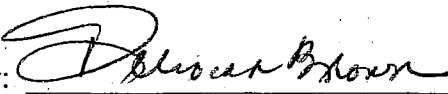
Re: CERTIFICATION OF THE INITIATIVE PETITION "**PROTECT COIT TOWER**"

Enclosed is a copy of the letter sent to the proponent of the above named petition, certifying that the petition did contain sufficient valid signatures to qualify for the next general municipal or statewide election occurring at any time after 90 days from the date of the certificate in the City and County of San Francisco.

If you should have any questions or need additional information, please contact Deborah Brown, Manager, Voter Services Division, at (415) 554-5665.

Sincerely,

John Arntz
Director of Elections

By: 

Deborah Brown
Voter Services Manager

Encl.: Copy of Certified letter to Proponent

Cc: Honorable Edwin Lee; Mayor
John Arntz, Director of Elections
Dennis Herrera, City Attorney

(17)



CERTIFIED MAIL: 7011 2000 0001 6406 5043

February 14, 2012

Jonathan Golinger
31 Child Street
San Francisco, CA 94133

Re: CERTIFICATION FOR THE *PROTECT COIT TOWER INITIATIVE PETITION*

Dear Mr. Golinger,

As provided in *California Elections Code, Chapter 2, Article 1, Section 9115 (a)*, a random sample of 500 signatures (of the total 16,381 submitted) for the *Protect Coit Tower Initiative Petition* established that the number of valid signatures of registered San Francisco voters was sufficient for the initiative to qualify for the next regularly scheduled election.

Based on this statistical sampling, the total number of valid signatures submitted on this petition was determined to be greater than the 9,702 signatures required for the initiative to be included in the next general municipal or statewide election occurring at any time after 90 days from the date of the certificate.

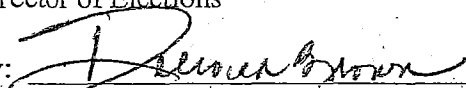
I hereby certify that the *Protect Coit Tower Initiative Petition* qualify for the next general municipal or statewide election occurring at any time after 90 days from the date of the certificate in the City and County of San Francisco.

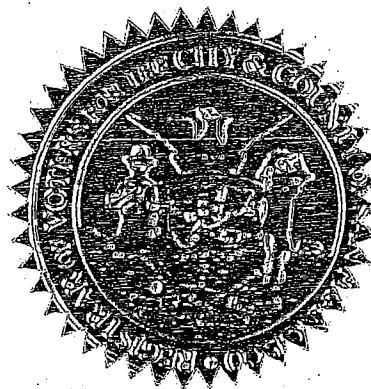
If you should have any questions, please contact me at (415) 554-5665.

Sincerely,

John Arntz
Director of Elections

By:


Deborah Brown
Voter Services Manager



cc: Honorable Edwin Lee; Mayor
John Arntz, Director of Elections
Angela Calvillo, Clerk of the Board
Dennis Herrera, City Attorney

To: BOS Constituent Mail Distribution, Victor Young/BOS/SFGOV,
Cc:
Bcc:
Subject: File 120127 Letter re America's Cup on Feb 15 agenda

From: Susan Brandt-Hawley <susanbh@preservationlawyers.com>
To: John Avalos <John.Avalos@sfgov.org>, Jane Kim <jane.kim@sfgov.org>, Carmen Chu
<Carmen.Chu@sfgov.org>
Cc: Board.of.Supervisors@sfgov.org
Date: 02/15/2012 12:25 PM
Subject: Letter re America's Cup on Feb 15 agenda

Hello. Please consider this letter regarding the America's Cup issue on the Budget and Finance Committee agenda today. Thank you.



SBH Letter to Budget-Finance Committee Re America's Cup Feb 15.pdf
Susan Brandt-Hawley
Brandt-Hawley Law Group
707.938.3900
preservationlawyers.com

18

Brandt-Hawley Law Group

Chauvet House • PO Box 1659
Glen Ellen, California 95442
707.938.3900 • fax 707.938.3200
preservationlawyers.com

February 15, 2012

Supervisor John Avalos
Supervisor Carmen Chu
Supervisor Jane Kim
Budget and Finance Committee
San Francisco Board of Supervisors
via email

*Subject: 34th America's Cup Project; Precommitment to
8 Washington/Seawall Lot 351 Project*

Dear Honorable Supervisors:

On behalf of the Neighbors to Preserve the Waterfront, who support the 34th America's Cup Project, I am writing to request that this Committee nonetheless decline to recommend approval of the Disposition and Development Agreement or any other approvals that rely on financing relating to the pending 8 Washington/Seawall Lot 351 Project. Simply stated, the financing of the America's Cup project is not yet ready for approval.

The Neighbors are already involved in litigation against the City and County of San Francisco because the Planning Commission and Port Commission unlawfully precommitted the City to the 8 Washington/Seawall Lot 351 Project prior to certification of an Environmental Impact Report and full compliance with the California Environmental Quality Act. The City prepared and implemented the Northeast Embarcadero Study and approved the 8 Washington project Term Sheet before completing environmental review. This violated mandates of CEQA as explained by the California Supreme Court in *Save Tara v. City of West Hollywood*. Even agreements expressly contingent on future compliance with CEQA are unlawful if bureaucratic and financial momentum thwart the fair consideration of project mitigations and alternatives.

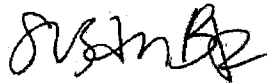
The America's Cup approvals before you now would greatly exacerbate the City's precommitment to the 8 Washington/Seawall Lot 351 Project

because the America's Cup financing relies on the establishment of an Infrastructure Finance District (IFD) for the 8 Washington/Seawall Lot 351 Project, as referenced on page 18 of the Budget and Legislative Analyst Report. See also the attached memorandum dated January 4, 2012, from Port staff to Monique Moyer regarding the Pier 27 Cruise Terminal that is an essential piece of the America's Cup, and yesterday's *San Francisco Weekly* article: "The Cup Runneth Over." There is also a question as to whether the privately-owned 8 Washington site may even be eligible for an IFD pursuant to Government Code section 53395.4 (a).

Please remove all reliance on the 8 Washington/Seawall Lot 351 Project from the financing for the 34th America's Cup Project. The CEQA violations of the Planning Commission and the Port Commission should surely not be exponentially increased by the Board of Supervisors.

Thank you.

Sincerely,



Susan Brandt-Hawley

Memorandum

To: Monique Moyer
From: Brad Benson, Diane Oshima, Elaine Forbes, Byron Rhett, Jonathan Stern, David Beaupre, Dan Hodapp
Date: January 4, 2012
Re: BCDC Pier 27 SAP and Major Permit Requirements and Proposed Funding Strategies

Summary

This memo requests policy direction regarding a number of inter-related topics:

- Project selection for the 2012 Neighborhood and Waterfront Parks Bond for purposes of public polling by FM3, the Port's pollster;
- Project selection for the 8 Washington IFD Infrastructure Finance Plan; and
- Project selection for Transferable Development Rights for Port finger piers.

Based on available information, and subject to further cost estimation, we have also estimated the costs of these items. In many cases, these are capital planning level cost estimates; we are pursuing refined cost estimation through Engineering.

BCDC Staff Recommendations: Special Area Plan Amendment Public Benefits and Pier 27 Major Permit Requirements

- By September 2015, conduct a Fisherman's Wharf Planning Study for public open space and a companion open water basin, which (when constructed) would eliminate the 50% fill rule (\$250,000 for Port and BCDC planning costs and \$4 million capital costs; 2012 GO Bond)
- By September 2015, conduct a Pier 29-33 Open Water Basin and pier removal feasibility study, and develop a program and financing for completing Pier 29 tip public access improvements (\$150,000 Port costs and \$1.5 million capital cost for Pier 29 tip; 2012 GO Bond and 8 Washington IFD)
- By 2019 (5 years after CT Phase 2), construct Pier 19-23 apron public access, including east end pier apron expansion, and demolition of Pier 19½ shed (\$13 million capital costs; Transferable Development Rights)

- By 2019 (5 years after CT Phase 2), Pier 29-1/2 public access (\$3 million; 8 Washington IFD)
- Northeast Wharf Plaza (\$14 million; 2012 GO Bond)
- With CT Phase 2, Pier 29 north apron public access, and Bayside History Walk through shed (\$1.5 million, 8 Washington IFD)
- Pier ½ removal by March 2013 (\$1 million; Prop K & 8 Washington IFD)

Preliminary Total: \$38.4 million

Proposed GO Bond Project List

\$20 million – North – Northeast Wharf Plaza, Fisherman’s Wharf expanded open space, Pier 29 tip public access improvements)

\$20 million – South – Blue Greenway Projects (Crane Cove Park, Islais Creek, Warm Water Cove)

Proposed 8 Washington IFD Infrastructure Finance Plan

- Pier 27 Cruise Terminal Phase 2 Costs (\$15 million)
- Pier 29 tip public access improvements (\$150,000 Port planning costs and \$1.5 million capital cost for Pier 29 tip)
- Pier 29 north apron public access, and Bayside History Walk through shed (\$1 million)
- Pier 29-1/2 public access (\$2 million)
- Under Pier Utility Projects (\$5 million)
- (Back up to GO Bond) Northeast Wharf Plaza improvements
- Pier ½ removal by March 2013 (\$1 million; Refund Prop K & 8 Washington IFD)

Proposed Transferable Development Rights Projects

- Pier 19-23 apron public access, including east end pier apron expansion, and demolition of Pier 19½ shed (\$13 million capital costs)

SF WEEKLY

News

TODAY'S DEAL IN SAN FRANCISCO

\$165 for 8 weeks of Italian Language and Culture Classes

CHECK IT OUT

News · Music · Calendar · Restaurants ·

Search SF Weekly



Arts · Movies · The A

BLOGS

COLUMNS

BEST OF

BARs + CLUBS

ARCHIVES

MOBILE

PROMOTIONS

SF ARTOPIA PUBLIC WORKS 2.16.2012 [CLICK HERE FOR](#)

TOP
STORIES



Chinese New Year Parade



KNBR Giants Fanfest @ AT&T Park



Update: SF Professor Accused Of Sex Crimes With



Solo Giant Tragedy In Th

7

Like

StumbleIt 1

0 Digg

The Cup Runneth Over: S.F.'s America's Cup Decision Looms

by **Joe Eskenazi** Wednesday, Feb 15 2012
...continued from page 1

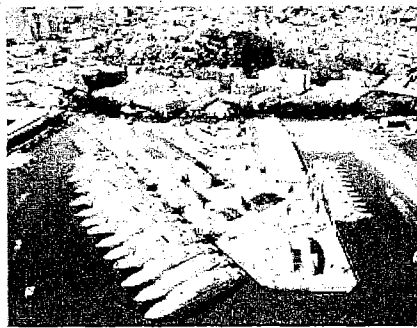
Comments (1) A A

And that's the case regardless of how the supes vote.

In discussions of the fantastically complex terms governing the staging of the 34th America's Cup in this city — and the public money, property, and development rights that will flow to the Event Authority to make it happen — the phrase "The devil is in the details" comes up. Often.

Parsing the 126-page development agreement, however, it's clear that there are details and devils enough for an entire Hieronymus Bosch tableau.

At its simplest — looking past sections on "fires; floods; tidal waves; epidemics; quarantine restrictions; freight embargoes; earthquakes," etc. — the development agreement conveys money and property rights from the port to the Event Authority in exchange for infrastructure work on and around waterfront structures. The authority's first \$55 million worth of work will earn it the title to Seawall Lot 330 — currently being used as a parking lot a stone's throw from the Bay Bridge — and 66 years of rent-free occupation of adjacent Piers 30-32, a



The future America's Cup Village is a stunner. But it won't come cheap.

Like this Story?

Sign up for the Weekly Newsletter: Our weekly feature stories, movie reviews, calendar picks and more - minus the newsprint and sent directly to your inbox.

Most Popular Stories

Viewed Commented eMailed

The Oxy King of Marin County: Prolific Dealer

Tea Party Princess: Victoria Rabid Right

Fare Hack: Exploiting a Clip, Easy

TODAY'S DEAL IN SAN FRANCISCO



SHATNE WORRI

we just

ON SALE NOW

One Night Only!

MARCH 11 • ORPHEUM 1

deteriorating parking structure across the Embarcadero. Additional work by the authority will be repaid via port bonds and rent credits for other piers, or, potentially, future marinas.

These rent credits serve as coupons the Event Authority can use to recover its expenditures via long-term leases on Pier 29 and, possibly, Piers 26 and 28. But these coupons keep giving: The monetary value of unused rent credits owed by the port to the Event Authority will compound annually at the Tony Soprano-like interest rate of 11 percent.

The port anticipates the Event Authority will spend and seek reimbursement for some \$111 million, and potentially up to \$136 million — a total more than double the numbers banded about during the 2010 run-up to sealing the early America's Cup agreement. And while the Event Authority may only be repaid via a finite stream of port resources, there is no formal cap on its reimbursable costs.

With just weeks left to influence the deal — and, of course, grandstand — the supervisors' most basic motivation is to figure out if the city is receiving enough in return for a growing investment. With confidence waning in much-quoted predictions that the race will spawn \$1.2 billion in business and 8,000 jobs, this is a complex task. "I've always thought the projections were — 'outlandish' is not the right word, but 'extremely optimistic' is an understatement," says Supervisor Sean Elsberud.

Apart from the augmented costs, the supes' main complaints figure to coalesce around three issues: The Event Authority stands to take long-term control of the choice Pier 29; the city and port will receive no cut from rents and business on the land handed over; and, similarly, the city and port won't get a percentage from future condo sales on Seawall Lot 330.

These are the specific objections of those who have problems with the finer points of the deal. Yet the most serious critics of the America's Cup question the very framework underlying the arrangement. The port and Event Authority portray the setup as an exchange of private capital improvements by Cup organizers to neglected port facilities for long-term rent-free use and development rights. But this sidesteps the question of whether these improvements truly benefit the port — or just Ellison.

Of the \$111 million the port anticipates reimbursing the authority in the near- and long-term, the lion's share — some \$91.5 million — is earmarked for work on Piers 30-32. The crumbling piers were long ago "yellow-tagged," meaning they're not fit for any use beyond parking lots. The port hadn't planned to spend any money on them in the foreseeable future; in 10 or 15 years they'll likely be totally unusable. Now, however, the port plans to pay Ellison's Event Authority nearly \$100 million to spruce up the piers, then set up Ellison et al. with a rent-free lease for the new and improved space until today's kindergartners are in their 70s. And, even after 66 rent-free years, the deal may not be done. If the Event Authority hasn't recouped its investment, the port is required to turn over half the revenue generated by the piers for 15 more years. Since work may be deferred for up to 10 years after the America's Cup, it's possible that the port will still be reimbursing the Event Authority into the 22nd century.

SF Weekly on Facebook



Kiki Powers and 3 other friends shared Seniors in Walkers Shut Down Local B a month ago



Sheana Davis shared Gordon Edgar's Cheeses to Discover. about 2 months ago



Sheana Davis shared Julie's Coffee & Alameda is a Reason to Cross Two Br ayo



Shana Ray shared SantaCon 2011 - N Slideshows. about 2 months ago



Shana Ray shared Top 5 Alcoholic Be Through Thanksgiving and Into Black f ayo



Facebook social plugin

Slideshows



Social Distort Theater



SF Indie Fest Cell Space



Chinese New

THE SNITCH



Philty Rich, Oakland Rapp He "Ain't Steaf S**t"



Occupy Bernal: Neighbors Valentine's Day



S.F. Not the Welfare State c Nightmares, New York Time

For those who'd question this scenario, Jonathan Stern, the port's assistant deputy director and head of waterfront development, acknowledges "that's fair. If the America's Cup was never a possibility, we might have made different choices of how to invest our money." But, he continues, deals like this have to be considered "in light of the event."

This doesn't cut it for everyone. "Team Ellison is having their cake and eating it too by restoring a pier that every expert agrees should ultimately be removed," says Aaron Peskin, the former board president and a vocal critic of the current America's Cup deal. "If this was part of a rational plan, we'd be restoring piers that have a potential economic benefit to the port. But that's not what Mr. Ellison wanted." Piers 30-32, Peskin continues, aren't saddled with any historic structures and present "potential for a large, bold real-estate play." The stumbling block for would-be developers of the past was the scores of millions of dollars in necessary rehabilitation work — which the city is now funding. "If you can get it for two-thirds of a century *and* have the city pay to fix it up," Peskin says, "why not?"

<< Previous Page | 1 | 2 | 3 | 4 | Next Page >>

Check out this week's featured ad for News



LA Weekly/Priceless Medical Evaluations

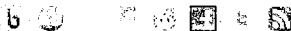
[View Ad](#) [View Website](#)

[More Ads >>](#)

GET THE WEEKLY NEWSLETTER

Our weekly feature stories, movie reviews, calendar picks and more - minus the newsprint and sent directly to your inbox.

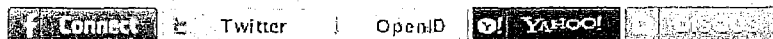
[Email to Friend](#) [Write to Editor](#) [Print Article](#)



Add New Comment

Sign in with an option below

or if you don't have an account, please enter a comment and click Post As to comment as a guest



[Post as ...](#)

Services



[View Ad](#) | [View Site](#)

SHARE THE WEALTH
SF WEEKLY COUPON

Best of San Francisco

2011 - People & Places



Best World Champion (No. 1)
Tony's Coal-Fired Pizza and



Best Museum to Spend Your Day
Cable Car Museum

[More People & Places](#)

SAVINGS WHEN YOU WANT THEM
Share the Love!

SF Weekly Text



Special Reports

The Worst-Run Big City in the U.S.

The Worst Run Big City in the U.S.: The Muni

The Worst Run Big City in the U.S.: Let It Bleed

The Worst Run Big City in the U.S.: How the I Explains San Francisco



San Francisco
Water Power Sewer
 Services of the San Francisco Public Utilities Commission

BOS 11 - Done
 page
 1155 Market Street, 4th Floor
 San Francisco, CA 94103
 T 415.554.0725
 F 415.554.3280

RECEIVED
 BOARD OF SUPERVISORS
 SAN FRANCISCO

2012 FEB 15 PM 4:02
 RBC

MEMORANDUM

DATE: February 14, 2012

TO: Commissioner Anson Moran, President
 Commissioner Art Torres, Vice President
 Commissioner Ann Moller Caen
 Commissioner Francesca Viator
 Commissioner Vince Courtney

THROUGH: Ed Harrington, General Manager *EH*

FROM: Barbara Hale, Assistant General Manager, Power *BH*

SUBJECT: PG&E Dispute Status Update

This memorandum provides the first of what will be quarterly informational updates on the status of current and pending disputes with Pacific Gas & Electric Company (PG&E). We continue to attempt negotiation with PG&E in good faith and look forward to the successful resolution of these issues, regarding:

- Electric Service Disputes under the Interconnection Agreement and the Master Settlement Agreement
- Electric Service Disputes at New City Development Projects
- Utilities Relocation Disputes under the Franchise Agreements
- Location and Marking of Existing PG&E Facilities
- Permitted Uses of SFPUC Lands by PG&E

We are also reaching out to other City departments to ensure we have a comprehensive list of items and will include further information in subsequent status reports.

Summary

Electric Service Disputes under the Interconnection Agreement and the Master Settlement Agreement

PG&E disputes the City's right to provide electric service under the Interconnection Agreement and the Master Settlement Agreement, putting at risk \$8.4 million/year in City revenue. For example, PG&E is disputing the SFPUC's right to provide cost-effective, clean electric power to:

- Ferry Building, a Port-owned property, where tenants and the Port consume 6.9 million kWh/year in electricity and pay the SFPUC \$943,770/year.

Edwin M. Lee
 Mayor

Anson Moran
 President

Art Torres
 Vice President

Ann Moller Caen
 Commissioner

Francesca Viator
 Commissioner

Vince Courtney
 Commissioner

Ed Harrington
 General Manager



19

- Cruise Ship Shoreside Power at Pier 27, a Port-owned property, with Ships that consume 1.69 million kWh/year of clean Hetch Hetchy Power instead of on-board diesel generators and pay SFPUC \$267,525/year.
- Bus Shelters, improved by MTA under a contract with ClearChannel to provide NextBus information, lighting, and advertisements that consume 1.02 million kWh/year in electricity and pay the SFPUC \$111,790/year.

Electric Service Disputes at New City Development Projects

PG&E disputes that the City can provide electric service to new City development projects, putting at risk \$29.7 million/year in City revenue, including electric service to:

- Hunter's Point Phase Two, where redevelopment is projected to result in 80.6 million kWh/year in electricity consumption and the payment of \$12.7 million/year for that service.
- Candlestick Point, where redevelopment is projected to result in 26.3 million kWh/year in electricity consumption and the payment of \$3 million/year for that service.

Utilities Relocation Disputes under the Franchise Agreements

PG&E disputes that it is required, under its franchise, to relocate/replace its facilities at its own expense when the facilities interfere with a City project. Many times over the years, PG&E has refused to meet this obligation. In some cases city departments, and ultimately taxpayers and ratepayers, have paid costs that should have been paid by PG&E just to prevent even more costly project delays.

The only way for the City to enforce its rights under the franchise would be to file a lawsuit against PG&E. In the past, however, the costs have been too small to warrant filing a formal complaint. That is no longer the case. Currently there are a number of costly projects in dispute, including:

- Central Subway Project, where PG&E has refused to temporarily remove, store and reinstall, at its expense, streetlights that conflict with the construction of the Central Subway's Union Square Station, a relocation expense estimated at \$105,000.
- North Beach Library/Joe DiMaggio Park Project, where the City will vacate a portion of Mason Street where PG&E presently has utility poles. The existing poles also interfere with the construction of the new library. PG&E has refused to pay for relocating the poles, at an estimated cost of \$309,000.

Location and Marking of Existing PG&E Facilities

PG&E frequently miscommunicates the location and marking of its existing facilities in City rights of way. This miscommunication has compromised worker and/or public safety, and can delay projects and add unforeseen costs. For example, PG&E recently represented that a natural gas main was either the standard 30 inches below the road or if shallower was covered with a steel protective plate. In this particular instance the pipe was actually located immediately beneath the road base at a depth of only 10 inches, and a SFPUC contractor punctured the natural gas main while cutting pavement. The main was not at the depth PG&E provided, nor was it covered with a steel plate.

Permitted Uses of SFPUC Lands by PG&E

PG&E, at times, has disputed the requirement that it meet our standard permit requirements (e.g. land engineering plans and specifications) for work on or use of SFPUC property. The SFPUC regularly issues these permits to other agencies and companies without any issues. Oftentimes, PG&E will submit last minute requests that are incomplete. Compliance with these permits is important to protect ratepayer interests and preserve our infrastructure and natural resources.

Background

As you know, the SFPUC is the power provider for all municipal services and facilities (and their tenants). We have been generating power since 1918, and since 1925 have been serving the electric demands of the municipality. Also since 1925, we purchase some of the transmission and distribution services we need to serve our customers from PG&E. We purchase these services under a federally-regulated Interconnection Agreement. Payments to PG&E for these services are about \$16,000,000 annually.

PG&E operates its electric and gas utility services in San Francisco under non-exclusive franchise agreements. Those agreements provide that PG&E will relocate at its own cost any facilities it owns that conflict with a City project. This is a standard provision of franchise agreements and a requirement of state law.

Further, both PG&E and the SFPUC are separately obligated to timely and accurately respond when a party needs to dig in the streets by each marking the street with the location of its facilities.

Finally, PG&E has facilities in and along SFPUC rights of way, and is therefore a permitted user of some of our watershed lands.

This document and its attachments are meant to provide a snapshot of the status of various disputes over these rights and obligations.

Electric Service Disputes under the Interconnection Agreement and the Master Settlement Agreement

The first set of disputes arises from the Interconnection Agreement ("IA") and the Master Settlement Agreement ("MSA") between the City and PG&E.¹ These disputes largely concern whether PG&E must provide transmission and distribution services to certain loads that the City designates as "municipal" load.

For over a year, the City and PG&E have engaged in formal mediation discussions in the most recent effort to settle the parties' disputes under the IA/MSA. The goal of this mediation has been to settle all of the parties' outstanding disputes and allow for both parties to minimize the resource impacts associated with these disputes. Unfortunately, the parties have yet to come to an agreement.

In the meantime, new disputes continue to surface over the City's right to serve certain loads. These disputes disrupt the City's efforts to plan for long lead-time projects and hinder effective long range planning. In addition, the potential lost revenues could endanger funding for other important projects in the adopted 10-year Capital Plan.

The City generates electricity at its Hetch Hetchy hydroelectric project in the Sierras, transmits the power over City-owned transmission lines to interconnection points on the transmission grid, including the PG&E-owned substation at Newark, California. Power from the Hetch Hetchy project is then delivered on the PG&E-owned distribution network to City electric customers. The transmission and distribution rights and tariffs are governed by the 1987 IA (as amended in 2007) under the jurisdiction of the Federal Energy Regulatory Commission ("FERC"). A separate agreement, the MSA, was negotiated as a settlement of various disputes in 1997. One of those disputes concerned the City's right to provide electric service to various loads at the Port of San Francisco (Port) and the San Francisco Housing Authority (SFHA). In the MSA the City and PG&E agreed that certain Port and SFHA loads were "municipal" loads to be served by the City under the provisions of the IA.

As defined in the IA, for a load to be a "municipal" load it must serve a "municipal public purpose" under the Raker Act, "as designated by the City."² Disputes arise between the City and PG&E over the IA because PG&E's interpretation of what constitutes a "municipal load" is much narrower than the City's.

¹ It is through the Interconnection Agreement that SFPUC receives transmission service from where our own transmission lines terminate at PG&E's Newark Substation, and distribution services from PG&E at City facilities located in San Francisco, San Mateo, Santa Clara, and Alameda Counties. This agreement is subject to Federal Energy Regulatory Commission review and approval.

² The Raker Act is the 1913 US Congressional Act that allowed the City to undertake construction of the hydroelectric generation and transmission, water storage, and conveyance system in Yosemite National Park and Stanislaus National Forest, and required operation of the system in the public interest.

For many years, the parties were able to resolve disputes under this provision in the IA. PG&E would generally agree to allow the City to serve load the City designated as "municipal." This is evidenced by the MSA in which PG&E agreed to transfer nearly 200 accounts to the City. Over the last few years, however, PG&E's interpretation of the term has become more restrictive. PG&E is now challenging the City's right to serve even very small loads or loads that should be beyond any dispute (*e.g.* MTA transit shelters).

Disputes that concern the MSA must be resolved in court. One of those disputes concerns the San Francisco Ferry Building. The parties have been litigating that dispute since 2004 and an appeal is still pending. Disputes under the IA are subject to the IA's alternative dispute resolution provisions. These disputes are escalated through a formal dispute resolution process that can take years to resolve. These disputes both endanger the City's revenue stream and tax staff resources that should be devoted to the provision of services to our customers.

As stated above, the City and PG&E have been engaged in mediated settlement discussions since November 2010. This mediation started as an effort to resolve the parties' disputes over the Ferry Building as part of the City's appeal, but the parties agreed to broaden the scope of the mediation in order to attempt to come to agreement on all of their disputes. The parties also recognized that these disputes will continue to arise for the remainder of the term of the IA (until July 2015), so this mediation was seen as a way to minimize or eliminate these future disputes and allow both parties to focus resources on preparation for negotiations for the IA successor agreement. Unfortunately, we have yet to come to agreement on a settlement.

Attachment A delineates the electric service disputes under the Interconnection Agreement and Master Settlement Agreement, staff's estimates of potential loss of electric load and the associated loss of revenue to the City, as well as the estimated climate impact of replacing Hetch Hetchy power service with PG&E's "dirtier" power service portfolio.

Electric Service Disputes at New City Development Projects

Another area where the City and PG&E have disputes relates to City development projects. Pursuant to Section 16.101 of the Charter and Chapter 99 of the Administrative Code, it is the City's policy to review the feasibility of providing electric service to new City development projects. In order to avoid disputes with PG&E over whether these projects are "municipal" load under the IA, the City would seek to serve these projects under PG&E's Wholesale Distribution Tariff (WDT). This is a tariff PG&E files with FERC and is available to any party meeting the requirements of the tariff. This tariff is part of FERC's effort to provide for competition and open access in the wholesale electric service market. It is likely that the City will use WDTs to serve some or all municipal customers after the IA expires. This is what PG&E proposed to FERC in a 2005 application to terminate the IA early.

Certain City projects are eligible for WDTs. The City currently has two WDTs with PG&E for redevelopment projects at Hunter's Point. PG&E rejected the City's subsequent application for another WDT to serve the Ferry Building.

The City is also currently examining the feasibility for serving new loads at several sites of future redevelopment, including Treasure Island, later phases of the Hunter's Point redevelopment project, Park Merced and possibly the Transbay Transit Center. These future projects present the potential for substantial revenue for the City, as well as, substantially lower greenhouse gas emissions.

For purposes of these regular updates, we will categorize the IA/MSA disputes as follows:

		Lost load (kWh/yr)	Lost Revenue (\$/yr)	Increased CO ² emissions ¹ (tonnes/yr)
Formal/Pending Disputes	Loads that are in some stage of the formal IA dispute resolution process or litigation under the MSA. (3 disputes)	9,606,613	\$1,323,091	2,357
Current At-Risk	PG&E has indicated their opposition to the City's right to serve but neither party has initiated a formal dispute process. In some cases the dispute is not "ripe" because the City is not ready to file for interconnection (e.g. the Cruise Ship Terminal at Pier's 27/29) (22 disputes)	48,366,646	\$7,068,066	11,869
	Total IA/MSA	57,973,259	\$8,391,157	14,226
Future New City Developments	Projects that the City would potentially seek to serve under a WDT, if feasible. (6 projects)	249,359,349	\$29,717,135	61,191
	Grand Total	307,332,608	\$38,108,292	75,417

¹ Increased CO² emissions resulting from displacing Hetch Hetchy hydro resource with PG&E resource mix. Based on CCAR TCR PUP reporting methodology for 2010. HfH= 34lbs/MWh, PG&E=575lbs/MWh, 1 tonne=2204.62262 lbs.

Utilities Relocation Disputes under the Franchise Agreements

The second set of disputes arises under the 1939 Franchise Agreement between the City and PG&E. These disputes concern PG&E refusing to pay to relocate its facilities when they conflict with various City projects.

In 1939, the City granted PG&E non-exclusive franchises in perpetuity to provide electric and gas service in San Francisco. In these franchises the City

authorized PG&E to use the public rights-of-way to provide services to San Francisco residents and businesses. Notably, the franchises require PG&E to "remove or relocate" its facilities "without expense" to the City where relocation is "made necessary by any lawful change in grade, alignment or width of any street, or by any work to be performed under the governmental authority of the city." They also set the annual fees PG&E is to pay the City for the franchises.

When the City is involved in a major construction project the City often determines that certain PG&E facilities conflict with the City's construction and need to be relocated to accommodate the City's project. These City projects can include new sewer pipes, water pipes, public transportation infrastructure, parks, and buildings.

Franchise disputes arise when PG&E and the City disagree over whether the City's request that PG&E remove or relocate its facilities to accommodate a certain City project falls within the franchise relocation provisions. Most of these disputes involve a small amount of money relative to both the cost of the overall project. These costs are often overshadowed by the costs the City would incur for any project delays that might result from the City's inability to quickly resolve these utility relocation disputes. For these reasons, the City will usually pay PG&E under protest to remove the facilities and avoid delays in completing the City's projects.

Recently, however, some of these disputes involve larger costs. One example of a larger dispute concerns the new North Beach Library and Joe DiMaggio Park Project. To develop the park, the City vacated a portion of Mason Street where PG&E has utility poles. The City has requested that PG&E remove and relocate those poles under the franchise at PG&E's expense. PG&E has rejected the City's request, and claims that the City must pay to underground the facilities on the vacated street at a cost to the City of approximately \$309,000.

At present, we are aware of five projects in dispute over PG&E relocation of its facilities: three projects where utility relocation costs of \$203,200 have been paid by the City under protest, and two projects where payment remains an issue. Attachment B outlines the current disputes related the franchise.

Location and Marking of Existing PG&E Facilities

Maintenance and improvement of our water and wastewater systems often requires opening the streets. Our utility systems tend to be located at the bottom of the utility trenches. Anytime the streets are opened for work, the initiating party is to contact the utilities and request that they mark the location of and provide information about their facilities.

SFPUC has had a number of "near miss" incidents where PG&E communicated incorrect information about the location of natural gas and electrical

infrastructure, presenting a worker and/or general public health and safety risk. For example, PG&E represented that a natural gas main located in the street at Post and Mason, above a water transmission line, was either the standard 30 inches deep or if it was shallower it was covered with a steel plate. The pipe was actually located immediately beneath the road base at a depth of about 10 inches, and the SFPUC contractor punctured the natural gas main while cutting pavement as a prelude to trenching. The main was not at the depth PG&E provided, nor was it covered with a steel plate.

SFPUC has also had projects where PG&E communicated incorrect information about the location of natural gas and electrical infrastructure, presenting project delays and unforeseen costs. For example, at the Wastewater Enterprise North Shore to Channel Force Main Improvement project, the contractor was fully mobilized in the field when the contractor encountered PG&E (and other utilities') infrastructure under the street that had not been disclosed. The SFPUC had to terminate the contract for convenience and pay the Contractor over \$1.4 million to terminate the contract. For the same project and subsequent to contract termination, SFPUC attempted to coordinate a portion of the work with SFMTA near the California Cable Car turnaround. SFPUC contracted to expedite work near the California Cable Car turnaround, but again found that PG&E had failed to disclose its facilities until the contractor was mobilized. The contractor had to demobilize and SFPUC had to pay approximately \$180,000 for this work. The SFPUC has re-designed the project but continues to incur costs towards this project.

Permitted Uses of SFPUC Lands by PG&E

SFPUC is a large landholder that issues numerous permits for use and crossing of lands. Some PG&E land agents dispute our standard permit review requirements. They submit last minute requests that are incomplete. At times, PG&E staff has disputed the validity or need for our requirements (e.g. land engineering plans and specifications) causing a delay in the process and eventually the issuance of a permit.

cc: Honorable Mayor Edwin Lee
Honorable Members Board of Supervisors
Chief Joanne Hayes-White, SFFD
Dennis Herrera, City Attorney
Ed Reiskin, Director, MTA
Mohammed Nuru, Director, DPW
Geisha Williams, PG&E
Steve Malnight, PG&E

Attachments

ATTACHMENT A Electric Service Disputes with PG&E under the Interconnection Agreement and Master Settlement Agreement, February 2012				
	kWh/year	Revenue/year	*Increased CO2 Emissions (tonnes/yr)	PG&E Wheeling Revenue/year
Ferry Building (PORT)	6,889,235	\$943,771.67	1,691	\$80,777
MTA-Bus Shelters				
ClearChannel (MTA)	1,027,378	\$111,792.00	252	\$18,572
Cruise Ship Shoreside - Hookup Pier 27 (PORT)	1,690,000	\$267,527.00	415	\$22,268
TOTAL FORMAL/PENDING	9,605,613	\$1,323,091	2,357	\$131,817
CURRENT AT-RISK				
America's Cup				
Piers 27/29, 23, 19, 26, 28, 30, 32 & 80 (PORT)	17,181,401	\$2,719,815.78	4,216	\$265,453
Current Port Tenants, Fort Mason, and Marina Green (at America's Cup sites - will be displaced)	5,125,899	\$809,792.72	1,258	\$79,195
¹ Transbay Terminal	16,130,680	\$2,100,336.10	3,958	\$340,121
Cruise Ship Terminal Pier 27 (PORT)	3,000,000	\$474,900.00	736	\$39,530
Cape Henry (MARAD) Pier 96 (PORT)	2,246,156	\$308,457.78	551	\$29,597
Cape Hudson (MARAD) Pier 50 (PORT)	1,833,852	\$240,277.41	450	\$24,164
Cape Horn (MARAD) Pier 50 (PORT)	1,581,418	\$232,454.13	388	\$20,838
Exploratorium Construction Offices Pier 17 (PORT)	224,754	\$43,080.77	55	\$4,063
Port Pier 38 (PORT)	243,894	\$41,164.00	60	\$4,409
Electric Vehicle Battery Changing and Hydrogen Vehicle Fuel Station Airport - Teardrop Lot (AIRPORT)	170,000	\$30,766.60	42	\$3,073
Battery Changing Station Davis & Broadway (AIRPORT)	84,000	\$15,202.32	21	\$1,518
Community Services Building 1099 Sunnydale Ave (MULTIPLE DEPTS)	82,417	\$14,915.83	20	\$1,490
Swords to Plowshares Veterans Housing 150 Otis St (MOH)	134,640	\$6,297.65	33	\$2,434

*Increased CO2 emissions resulting from displacing Hetch Hetchy hydro resource with PGE resource mix. Based on CCAR TCR PUP reporting methodology for 2010. HH=34lbs/MWh, PGE = 575lbs/MWh, 1 tonne=2204.62262.

	kWh/year	Revenue/year	*Increased CO2 Emissions (tonnes/yr)	PG&E Wheeling Revenue/year
Ella Hill Hutch/Opportunity Impact 1050 McAlister St (MOH)	128,560	\$4,683.00	32	\$2,324
EV Charging Stations (MTA)	25,700	\$3,593.37	6	\$465
Dept. of Public Health Rehabilitation Center 100 Edmonds Road, Redwood City (construction) (DPH)	51,800	\$1,942.50	13	\$683
Bodie Gravel Pier 96 (PORT)	3,800	\$803.34	1	\$69
Department of Public Health 798 Brannan (DPH)	13,999	\$524.96	3	\$253
DNA Direct Pier 9 (PORT)	709	\$234.33	0	\$13
SFHA Residences 2206 Great Highway (SFHA)	1,317	\$162.89	0	\$24
Water Emergency Transportation Agency Layover Berthing Pier 9 (PORT)	80,000	\$14,478.40	20	\$1,446
Kiosks Union Square (REC&PARK)	21,650	\$4,172.09	5	\$391
TOTAL CURRENT AT-RISK	483,668,646	\$7,068,088	11,869	\$821,651
TOTAL DISPUTES	57,973,269	\$8,391,167	14,226	\$953,167
Electric Service Disputes with PG&E at Future New City Developments	kWh/year at Completion	Revenue/year at Completion	Increased CO2 at Completion (tonnes/yr)	Total TAC and WDT Charges at Completion
² Hunter's Point Phase Two	80,653,052	\$12,678,660	19,792	\$1,540,039.06
³ Candlestick Point	26,312,680	\$2,989,647	6,457	\$507,759.19
⁴ Treasure Island	48,483,137	\$7,621,549	11,897	\$971,404.13
⁵ Park Merced	23,214,000	\$2,637,575	5,697	\$460,488.55
SF Hope	55,892,080	\$1,462,453	13,716	\$1,079,119.12
⁶ Schlage Lock Co Site	14,804,400	\$2,327,252	3,633	\$293,811.43
TOTAL FUTURE NEW CITY DEVELOPMENT	248,359,349	\$29,717,135	61,181	\$4,852,621
GRAND TOTAL	307,332,607 kWh/year	\$38,108,291/year	75,417 tonnes/year	\$5,805,789/year

1 TB Terminal/PG&E wheeling is actually total TAC and WDT charges at completion

2 Assumed rate of average C

3 Assumed rate of average R, 2nd tier, + 10%.

4 Assumed rate of average C

5 Assumed rate of average R, 2nd tier, + 10%. Demand estimated as 3221 residential units X 1.5kW + 15% for planned "several hundred additional units."

6 Assumed rate of average C. Demand estimated as 1,250 residential units X 1.5kW + 1.5MW for grocery store and mixed commercial.

7 Used projected TAC charges for 2020 and current Hunter's Point WDT rates. (\$390.25/mo. service charge + \$6.00/kW-m. The total of TAC + Hunter's Point WDT charges is used as an approximation of PG&E revenue with two caveats. TAC is a state wide charge including transmission rate cases of all PTOs in the ISO control area so they are not a one-to-one pass-through to PG&E. WDT charges are negotiated for each WDT and the current charges for the HP WDT are subject to "true-up" based on use once the load develops.

*Increased CO2 emissions resulting from displacing Hetch Hetchy hydro resource with PGE resource mix. Based on CCAR TCR PUP reporting methodology for 2010. HH=34lbs/MWh, PGE = 575lbs/MWh, 1 tonne=2204.62262.

**ATTACHMENT B
FRANCHISE AGREEMENT DISPUTES**

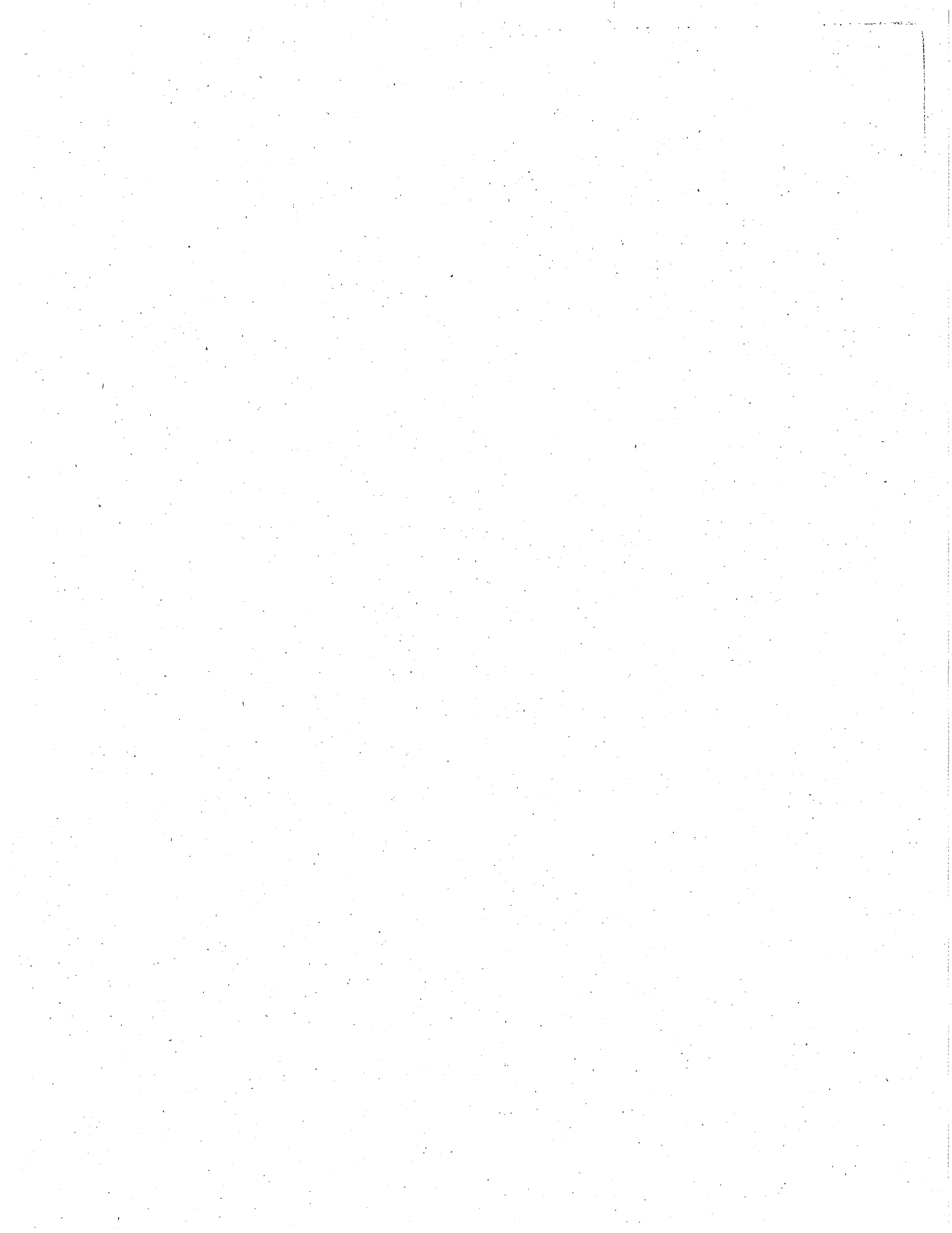
Date	Name/Location	Details	Above or Under Ground	Incurred Cost	Avoided Cost	Status
10/7/2011	North Beach Library and Joe DiMaggio Park	As part of the project, the City and County of San Francisco ("the City") vacated a portion of Mason Street, which required the removal of several overhead poles and lines by Pacific Gas and Electric Company ("PG&E). The City offered PG&E a license under the vacated area, if PG&E needed one. PG&E claims that the City requested to underground their facilities and responsible for the cost under Rule 20-B.	Above Ground	\$309,000 Estimated		Pending
9/13/2011	525 Golden Gate Avenue	<p>The City requested that PG&E move a 12-kilovolt line on Polk Street to accommodate new construction. When PG&E refused, the City had to modify the shoring plan for the building construction and so as not to delay the construction schedule.</p> <p>PG&E contested the relocation of a natural gas line in Redwood Alley.</p> <p>PG&E refused to relocate a network transformer in the street and argued that it was a "rearrangement request" under Electric Rule 15. The original estimate was \$267,000 and included \$85,000 for shoring. PG&E later changed the estimate to \$182,000.</p>	Under Ground	\$85,000 Estimated		Pending
					\$30,000	Resolved. PG&E moved gas line
8/31/2011	Central Subway	The City requested PG&E to temporarily remove and store streetlights that are in conflict with the construction of the Union Square Station. PG&E said that it will remove the existing streetlights at their cost, but that the City should pay for the storage of the streetlights and reinstallation of the new service.	Above Ground	\$105,000 Estimated		Pending

**ATTACHMENT B
FRANCHISE AGREEMENT DISPUTES**

Date	Name/Location	Details	Above or Under Ground	Incurred Cost	Avoided Cost	Status
2/7/2011	Chinese Recreation Center	PG&E refused to install alley arms on several utility poles to provide a safe clearance between the new City building and its overhead poles and lines as required by General Order 95. PG&E claimed it was a relocation request under Electric Rule 15.	Above Ground	\$16,767		City paid under protest to allow construction to proceed.
		PG&E refused to brace its pole to accommodate the installation of a plumbing system for the City building in the sidewalk.	Above Ground	\$4,434		
2009 through 2011	Along the 21 Hayes and 22 Fillmore Bus Lines	MTA's new poles and PG&E's overhead lines and several streetlight poles along the bus routes would have safety clearance conflicts that required PG&E's facilities to be relocated.	Above Ground		\$25,000	Resolved as PG&E paid for work
2/2005-2006	7 th Street and Mission Street	PG&E charged the City for access to PG&E's vault to inspect water lines during a replacement project.	Under Ground		\$126,000	Resolved as PG&E paid for work
2/2005-2006	4 th Street and Mission Street	PG&E charged the City for work associated with a water main modification.	Under Ground		\$138,222	Resolved as PG&E paid for work
2/2005-2006	3 rd Street and Mission Street	PG&E charged the City for work associated with a water main modification.	Under Ground		\$431,034	Resolved as PG&E paid for work
6/24/2005	Fitch and Donner	PG&E charged the City for disconnecting and reconnecting streetlights to accommodate the relocation of a City owned prefabricated building.	Above Ground		\$4,463	Part of 2008 FERC settlement
5/31/2005	Dianne Feinstein School	PG&E charged the City for relocating lines near a sidewalk and over school property.	Above Ground		\$34,153	Part of 2008 FERC Settlement

**ATTACHMENT B
FRANCHISE AGREEMENT DISPUTES**

Date	Name/Location	Details	Above or Under Ground	Incurred Cost	Avoided Cost	Status
5/6/2005	China Basin Road	PG&E charged for supporting Overhead conductors on sidewalk to facilitate City Owned building move	Above Ground	\$1,907		Part of 2008 FERC Settlement
5/24/2004	New De Young 10th Avenue Shutdown	PG&E charged the City for an electric shutdown to allow for safe pile driving on 10 th Avenue between Fulton and John F. Kennedy Drive and to change the grade of the sidewalk.	Under Ground	\$1,132		Part of 2008 FERC Settlement
5/7/2004	Harriet Street Pump Station	PG&E charged the City for shutting down the 12-kV line over sidewalk to allow for pile driving.	Above Ground	\$8,017		Part of 2008 FERC Settlement
10/6/2003	MUNI Illinois Substation	PG&E charged the City for bracing a pole on the sidewalk outside of the Illinois Substation.	Above Ground	\$4,160		Part of 2008 FERC Settlement
			Total	\$717,417	\$788,872	



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Sierra Club supports Muni Pilot Program for youth

From: BeckyE <rebecae@earthlink.net>
To: MTABoard <MTABoard@sfmta.com>, Ed.Reiskin@SFMTA.com, Mayor Edwin Lee <mayoredwinlee@sfgov.org>, SF Board of Supervisors <board.of.supervisors@sfgov.org>, nancy.kirshner-rodriguez@sfmta.com, HydraMendoza@sfgov.org, Johanna.Partin@sfgov.org, Sonali.Bose@sfmta.com
Cc: David Campos <David.Campos@sfgov.org>
Date: 02/15/2012 04:14 PM
Subject: Sierra Club supports Muni Pilot Program for youth

Gentlepersons: Please find the Sierra Club letter in support of free Muni passes for San Francisco Youth.

Rebecca Evans
Chair
San Francisco Group



Sierra Club YouthFare.doc



**San Francisco Group, Sierra Club,
85 Second Street, 2nd Floor, Box SFG, San Francisco CA 94105-3441**

February 15, 2012

Dear SFMTA Board of Directors and Director Reiskin:

The Sierra Club supports the proposed pilot program for Free monthly Muni Passes for all San Francisco youth ages 5-17 and urges passage by the SFMTA. Among other things, this pilot program will assist in efforts to:

- Make San Francisco a truly Transit First city and help to meet our climate action goals by reducing automobile trips.
- Build a new generation of transit riders who will support transit funding and strategies that support transit in the future.
- Support families of all income levels who want to raise children in San Francisco rather than move to auto-dependent suburbs.

In addition, the Sierra Club believes that:

- The program will have a limited effect on the SFMTA budget because various funding streams (from the school district, the SF County Transportation Authority, the Metropolitan Transportation Commission, and various grants) are being pursued.
- There is a need for the program. The school district has recently reduced its free bus service and has plans to reduce it almost in half over the next two years. In addition, since the cost of Muni's Youth Fast Pass increased 110% in recent years (from \$10 to \$21); far fewer youth load these passes onto their Clipper cards (21,000 in Oct 2009 to 10,000 in Oct 2011).

We urge the Board to pursue this proposal and thereby promote the environmentally-smart strategy of increasing public transit ridership, while also assisting the families in San Francisco.

Yours truly,

Rebecca Evans

Chair

cc: Mayor Edwin Lee
Hydra Mendoza, Mayor's Office
Johanna Partin, Mayor's Office
Members, Board of Supervisors

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

From: Brian Starr/TTX/SFGOV
To: Brian Starr/TTX/SFGOV@SFGOV
Cc: Ben Rosenfield/CON/SFGOV@SFGOV, Board of Supervisors/BOS/SFGOV@SFGOV, cynthia.fong@sfcta.org, grazioilj@sfusd.edu, Rick Wilson/MAYOR/SFGOV@SFGOV, Harvey Rose/BudgetAnalyst/SFGOV@SFGOV, Jose Cisneros/TTX/SFGOV@SFGOV, Michelle Durgy/TTX/SFGOV@SFGOV, ras94124@aol.com, sfdocs@sfpl.info, Tonia Lediju/CON/SFGOV@SFGOV, TRydstrom@sfwater.org, Pauline Marx/TTX/SFGOV@SFGOV, Peter Goldstein <pgoldste@ccsf.edu>
Date: 02/15/2012 12:52 PM
Subject: CCSF Investment Report for the month of January 2012

All,

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



CCSF Monthly Investment Report for 2012-Jan.pdf

Thank you,

Brian Starr
Investment Analyst
City and County of San Francisco
City Hall - Room 140
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4638
415-554-4487 (phone)
415-554-5660 (fax)
brian.starr@sfgov.org

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



José Cisneros, Treasurer

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

Investment Report for the month of January 2012

February 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 January 31, 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 January 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	January 2012	Fiscal YTD	December 2011
Average Daily Balance	\$ 4,277	\$ 4,563	\$ 4,229	\$ 4,332
Net Earnings	33.00	4.67	28.33	5.49
Earned Income Yield	1.31%	1.21%	1.33%	1.49%

CCSF Pooled Fund Statistics

<i>(in \$ million)</i>	% of Portfolio	Book Value	Market Value	Wtd. Avg. Coupon	Wtd. Avg. YTM	WAM
U.S. Treasuries	9.0%	\$ 401	\$ 410	1.36%	1.18%	1,125
Federal Agencies	67.5%	3,043	3,087	1.45%	1.34%	1,092
TLGP	12.0%	554	550	2.14%	1.48%	128
State & Local Government						
Agency Obligations	0.7%	33	33	2.00%	0.39%	124
Public Time Deposits	0.01%	0.4	0.4	0.50%	0.50%	163
Negotiable CDs	7.9%	362	361	0.54%	0.52%	227
Medium Term Notes	2.9%	133	131	3.46%	0.66%	221
Totals	100.0%	\$ 4,527	\$ 4,573	1.52%	1.25%	879

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
Harvey Rose, Budget Analyst
San Francisco Public Library

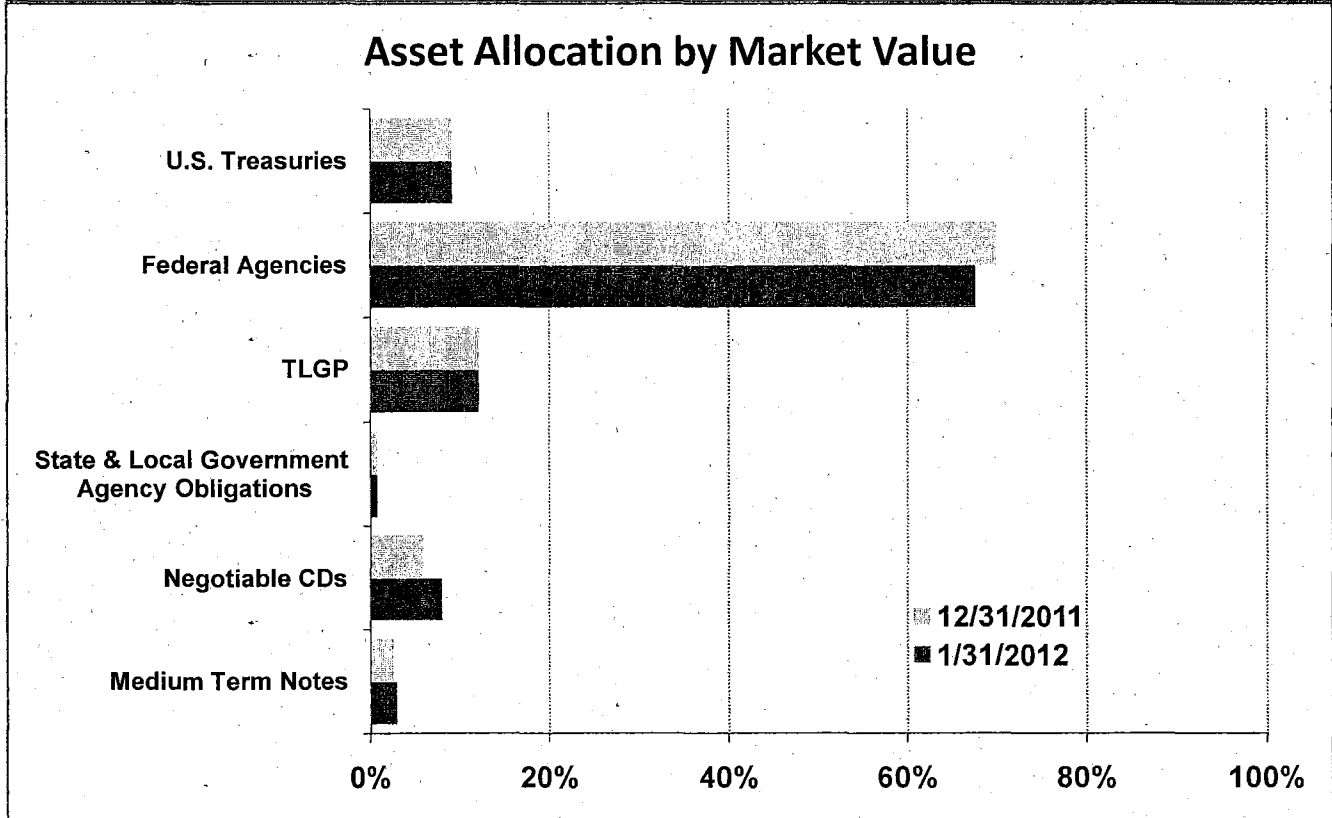
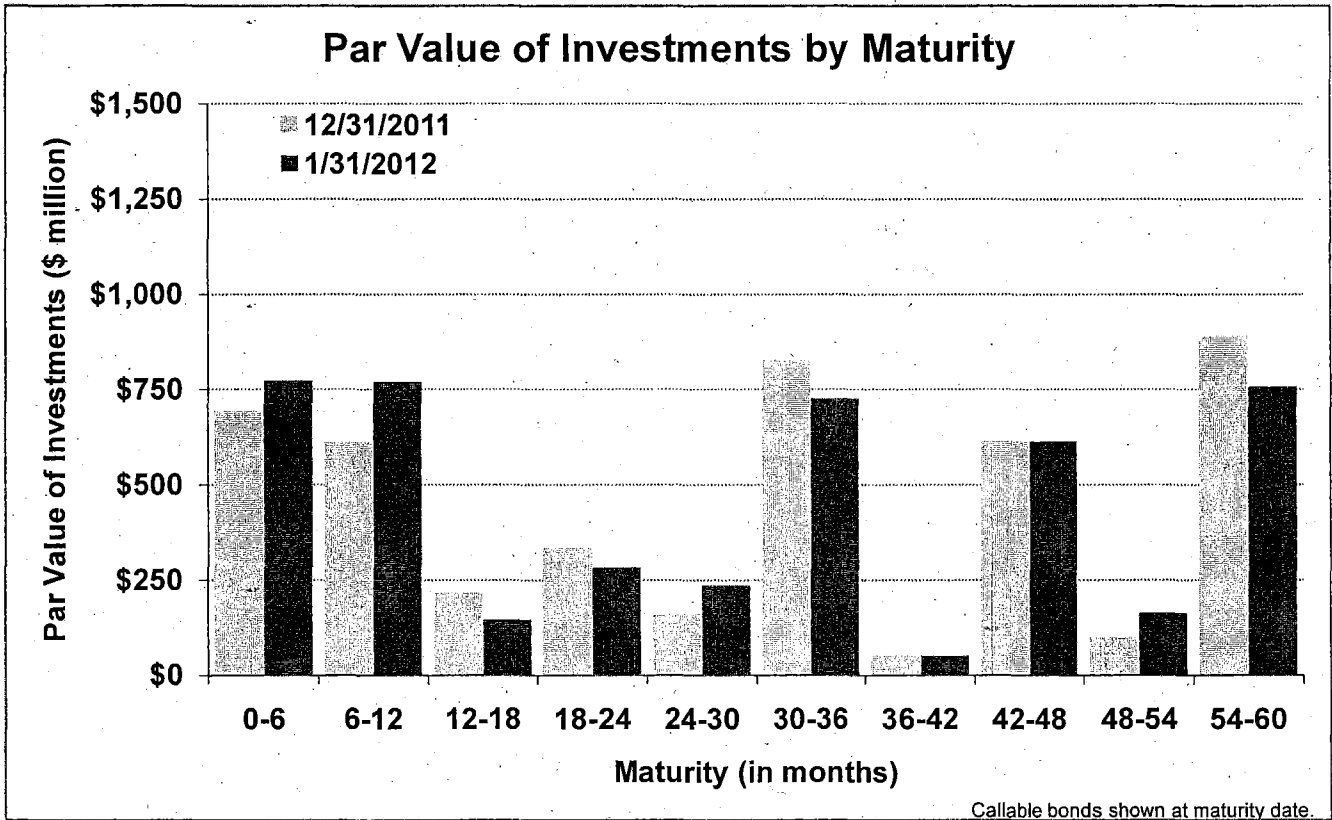
Portfolio Summary Pooled Fund

As of January 31, 2012

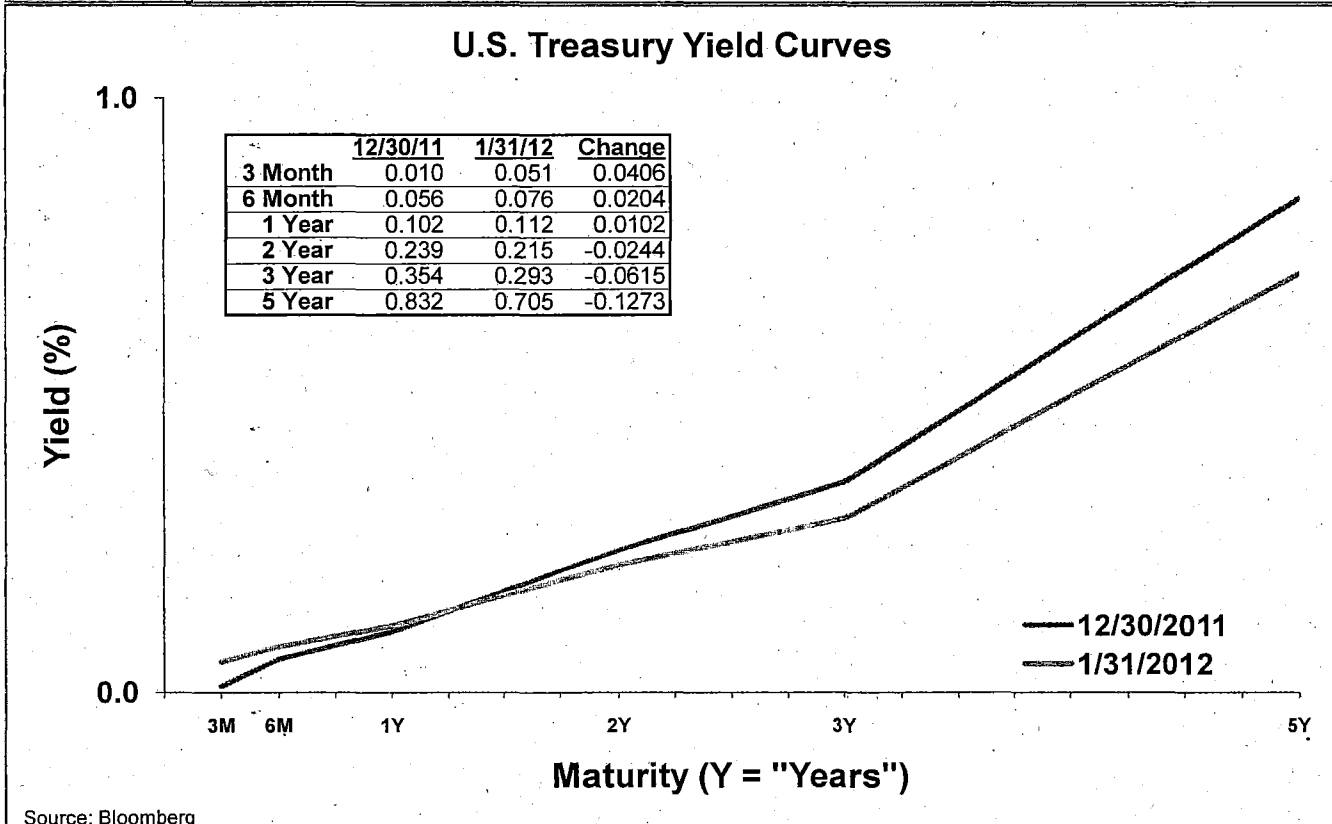
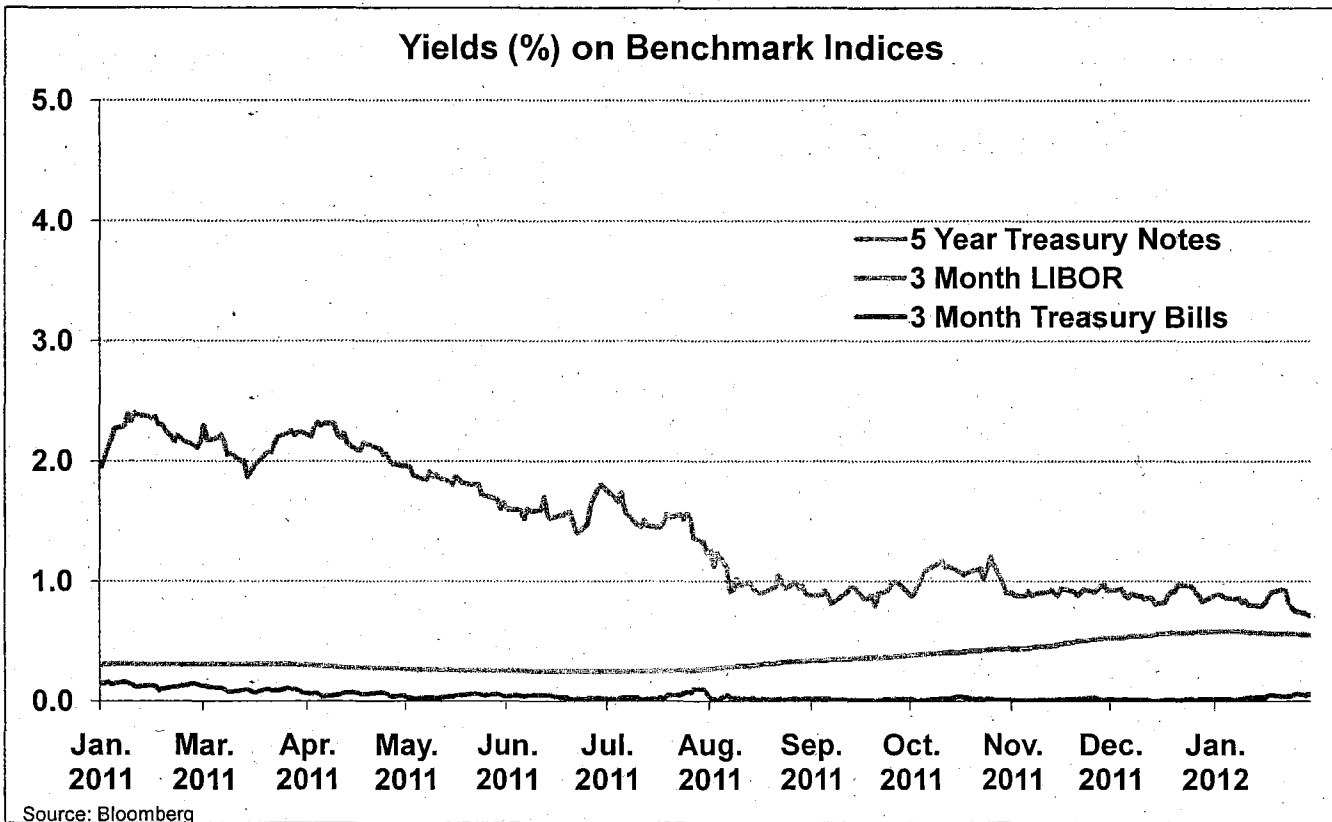
<i>(in \$ million)</i>								
Security Type	Par Value	Book Value	Market Value	Market/Book Price	Current % Allocation	Max. Policy Allocation	Compliant?	
U.S. Treasuries	\$ 400	\$ 401	\$ 410	102.32	8.97%	100%	Yes	
Federal Agencies	3,035	3,043	3,087	101.42	67.51%	70%	Yes	
TLGP	546	554	550	99.27	12.03%	30%	Yes	
State & Local Government								
Agency Obligations	33	33	33	99.49	0.72%	20%	Yes	
Public Time Deposits	0.4	0.4	0.4	100.00	0.01%	100%	Yes	
Negotiable CDs	362	362	361	99.66	7.89%	30%	Yes	
Bankers Acceptances	-	-	-	-	0.00%	40%	Yes	
Commercial Paper	-	-	-	-	0.00%	25%	Yes	
Medium Term Notes	130	133	131	98.84	2.88%	15%	Yes	
Repurchase Agreements	-	-	-	-	0.00%	100%	Yes	
Reverse Repurchase/								
Securities Lending Agreements	-	-	-	-	0.00%	\$75mm	Yes	
Money Market Funds	-	-	-	-	0.00%	100%	Yes	
LAIF	-	-	-	-	0.00%	\$50mm	Yes	
TOTAL	\$ 4,506	\$ 4,527	\$ 4,573	101.01	100.00%	-	Yes	

Note: The full Investment Policy can be found at <http://www.sftreasurer.org/>, in the Reports & Plans section of the About menu.

Portfolio Analysis Pooled Fund



Yield Curves



Investment Inventory

Pooled Fund

As of January 31, 2012

Type of Investment	CUSIP	Issue Name	Settle	Maturity	Duration	Coupon	Par Value	Book Value	Amortized	
			Date	Date					Book Value	Market Value
U.S. Treasuries	912828LB4	US TSY NT	3/23/10	7/15/12	0.45	1.50	\$ 50,000,000	\$ 50,441,406	\$ 50,086,192	\$ 50,320,000
U.S. Treasuries	912828QE3	US TSY NT	6/1/11	4/30/13	1.25	0.63	25,000,000	25,095,703	25,062,159	25,140,000
U.S. Treasuries	912828JT8	US TSY NT	6/1/11	11/30/13	1.80	2.00	25,000,000	25,851,563	25,623,049	25,812,500
U.S. Treasuries	912828PQ7	US TSY NT	6/1/11	1/15/14	1.94	1.00	25,000,000	25,226,563	25,168,682	25,377,500
U.S. Treasuries	912828LC2	US TSY NT	6/1/11	7/31/14	2.44	2.63	25,000,000	26,382,813	26,089,742	26,470,000
U.S. Treasuries	912828PE4	US TSY NT	12/23/11	10/31/15	3.67	1.25	25,000,000	25,654,876	25,637,565	25,752,500
U.S. Treasuries	912828PJ3	US TSY NT	12/16/10	11/30/15	3.74	1.38	50,000,000	49,519,531	49,628,898	51,745,000
U.S. Treasuries	912828PJ3	US TSY NT	12/16/10	11/30/15	3.74	1.38	50,000,000	49,519,531	49,628,898	51,745,000
U.S. Treasuries	912828PJ3	US TSY NT	12/23/10	11/30/15	3.74	1.38	50,000,000	48,539,063	48,867,227	51,745,000
U.S. Treasuries	912828RJ1	US TSY NT	10/11/11	9/30/16	4.56	1.00	75,000,000	74,852,619	74,863,192	76,267,500
Subtotals					3.01	1.36	\$ 400,000,000	\$ 401,083,667	\$ 400,655,603	\$ 410,375,000
Federal Agencies	31331JGD9	FFCB 2 YEAR BULLET FIXED	3/9/10	3/5/12	0.09	0.95	\$ 17,050,000	\$ 17,016,071	\$ 17,048,460	\$ 17,065,984
Federal Agencies	31331JGD9	FFCB 2 YEAR BULLET FIXED	3/9/10	3/5/12	0.09	0.95	58,000,000	57,893,860	57,995,182	58,054,375
Federal Agencies	880591DT6	TENN VALLEY AUTHORITY	8/4/10	5/23/12	0.31	6.79	20,500,000	22,725,275	20,878,770	20,926,016
Federal Agencies	313376CU7	FHLB BD	12/22/11	10/9/12	0.69	0.16	1,400,000	1,400,394	1,400,376	1,400,000
Federal Agencies	31398A6V9	FNMA FRN QTR FF+20	12/21/10	12/3/12	0.84	0.28	50,000,000	50,000,000	50,000,000	50,062,500
Federal Agencies	31398A6V9	FNMA FRN QTR FF+20	12/23/10	12/3/12	0.84	0.28	50,000,000	50,000,000	50,000,000	50,062,500
Federal Agencies	31331G2R9	FFCB	3/26/10	12/7/12	0.85	1.88	37,000,000	37,333,370	37,104,706	37,508,750
Federal Agencies	31331JAB9	FFCB BULLET	4/16/10	12/24/12	0.89	1.63	50,000,000	50,048,500	50,016,134	50,625,000
Federal Agencies	3134G1U69	FHLMC FRN QTR FF+19	1/11/11	1/10/13	0.94	0.27	50,000,000	50,000,000	50,000,000	50,062,500
Federal Agencies	3134G1U69	FHLMC FRN QTR FF+19	1/12/11	1/10/13	0.94	0.27	50,000,000	49,989,900	49,995,234	50,062,500
Federal Agencies	3134G1U69	FHLMC FRN QTR FF+19	3/22/11	1/10/13	0.94	0.27	35,000,000	35,015,925	35,008,300	35,043,750
Federal Agencies	31331KM31	FFCB FLT T-BILL+22	12/12/11	5/1/13	1.50	0.24	20,000,000	20,008,031	20,007,749	20,018,750
Federal Agencies	3137EABM0	FHLMC BONDS	5/13/11	6/28/13	1.38	3.75	25,000,000	26,608,250	26,061,818	26,234,375
Federal Agencies	31398AV90	FNMA CALL	7/16/10	7/16/13	1.45	1.30	25,000,000	24,987,500	24,993,944	25,101,563
Federal Agencies	31398AV90	FNMA CALL	7/16/10	7/16/13	1.45	1.30	50,000,000	49,975,000	49,987,888	50,203,125
Federal Agencies	3134G2B50	FHLMC FRN FF+23	9/1/11	9/3/13	1.59	0.31	50,000,000	49,979,500	49,983,779	50,062,500
Federal Agencies	3134G2K43	FHLMC FLT NT FF+21	9/13/11	9/13/13	1.61	0.29	50,000,000	49,969,500	49,975,383	50,046,875
Federal Agencies	31315PLT4	FARMER MAC	12/6/10	12/6/13	1.83	1.25	35,000,000	34,951,700	34,970,297	35,525,000
Federal Agencies	31331J6A6	FFCB	12/23/10	12/23/13	1.88	1.30	22,000,000	21,993,125	21,995,665	22,398,750
Federal Agencies	313371UC8	FHLB	11/18/10	12/27/13	1.89	0.88	75,000,000	74,865,000	74,917,335	75,726,563
Federal Agencies	3135G0AZ6	FNMA FRN QTR T-BILL+21	3/4/11	3/4/14	2.09	0.23	25,000,000	24,985,000	24,989,571	25,000,000
Federal Agencies	3135G0AZ6	FNMA FRN QTR T-BILL+21	3/4/11	3/4/14	2.08	0.23	25,000,000	24,992,500	24,994,786	25,000,000
Federal Agencies	31398A3R1	FNMA AMORT TO CALL	11/10/10	3/21/14	2.11	1.35	24,500,000	24,564,827	24,500,000	24,875,156
Federal Agencies	3136FRPJ6	FNMA FLT-TO-FIX CALL NT	10/18/11	6/6/14	2.34	0.63	10,525,000	10,536,578	10,531,347	10,541,445
Federal Agencies	3133724E1	FHLB	12/31/10	6/30/14	2.39	1.21	50,000,000	50,000,000	50,000,000	50,937,500
Federal Agencies	3137EACU1	FHLMC BONDS	6/2/11	7/30/14	2.47	1.00	75,000,000	74,946,000	74,957,418	76,101,563
Federal Agencies	3134G2UA8	FHLMC NT	12/1/11	8/20/14	2.51	1.00	53,000,000	53,652,972	53,623,692	53,612,813
Federal Agencies	3134G2UA8	FHLMC NT	12/14/11	8/20/14	2.51	1.00	25,000,000	25,328,148	25,316,533	25,289,063
Federal Agencies	313370JS8	FHLB	12/8/10	9/12/14	2.56	1.38	26,095,000	26,129,068	26,118,654	26,714,756
Federal Agencies	3128X3L76	FHLMC BONDS	12/23/10	11/13/14	2.62	5.00	21,910,000	24,606,902	23,838,256	24,484,425
Federal Agencies	3128X3L76	FHLMC BONDS	12/23/10	11/13/14	2.62	5.00	1,000,000	1,123,090	1,088,008	1,117,500
Federal Agencies	3136FTRF8	FNMA FLT QTR FF+39	12/12/11	11/21/14	2.79	0.47	26,500,000	26,530,828	26,529,709	26,549,688
Federal Agencies	31331J4S9	FFCB	12/16/10	12/8/14	2.80	1.40	27,000,000	26,986,500	26,990,328	27,691,875
Federal Agencies	31331J4S9	FFCB	12/8/10	12/8/14	2.80	1.40	19,000,000	18,956,680	18,969,133	19,486,875
Federal Agencies	313371PC4	FHLB	11/22/10	12/12/14	2.83	0.88	25,000,000	24,617,500	24,730,106	25,265,625
Federal Agencies	313371W51	FHLB	12/6/10	12/12/14	2.82	1.25	50,000,000	49,725,000	49,804,107	50,906,250
Federal Agencies	313371W51	FHLB	12/8/10	12/12/14	2.82	1.25	75,000,000	74,391,000	74,565,594	76,359,375

Investment Inventory

Pooled Fund

Type of Investment	CUSIP	Issue Name	Settle	Maturity	Duration	Coupon	Par Value	Book Value	Amortized	
			Date	Date					Book Value	Market Value
Federal Agencies	3133XVNU1	FHLB	11/23/10	12/12/14	2.77	2.75	25,400,000	26,848,308	26,422,623	26,995,438
Federal Agencies	3133XVNU1	FHLB	11/23/10	12/12/14	2.77	2.75	2,915,000	3,079,668	3,031,269	3,098,098
Federal Agencies	3133XVNU1	FHLB	12/8/10	12/12/14	2.77	2.75	25,000,000	26,332,000	25,950,130	26,570,313
Federal Agencies	3133XVNU1	FHLB	12/8/10	12/12/14	2.77	2.75	50,000,000	52,674,000	51,907,392	53,140,625
Federal Agencies	313371W93	FHLB	12/15/10	12/15/14	2.82	1.34	75,000,000	75,000,000	75,000,000	76,781,250
Federal Agencies	3136FTVN6	FNMA FLT QTR FF+35	12/15/11	12/15/14	2.86	0.43	75,000,000	75,000,000	75,000,000	75,046,875
Federal Agencies	3135G0GM9	FNMA CALL NT	12/23/11	12/23/14	2.86	0.83	25,000,000	25,040,000	25,037,811	25,031,250
Federal Agencies	31331J6Q1	FFCB	12/29/10	12/29/14	2.85	1.72	27,175,000	27,157,065	27,161,963	28,092,156
Federal Agencies	31331J6Q1	FFCB	12/29/10	12/29/14	2.85	1.72	70,000,000	69,988,800	69,991,859	72,362,500
Federal Agencies	3136FMA38	FNMA	6/25/10	6/25/15	3.29	2.50	49,080,000	49,018,650	49,038,338	49,417,425
Federal Agencies	3136FM6G4	FNMA	8/10/10	8/10/15	3.38	2.13	25,000,000	25,000,000	25,000,000	25,007,813
Federal Agencies	3137EACM9	FHLMC BONDS	12/15/10	9/10/15	3.49	1.75	50,000,000	49,050,000	49,276,792	52,000,000
Federal Agencies	313370JB5	FHLB	12/15/10	9/11/15	3.49	1.75	75,000,000	73,587,000	73,924,128	77,695,313
Federal Agencies	31315PGT0	FARMER MAC	9/15/10	9/15/15	3.48	2.13	45,000,000	44,914,950	44,938,425	46,757,813
Federal Agencies	31398A3T7	FNMA NT EX-CALL	10/14/11	9/21/15	3.51	2.00	25,000,000	25,912,944	25,845,552	26,054,688
Federal Agencies	31398A4M1	FNMA	12/15/10	10/26/15	3.62	1.63	25,000,000	24,317,500	24,476,212	25,882,813
Federal Agencies	31398A4M1	FNMA	12/23/10	10/26/15	3.62	1.63	42,000,000	40,924,380	41,170,775	43,483,125
Federal Agencies	31398A4M1	FNMA	12/23/10	10/26/15	3.62	1.63	50,000,000	48,701,500	48,998,951	51,765,625
Federal Agencies	31331J2S1	FFCB	12/15/10	11/16/15	3.69	1.50	25,000,000	24,186,981	24,373,835	25,632,813
Federal Agencies	313371ZY5	FHLB	12/3/10	12/11/15	3.73	1.88	25,000,000	24,982,000	24,986,171	26,140,625
Federal Agencies	313371ZY5	FHLB	12/14/10	12/11/15	3.73	1.88	50,000,000	49,871,500	49,900,682	52,281,250
Federal Agencies	3135G0BH5	FNMA CALL NT	6/10/11	4/11/16	3.97	2.60	25,000,000	25,400,000	25,091,503	25,101,563
Federal Agencies	313373ZN5	FHLB	6/6/11	6/6/16	4.17	2.03	35,000,000	35,000,000	35,000,000	36,717,188
Federal Agencies	3135G0BK8	FNMA CALL NT	6/10/11	6/6/16	4.15	2.25	10,000,000	10,078,200	10,027,219	10,062,500
Federal Agencies	3134G2LW0	FHLMC CALL	7/26/11	6/29/16	4.24	2.00	27,345,000	27,358,673	27,351,009	27,498,816
Federal Agencies	31315PA25	FAMCA NT	7/27/11	7/27/16	4.31	2.00	15,000,000	14,934,750	14,941,500	15,501,563
Federal Agencies	3134G2SP8	FHLMC CALL	7/28/11	7/28/16	4.32	2.00	50,000,000	50,022,500	50,014,809	50,687,500
Federal Agencies	3136FRJ95	FNMA CALL	8/15/11	8/15/16	4.32	2.01	100,000,000	100,000,000	100,000,000	100,812,500
Federal Agencies	31331KUB4	FFCB CALL	8/15/11	8/15/16	4.35	1.75	29,775,000	29,802,914	29,789,949	29,961,094
Federal Agencies	3134G2VB5	FHLMC CALL	8/24/11	8/24/16	0.00	2.20	25,000,000	25,066,406	25,008,301	25,031,250
Federal Agencies	3134G2WF5	FHLMC CALL	8/24/11	8/24/16	4.37	1.75	5,050,000	5,050,000	5,050,000	5,054,734
Federal Agencies	3134G2WJ7	FHLMC STEP CALL	8/24/11	8/24/16	4.40	1.50	25,000,000	25,000,000	25,000,000	25,015,625
Federal Agencies	3134G2VB5	FHLMC CALL	8/24/11	8/24/16	0.00	2.20	25,000,000	25,085,938	25,010,742	25,031,250
Federal Agencies	3134G2YE6	FHLMC CALL	8/24/11	8/24/16	4.40	1.50	50,000,000	50,000,000	50,000,000	50,031,250
Federal Agencies	3134G2YG1	FHLMC CALL	8/24/11	8/24/16	4.41	1.42	100,000,000	100,000,000	100,000,000	100,468,750
Federal Agencies	3134G2XB3	FHLMC CALL NT	8/24/11	8/24/16	4.37	1.80	25,000,000	25,000,000	25,000,000	25,179,688
Federal Agencies	3136FRQ55	FNMA STEP CALL	9/9/11	9/9/16	4.50	1.00	50,000,000	50,000,000	50,000,000	50,031,250
Federal Agencies	313370TW8	FHLB BD	10/11/11	9/9/16	4.39	2.00	25,000,000	25,771,844	25,726,053	26,179,688
Federal Agencies	3136FR4T7	FNMA STEP NT	9/26/11	9/26/16	4.56	0.90	50,000,000	50,000,000	50,000,000	50,062,500
Federal Agencies	3135G0CM3	FNMA NT	10/11/11	9/28/16	4.52	1.25	25,000,000	24,867,735	24,876,677	25,281,250
Federal Agencies	3134G22E1	FHLMC CALL NT	12/27/11	11/2/16	4.58	1.60	25,000,000	25,143,611	25,134,061	25,171,875
Federal Agencies	3135G0ES8	FNMA NT	12/14/11	11/15/16	4.64	1.38	50,000,000	50,364,474	50,356,050	51,062,500
Federal Agencies	3136FTQQ5	FNMA CALL NT	12/14/11	12/14/16	4.68	1.70	21,000,000	21,000,000	21,000,000	21,052,500
Federal Agencies	3136FTUZ0	FNMA CALL NT	12/30/11	12/30/16	4.76	1.40	50,000,000	49,975,000	49,975,452	50,328,125
Subtotals					2.84	1.45	\$ 3,035,220,000	\$ 3,043,342,784	\$ 3,039,674,497	\$ 3,086,688,044
TLGP	36967HAN7	GENL ELEC CAP CORP FDIC TLGP	3/24/09	3/12/12	0.11	2.25	\$ 35,000,000	\$ 35,185,150	\$ 35,006,832	\$ 35,082,031
TLGP	61757UAN0	MORGAN STANLEY FDIC GTD TLGP	3/19/09	3/13/12	0.12	0.74	25,000,000	25,040,325	25,001,517	25,019,531
TLGP	61757UAP5	MORGAN STANLEY TLGP	11/4/09	3/13/12	0.12	2.25	20,000,000	20,431,800	20,020,586	20,046,875
TLGP	61757UAP5	MORGAN STANLEY TLGP	11/6/09	3/13/12	0.12	2.25	50,000,000	51,084,000	50,051,800	50,117,188

Investment Inventory Pooled Fund

Type of Investment	CUSIP	Issue Name	Settle	Maturity	Duration	Coupon	Par Value	Book Value	Amortized	
			Date	Date					Book Value	Market Value
TLGP	905266AA0	UNION BANK TLGP FLOAT	3/23/09	3/16/12	0.12	0.76	25,000,000	25,033,725	25,001,363	25,003,906
TLGP	064244AA4	BANK OF THE WEST TLGP	4/2/09	3/27/12	0.15	2.15	5,000,000	5,026,950	5,001,360	5,015,625
TLGP	064244AA4	BANK OF THE WEST TLGP	4/2/09	3/27/12	0.15	2.15	20,000,000	20,108,000	20,005,450	20,062,500
TLGP	90390QAA9	USSA CAPITAL CO	4/28/09	3/30/12	0.16	2.24	16,000,000	16,125,600	16,006,827	16,055,000
TLGP	17313UAE9	CITIGROUP TLGP	4/2/09	4/30/12	0.25	2.13	25,000,000	25,117,500	25,009,304	25,125,000
TLGP	06050BAG6	BANK AMERICA CORP TLGP	4/2/09	4/30/12	0.25	2.10	25,000,000	25,093,000	25,007,364	25,121,094
TLGP	481247AK0	J P MORGAN CHASE TLGP	3/24/09	6/15/12	0.37	2.20	25,000,000	25,119,000	25,013,626	25,191,406
TLGP	38146FAA9	GOLDMAN SACHS TLGP	3/22/10	6/15/12	0.37	3.25	50,000,000	52,215,000	50,366,452	50,578,125
TLGP	481247AK0	J P MORGAN TLGP	4/21/10	6/15/12	0.37	2.20	50,000,000	51,097,500	50,188,502	50,382,813
TLGP	06050BAJ0	BANK AMERICA CORP TLGP	4/14/09	6/22/12	0.39	2.38	50,000,000	50,685,000	50,083,494	50,445,313
TLGP	36967HBB2	GENERAL ELECTRIC TLGP BULLET	3/22/10	9/28/12	0.65	2.00	25,000,000	25,366,000	25,095,375	25,308,594
TLGP	36967HBB2	GENERAL ELECTRIC TLGP BULLET	4/20/10	9/28/12	0.65	2.00	75,000,000	76,010,250	75,271,816	75,925,781
TLGP	36967HAV9	GENERAL ELECTRIC TLGP	11/6/09	12/21/12	0.88	2.13	25,000,000	25,253,750	25,072,055	25,441,406
Subtotals					0.35	2.14	\$ 546,000,000	\$ 553,992,550	\$ 547,203,721	\$ 549,922,188
State/Local Agencies	13063BLL4	CAL RANS SER A1	9/22/11	5/24/12	0.31	2.00	\$ 22,500,000	\$ 22,744,350	\$ 22,612,700	\$ 22,628,025
State/Local Agencies	13063BLK6	CAL RANS SER A2	9/22/11	6/26/12	0.40	2.00	10,000,000	10,121,400	10,063,757	10,070,800
Subtotals					0.34	2.00	\$ 32,500,000	\$ 32,865,750	\$ 32,676,457	\$ 32,698,825
Public Time Deposits		BANK OF SAN FRANCISCO CD	5/18/11	5/18/12	0.30	0.75	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
Public Time Deposits		FIRST NAT. BANK OF NOR. CAL. PTI	8/4/11	8/3/12	0.51	0.40	250,000	250,000	250,000	250,000
Subtotals					0.45	0.50	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000
Negotiable CDs	78009J5E1	RBC FLT YCD 3ML+2	9/2/11	5/11/12	0.28	0.46	\$ 60,000,000	\$ 59,994,006	\$ 59,997,621	\$ 60,005,502
Negotiable CDs	06417DUP8	BK OF NOVA SCOTIA YCD FLT 3ML+	9/21/11	6/11/12	0.36	0.74	52,176,000	52,214,610	52,195,159	52,235,207
Negotiable CDs	89112XJQ9	TD YCD	1/4/12	7/2/12	0.42	0.31	50,000,000	50,000,000	50,000,000	49,909,222
Negotiable CDs	78009NBL9	RBC YCD FLT 1ML+22	11/2/11	11/2/12	0.75	0.52	50,000,000	50,000,000	50,000,000	49,895,050
Negotiable CDs	78009NBU9	RBC YCD	11/16/11	11/16/12	0.79	0.67	50,000,000	50,000,000	50,000,000	49,682,903
Negotiable CDs	78009NCS3	RBC YCD	12/16/11	12/17/12	0.88	0.72	50,000,000	50,000,000	50,000,000	49,648,889
Negotiable CDs	89112XLC7	TD YCD	1/12/12	1/14/13	0.96	0.35	50,000,000	50,000,000	50,000,000	49,618,167
Subtotals					0.62	0.54	\$ 362,176,000	\$ 362,208,616	\$ 362,192,780	\$ 360,994,940
Medium Term Notes	36962G2L7	GE MTN	8/22/11	4/10/12	0.19	5.00	\$ 10,000,000	\$ 10,277,200	\$ 10,082,443	\$ 10,078,125
Medium Term Notes	073928X73	JPM MTN	9/6/11	8/10/12	0.51	6.95	9,317,000	9,902,196	9,667,129	9,628,537
Medium Term Notes	36962G4E1	GE MTN	8/24/11	8/13/12	0.53	3.50	55,750,000	57,342,189	56,647,137	56,603,672
Medium Term Notes	36962G4E1	GE MTN	9/7/11	8/13/12	0.53	3.50	8,370,000	8,609,577	8,514,718	8,498,166
Medium Term Notes	36962G4E1	GE MTN	9/14/11	8/13/12	0.53	3.50	4,700,000	4,833,404	4,783,424	4,771,969
Medium Term Notes	64952WAJ2	NEW YORK LIFE MTN	1/19/12	10/16/12	0.69	5.25	13,215,000	13,865,607	13,842,995	13,677,525
Medium Term Notes	89233P5P7	TOYOTA FLT QTR 3ML+20	12/14/11	12/17/12	0.88	0.75	18,200,000	18,200,000	18,200,000	18,219,906
Medium Term Notes	89233P5Q5	TOYOTA FLT QTR 3ML+20	12/15/11	1/11/13	0.94	0.81	10,000,000	10,000,000	10,000,000	10,010,938
Subtotals					0.60	3.46	\$ 129,552,000	\$ 133,030,174	\$ 131,737,847	\$ 131,488,837
Grand Totals					2.30	1.52	\$ 4,505,798,000	\$ 4,526,873,542	\$ 4,514,490,904	\$ 4,572,517,834

Monthly Investment Earnings Pooled Fund

For month ended January 31, 2012

Type of Investment	CUSIP	Issue Name	Par Value	Coupon	YTM ¹	Settle	Maturity	Earned	Amort.	Realized	Earned Income
						Date	Date	Interest	Expense	Gain/(Loss)	/Net Earnings
U.S. Treasuries	912828LB4	US TSY NT	\$ 50,000,000	1.50	1.11	3/23/10	7/15/12	\$ 63,560	\$ (16,194)	\$ -	\$ 47,366
U.S. Treasuries	912828QE3	US TSY NT	25,000,000	0.63	0.42	6/1/11	4/30/13	13,307	(4,244)	-	9,063
U.S. Treasuries	912828JT8	US TSY NT	25,000,000	2.00	0.62	6/1/11	11/30/13	42,350	(28,914)	-	13,436
U.S. Treasuries	912828PQ7	US TSY NT	25,000,000	1.00	0.65	6/1/11	1/15/14	21,187	(7,324)	-	13,863
U.S. Treasuries	912828LC2	US TSY NT	25,000,000	2.63	0.85	6/1/11	7/31/14	55,302	(37,082)	-	18,219
U.S. Treasuries	912828PE4	US TSY NT	25,000,000	1.25	0.61	12/23/11	10/31/15	26,614	(13,417)	-	13,197
U.S. Treasuries	912828PJ3	US TSY NT	50,000,000	1.38	1.58	12/16/10	11/30/15	58,231	8,229	-	66,460
U.S. Treasuries	912828PJ3	US TSY NT	50,000,000	1.38	1.58	12/16/10	11/30/15	58,231	8,229	-	66,460
U.S. Treasuries	912828PJ3	US TSY NT	50,000,000	1.38	2.00	12/23/10	11/30/15	58,231	25,119	-	83,350
U.S. Treasuries	912828RJ1	US TSY NT	75,000,000	1.00	1.05	10/11/11	9/30/16	63,525	2,901	-	66,425
Subtotals			\$ 400,000,000					\$ 460,536	\$ (62,697)	\$ -	\$ 397,839
Federal Agencies	3134A4JT2	FHLMC BONDS	\$ -	5.75	1.07	6/10/10	1/15/12	\$ 44,722	\$ (35,470)	\$ -	\$ 9,252
Federal Agencies	31331JGD9	FFCB 2 YEAR BULLET FIXED	17,050,000	0.95	1.05	3/9/10	3/5/12	13,498	1,447	-	14,945
Federal Agencies	31331JGD9	FFCB 2 YEAR BULLET FIXED	58,000,000	0.95	1.04	3/9/10	3/5/12	45,917	4,526	-	50,443
Federal Agencies	880591DT6	TENN VALLEY AUTHORITY	20,500,000	6.79	0.72	8/4/10	5/23/12	115,996	(104,838)	-	11,158
Federal Agencies	313376CU7	FHLB BD	1,400,000	0.16	0.15	12/22/11	10/9/12	187	(13)	-	173
Federal Agencies	31398A6V9	FNMA FRN QTR FF+20	50,000,000	0.28	0.28	12/21/10	12/3/12	12,139	-	-	12,139
Federal Agencies	31398A6V9	FNMA FRN QTR FF+20	50,000,000	0.28	0.28	12/23/10	12/3/12	12,139	-	-	12,139
Federal Agencies	31331G2R9	FFCB	37,000,000	1.88	1.53	3/26/10	12/7/12	57,813	(10,471)	-	47,342
Federal Agencies	31331JAB9	FFCB BULLET	50,000,000	1.63	1.59	4/16/10	12/24/12	67,708	(1,530)	-	66,179
Federal Agencies	3134G1U69	FHLMC FRN QTR FF+19	50,000,000	0.27	0.27	1/11/11	1/10/13	11,764	-	-	11,764
Federal Agencies	3134G1U69	FHLMC FRN QTR FF+19	50,000,000	0.27	0.29	1/12/11	1/10/13	11,764	429	-	12,193
Federal Agencies	3134G1U69	FHLMC FRN QTR FF+19	35,000,000	0.27	0.23	3/22/11	1/10/13	8,235	(748)	-	7,487
Federal Agencies	31331KM31	FFCB FLT T-BILL+22	20,000,000	0.24	0.23	12/12/11	5/1/13	4,126	(172)	-	3,955
Federal Agencies	3137EABM0	FHLMC BONDS	25,000,000	3.75	0.69	5/13/11	6/28/13	78,125	(64,164)	-	13,961
Federal Agencies	31398AV90	FNMA CALL	25,000,000	1.30	1.32	7/16/10	7/16/13	27,083	354	-	27,437
Federal Agencies	31398AV90	FNMA CALL	50,000,000	1.30	1.32	7/16/10	7/16/13	54,167	707	-	54,874
Federal Agencies	3134G2B50	FHLMC FRN FF+23	50,000,000	0.31	0.34	9/1/11	9/3/13	13,431	867	-	14,298
Federal Agencies	3134G2K43	FHLMC FLT NT FF+21	50,000,000	0.29	0.33	9/13/11	9/13/13	12,569	1,293	-	13,863
Federal Agencies	31315PLT4	FARMER MAC	35,000,000	1.25	1.30	12/6/10	12/6/13	36,458	1,366	-	37,824
Federal Agencies	31331J6A6	FFCB	22,000,000	1.30	1.31	12/23/10	12/23/13	23,833	194	-	24,028
Federal Agencies	313371UC8	FHLB	75,000,000	0.88	0.93	11/18/10	12/27/13	54,688	3,687	-	58,375
Federal Agencies	3135G0AZ6	FNMA FRN QTR T-BILL+21	25,000,000	0.23	0.26	3/4/11	3/4/14	4,933	424	-	5,357
Federal Agencies	3135G0AZ6	FNMA FRN QTR T-BILL+21	25,000,000	0.23	0.25	3/4/11	3/4/14	4,933	212	-	5,145
Federal Agencies	31398A3R1	FNMA AMORT TO CALL	24,500,000	1.35	1.27	11/10/10	3/21/14	27,563	-	-	27,563
Federal Agencies	3136FRPJ6	FNMA FLT-TO-FIX CALL NT	10,525,000	0.63	0.58	10/18/11	6/6/14	5,511	(1,523)	-	3,988
Federal Agencies	3133724E1	FHLB	50,000,000	1.21	1.21	12/31/10	6/30/14	50,417	-	-	50,417
Federal Agencies	3137EACU1	FHLMC BONDS	75,000,000	1.00	1.02	6/2/11	7/30/14	62,500	1,451	-	63,951
Federal Agencies	3134G2UA8	FHLMC NT	53,000,000	1.00	0.67	12/1/11	8/20/14	44,167	(14,640)	-	29,527
Federal Agencies	3134G2UA8	FHLMC NT	25,000,000	1.00	0.65	12/14/11	8/20/14	20,833	(7,349)	-	13,485
Federal Agencies	313370JS8	FHLB	26,095,000	1.38	1.34	12/8/10	9/12/14	29,901	(769)	-	29,132
Federal Agencies	3128X3L76	FHLMC BONDS	21,910,000	5.00	1.71	12/23/10	11/13/14	91,292	(58,835)	-	32,457
Federal Agencies	3128X3L76	FHLMC BONDS	1,000,000	5.00	1.71	12/23/10	11/13/14	4,167	(2,685)	-	1,481
Federal Agencies	3136FTRF8	FNMA FLT QTR FF+39	26,500,000	0.47	0.44	12/12/11	11/21/14	10,813	(680)	-	10,133
Federal Agencies	31331J4S9	FFCB	27,000,000	1.40	1.41	12/16/10	12/8/14	31,500	288	-	31,788
Federal Agencies	31331J4S9	FFCB	19,000,000	1.40	1.46	12/8/10	12/8/14	22,167	919	-	23,086
Federal Agencies	313371PC4	FHLB	25,000,000	0.88	1.26	11/22/10	12/12/14	18,229	8,006	-	26,236
Federal Agencies	313371W51	FHLB	50,000,000	1.25	1.39	12/6/10	12/12/14	52,083	5,811	-	57,895

Monthly Investment Earnings Pooled Fund

Type of Investment	CUSIP	Issue Name	Par Value	Coupon	YTM ¹	Settle Date	Maturity Date	Earned Interest	Amort. Expense	Realized Gain/(Loss)	Earned Income /Net Earnings
Federal Agencies	313371W51	FHLB	75,000,000	1.25	1.46	12/8/10	12/12/14	78,125	12,887	-	91,012
Federal Agencies	3133XVNU1	FHLB	25,400,000	2.75	1.30	11/23/10	12/12/14	58,208	(30,336)	-	27,872
Federal Agencies	3133XVNU1	FHLB	2,915,000	2.75	1.31	11/23/10	12/12/14	6,680	(3,449)	-	3,231
Federal Agencies	3133XVNU1	FHLB	25,000,000	2.75	1.38	12/8/10	12/12/14	57,292	(28,186)	-	29,106
Federal Agencies	3133XVNU1	FHLB	50,000,000	2.75	1.37	12/8/10	12/12/14	114,583	(56,583)	-	58,000
Federal Agencies	313371W93	FHLB	75,000,000	1.34	1.34	12/15/10	12/15/14	83,750	-	-	83,750
Federal Agencies	3136FTVN6	FNMA FLT QTR FF+35	75,000,000	0.43	0.43	12/15/11	12/15/14	26,996	-	-	26,996
Federal Agencies	3135G0GM9	FNMA CALL NT	25,000,000	0.83	0.77	12/23/11	12/23/14	17,188	(1,696)	-	15,491
Federal Agencies	31331J6Q1	FFCB	27,175,000	1.72	1.74	12/29/10	12/29/14	38,951	381	-	39,331
Federal Agencies	31331J6Q1	FFCB	70,000,000	1.72	1.72	12/29/10	12/29/14	100,333	238	-	100,571
Federal Agencies	3136FMA38	FNMA	49,080,000	2.50	2.53	6/25/10	6/25/15	102,250	1,042	-	103,292
Federal Agencies	3136FM6G4	FNMA	25,000,000	2.13	2.13	8/10/10	8/10/15	44,271	-	-	44,271
Federal Agencies	3137EACM9	FHLMC BONDS	50,000,000	1.75	2.17	12/15/10	9/10/15	72,917	17,023	-	89,940
Federal Agencies	313370JB5	FHLB	75,000,000	1.75	2.17	12/15/10	9/11/15	109,375	25,305	-	134,680
Federal Agencies	31315PGT0	FARMER MAC	45,000,000	2.13	2.17	9/15/10	9/15/15	79,688	1,444	-	81,131
Federal Agencies	31398A3T7	FNMA NT EX-CALL	25,000,000	2.00	1.08	10/14/11	9/21/15	41,667	(18,992)	-	22,674
Federal Agencies	31398A4M1	FNMA	25,000,000	1.63	2.22	12/15/10	10/26/15	33,854	11,913	-	45,767
Federal Agencies	31398A4M1	FNMA	42,000,000	1.63	2.19	12/23/10	10/26/15	56,875	18,860	-	75,735
Federal Agencies	31398A4M1	FNMA	50,000,000	1.63	2.19	12/23/10	10/26/15	67,708	22,768	-	90,476
Federal Agencies	31331J2S1	FFCB	25,000,000	1.50	2.20	12/15/10	11/16/15	31,250	14,025	-	45,275
Federal Agencies	313371Z55	FHLB	25,000,000	1.88	1.89	12/3/10	12/11/15	39,063	304	-	39,367
Federal Agencies	313371Z55	FHLB	50,000,000	1.88	1.93	12/14/10	12/11/15	78,125	2,185	-	80,310
Federal Agencies	3135G0BH5	FNMA CALL NT	25,000,000	2.60	2.25	6/10/11	4/11/16	54,167	(40,523)	-	13,644
Federal Agencies	313373ZN5	FHLB	35,000,000	2.03	2.03	6/6/11	6/6/16	59,208	-	-	59,208
Federal Agencies	3135G0BK8	FNMA CALL NT	10,000,000	2.25	2.08	6/10/11	6/6/16	18,750	(6,697)	-	12,053
Federal Agencies	3134G2LW0	FHLMC CALL	27,345,000	2.00	1.99	7/26/11	6/29/16	45,575	(1,250)	-	44,325
Federal Agencies	31315PA25	FAMCA NT	15,000,000	2.00	2.09	7/27/11	7/27/16	25,000	1,107	-	26,107
Federal Agencies	3136FRA86	FNMA CALL	-	2.25	2.09	8/11/11	7/27/16	109,403	427,255	(504,938)	31,720
Federal Agencies	3134G2SP8	FHLMC CALL	50,000,000	2.00	1.99	7/28/11	7/28/16	83,333	(1,268)	-	82,065
Federal Agencies	3136FRJ95	FNMA CALL	100,000,000	2.01	2.01	8/15/11	8/15/16	167,500	-	-	167,500
Federal Agencies	31331KUB4	FFCB CALL	29,775,000	1.75	1.73	8/15/11	8/15/16	43,422	(2,364)	-	41,058
Federal Agencies	3134G2VB5	FHLMC CALL	25,000,000	2.20	2.14	8/24/11	8/24/16	45,833	(11,188)	-	34,645
Federal Agencies	3134G2WF5	FHLMC CALL	5,050,000	1.75	1.75	8/24/11	8/24/16	7,365	-	-	7,365
Federal Agencies	3134G2WJ7	FHLMC STEP CALL	25,000,000	1.50	1.50	8/24/11	8/24/16	31,250	-	-	31,250
Federal Agencies	3134G2VB5	FHLMC CALL	25,000,000	2.20	2.13	8/24/11	8/24/16	45,833	(14,479)	-	31,355
Federal Agencies	3134G2YE6	FHLMC CALL	50,000,000	1.50	1.50	8/24/11	8/24/16	62,500	-	-	62,500
Federal Agencies	3134G2YG1	FHLMC CALL	100,000,000	1.42	1.42	8/24/11	8/24/16	118,333	-	-	118,333
Federal Agencies	3134G2XB3	FHLMC CALL NT	25,000,000	1.80	1.80	8/24/11	8/24/16	37,500	-	-	37,500
Federal Agencies	3136FRQ55	FNMA STEP CALL	50,000,000	1.00	1.00	9/9/11	9/9/16	41,667	-	-	41,667
Federal Agencies	313370TW8	FHLB BD	25,000,000	2.00	1.39	10/11/11	9/9/16	41,667	(12,562)	-	29,104
Federal Agencies	3136FR4T7	FNMA STEP NT	50,000,000	0.90	0.90	9/26/11	9/26/16	37,500	-	-	37,500
Federal Agencies	3135G0CM3	FNMA NT	25,000,000	1.25	1.37	10/11/11	9/28/16	26,042	2,453	-	28,495
Federal Agencies	3134G22E1	FHLMC CALL NT	25,000,000	1.60	1.53	12/27/11	11/2/16	33,333	(8,223)	-	25,110
Federal Agencies	3135G0ES8	FNMA NT	50,000,000	1.38	1.25	12/14/11	11/15/16	57,292	(5,329)	-	51,962
Federal Agencies	3136FTQQ5	FNMA CALL NT	21,000,000	1.70	1.70	12/14/11	12/14/16	29,750	-	-	29,750
Federal Agencies	3136FTUZ0	FNMA CALL NT	50,000,000	1.40	1.41	12/30/11	12/30/16	58,333	424	-	58,758
Subtotals			\$ 3,035,220,000					\$ 3,807,072	\$ 44,584	\$ (504,938)	\$ 3,346,719
TLGP	36967HAN7	GENL ELEC CAP CORP FDIC TLGP	\$ 35,000,000	2.25	2.07	3/24/09	3/12/12	\$ 65,625	\$ (5,295)	\$ -	\$ 60,330
TLGP	61757UAN0	MORGAN STANLEY FDIC GTD TLGP	25,000,000	0.74	0.10	3/19/09	3/13/12	15,968	(1,147)	-	14,821

Monthly Investment Earnings Pooled Fund

Type of Investment	CUSIP	Issue Name	Par Value	Coupon	YTM ¹	Settle Date	Maturity Date	Earned Interest	Amort. Expense	Realized Gain/(Loss)	Earned Income /Net Earnings
TLGP	61757UAP5	MORGAN STANLEY TLGP	20,000,000	2.25	1.32	11/4/09	3/13/12	37,500	(15,565)	-	21,935
TLGP	61757UAP5	MORGAN STANLEY TLGP	50,000,000	2.25	1.31	11/6/09	3/13/12	93,750	(39,166)	-	54,585
TLGP	905266AA0	UNION BANK TLGP FLOAT	25,000,000	0.76	0.22	3/23/09	3/16/12	16,255	(960)	-	15,295
TLGP	064244AA4	BANK OF THE WEST TLGP	5,000,000	2.15	1.96	4/2/09	3/27/12	8,958	(766)	-	8,192
TLGP	064244AA4	BANK OF THE WEST TLGP	20,000,000	2.15	1.96	4/2/09	3/27/12	35,833	(3,072)	-	32,762
TLGP	90390QAA9	USSA CAPITAL CO	16,000,000	2.24	1.96	4/28/09	3/30/12	29,867	(3,649)	-	26,218
TLGP	17313UAE9	CITIGROUP TLGP	25,000,000	2.13	1.97	4/2/09	4/30/12	44,271	(3,241)	-	41,030
TLGP	06050BAG6	BANK AMERICA CORP TLGP	25,000,000	2.10	1.97	4/2/09	4/30/12	43,750	(2,565)	-	41,185
TLGP	481247AK0	J P MORGAN CHASE TLGP	25,000,000	2.20	2.05	3/24/09	6/15/12	45,833	(3,129)	-	42,704
TLGP	38146FAA9	GOLDMAN SACHS TLGP	50,000,000	3.25	1.23	3/22/10	6/15/12	135,417	(84,148)	-	51,268
TLGP	481247AK0	J P MORGAN TLGP	50,000,000	2.20	1.16	4/21/10	6/15/12	91,667	(43,286)	-	48,381
TLGP	06050BAJ0	BANK AMERICA CORP TLGP	50,000,000	2.38	1.93	4/14/09	6/22/12	98,958	(18,227)	-	80,731
TLGP	36967HBB2	GENERAL ELECTRIC TLGP BULLET	25,000,000	2.00	1.41	3/22/10	9/28/12	41,667	(12,319)	-	29,347
TLGP	36967HBB2	GENERAL ELECTRIC TLGP BULLET	75,000,000	2.00	1.44	4/20/10	9/28/12	125,000	(35,110)	-	89,890
TLGP	36967HAV9	GENERAL ELECTRIC TLGP	25,000,000	2.13	1.79	11/6/09	12/21/12	44,271	(6,894)	-	37,377
Subtotals			\$ 546,000,000					\$ 974,589	\$ (278,538)	\$ -	\$ 696,051
State/Local Agencies	13063BL14	CAL RANS SER A1	\$ 22,500,000	2.00	0.38	9/22/11	5/24/12	\$ 37,500	\$ (30,918)	\$ -	\$ 6,582
State/Local Agencies	13063BLK6	CAL RANS SER A2	10,000,000	2.00	0.40	9/22/11	6/26/12	16,667	(13,537)	-	3,129
Subtotals			\$ 32,500,000					\$ 54,167	\$ (44,455)	\$ -	\$ 9,712
Public Time Deposits		BANK OF SAN FRANCISCO CD	\$ 100,000	0.75	0.75	5/18/11	5/18/12	\$ 65	\$ -	\$ -	\$ 65
Public Time Deposits		FIRST NAT. BANK OF NOR. CAL. PTI	250,000	0.40	0.40	8/4/11	8/3/12	86	-	-	86
Subtotals			\$ 350,000					\$ 151	\$ -	\$ -	\$ 151
Negotiable CDs	78009J5E1	RBC FLT YCD 3ML+2	\$ 60,000,000	0.46	0.48	9/2/11	5/11/12	\$ 23,910	\$ 737	\$ -	\$ 24,648
Negotiable CDs	06417DUP8	BK OF NOVA SCOTIA YCD FLT 3ML+	52,176,000	0.74	0.59	9/21/11	6/11/12	33,248	(4,534)	-	28,714
Negotiable CDs	89112XJQ9	TD YCD	50,000,000	0.31	0.31	1/4/12	7/2/12	12,056	-	-	12,056
Negotiable CDs	78009NBL9	RBC YCD FLT 1ML+22	50,000,000	0.52	0.52	11/2/11	11/2/12	22,120	-	-	22,120
Negotiable CDs	78009NBU9	RBC YCD	50,000,000	0.67	0.67	11/16/11	11/16/12	28,847	-	-	28,847
Negotiable CDs	78009NCS3	RBC YCD	50,000,000	0.72	0.72	12/16/11	12/17/12	31,000	-	-	31,000
Negotiable CDs	89112XLC7	TD YCD	50,000,000	0.35	0.35	1/12/12	1/14/13	9,722	-	-	9,722
Subtotals			\$ 362,176,000					\$ 160,903	\$ (3,796)	\$ -	\$ 157,107
Medium Term Notes	36962G2L7	GE MTN	\$ 10,000,000	5.00	0.61	8/22/11	4/10/12	\$ 41,667	\$ (37,040)	\$ -	\$ 4,627
Medium Term Notes	073928X73	JPM MTN	9,317,000	6.95	0.69	9/6/11	8/10/12	53,961	(49,237)	-	4,724
Medium Term Notes	36962G4E1	GE MTN	55,750,000	3.50	0.65	8/24/11	8/13/12	162,604	(133,830)	-	28,774
Medium Term Notes	36962G4E1	GE MTN	8,370,000	3.50	0.67	9/7/11	8/13/12	24,413	(20,004)	-	4,408
Medium Term Notes	36962G4E1	GE MTN	4,700,000	3.50	0.71	9/14/11	8/13/12	13,708	(11,067)	-	2,641
Medium Term Notes	64952WAJ2	NEW YORK LIFE MTN	13,215,000	5.25	0.42	1/19/12	10/16/12	23,126	(22,612)	-	514
Medium Term Notes	89233P5P7	TOYOTA FLT QTR 3ML+20	18,200,000	0.75	0.75	12/14/11	12/17/12	11,824	-	-	11,824
Medium Term Notes	89233P5Q5	TOYOTA FLT QTR 3ML+20	10,000,000	0.81	0.81	12/15/11	1/11/13	6,967	-	-	6,967
Subtotals			\$ 129,552,000					\$ 338,271	\$ (273,790)	\$ -	\$ 64,481
Grand Totals			\$ 4,505,798,000					\$ 5,795,689	\$ (618,694)	\$ (504,938)	\$ 4,672,058

¹Yield to maturity is calculated at purchase

Investment Transactions

For month ended January 31, 2012

Transaction		Maturity												Transaction	
Type	Settle Date	Date	Type of Investment	Issuer Name	CUSIP	Par Value	Coupon	YTM	Price	Interest			Amount		
Purchase	1/4/2012	7/2/2012	Negotiable CDs	TD YCD	89112XJQ9	\$ 50,000,000	0.31	0.31	\$ 100.00	\$ -			\$ 50,000,000		
Purchase	1/12/2012	1/14/2013	Negotiable CDs	TD YCD	89112XLC7	50,000,000	0.35	0.35	100.00	-			50,000,000		
Purchase	1/19/2012	10/16/2012	Medium Term Notes	NEW YORK LIFE MTN	64952WAJ2	13,215,000	5.25	0.42	103.57	-			13,865,607		
Subtotals						\$ 113,215,000	0.90	0.34	\$ 100.42	\$ -			\$ 113,865,607		
Call	1/27/2012	7/27/2016	Federal Agencies	FNMA CALL	3136FRA86	\$ (67,325,000)	2.25	2.09	\$ 100.75	\$ -			\$ 67,325,000		
Subtotals						\$ (67,325,000)	2.25	2.09	\$ 100.75	\$ -			\$ 67,325,000		
Maturity	1/15/2012	1/15/2012	Federal Agencies	FHLMC BONDS	3134A4JT2	\$ (20,000,000)	5.75	1.07	\$ 109.28	\$ 575,000			\$ 20,575,000		
Subtotals						\$ (20,000,000)	1.71	0.32	\$ 32.46	\$ 575,000			\$ 20,575,000		
Interest	1/3/2012	11/2/2012	Negotiable CDs	RBC YCD FLT 1ML+22	78009NBL9	\$ 50,000,000	0.49	0.49	\$ 100.00	\$ 21,842			\$ 21,842		
Interest	1/10/2012	1/10/2013	Federal Agencies	FHLMC FRN QTR FF+19	3134G1U69	50,000,000	0.27	0.27	100.00	33,875			33,875		
Interest	1/10/2012	1/10/2013	Federal Agencies	FHLMC FRN QTR FF+19	3134G1U69	50,000,000	0.27	0.29	99.98	33,875			33,875		
Interest	1/10/2012	1/10/2013	Federal Agencies	FHLMC FRN QTR FF+19	3134G1U69	35,000,000	0.27	0.23	100.05	23,713			23,713		
Interest	1/15/2012	7/15/2012	U.S. Treasuries	US TSY NT	912828LB4	50,000,000	1.50	1.11	100.88	375,000			375,000		
Interest	1/15/2012	1/15/2014	U.S. Treasuries	US TSY NT	912828PQ7	25,000,000	1.00	0.65	100.91	125,000			125,000		
Interest	1/16/2012	7/16/2013	Federal Agencies	FNMA CALL	31398AV90	25,000,000	1.30	1.32	99.95	162,500			162,500		
Interest	1/16/2012	7/16/2013	Federal Agencies	FNMA CALL	31398AV90	50,000,000	1.30	1.32	99.95	325,000			325,000		
Interest	1/27/2012	7/27/2016	Federal Agencies	FAMCA NT	31315PA25	15,000,000	2.00	2.09	99.57	150,000			150,000		
Interest	1/27/2012	7/27/2016	Federal Agencies	FNMA CALL	3136FRA86	67,325,000	2.25	2.09	100.75	698,497			757,406		
Interest	1/28/2012	7/28/2016	Federal Agencies	FHLMC CALL	3134G2SP8	50,000,000	2.00	1.99	100.05	500,000			500,000		
Interest	1/30/2012	7/30/2014	Federal Agencies	FHLMC BONDS	3137EACU1	75,000,000	1.00	1.02	99.93	495,833			495,833		
Interest	1/31/2012	7/31/2014	U.S. Treasuries	US TSY NT	912828LC2	25,000,000	2.63	0.85	105.53	328,125			328,125		
Subtotals						\$ 567,325,000	1.20	1.06	\$ 100.43	\$ 3,273,260			\$ 3,332,169		
Grand Totals		3	Purchases												
		0	Sales												
		2	Maturities / Calls												
		1	Change in number of positions												

To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: ***Press Release*** San Francisco to Expand Deposits in Local Banks and Credit Unions

From: Greg Kato/TTX/SFGOV
To:
Date: 02/07/2012 03:06 PM
Subject: ***Press Release*** San Francisco to Expand Deposits in Local Banks and Credit Unions

*****Press Release*****

San Francisco to Expand Deposits in Local Banks and Credit Unions
Community Banking Initiative Provides Added Liquidity to Local Financial Institutions

Contact: Greg Kato, Treasurer's Office, 415-554-6888 (office)

Date: February 7, 2012

SAN FRANCISCO – The City and County of San Francisco will deposit more of its money in local banks and credit unions as a part of a new Community Banking Initiative announced by Treasurer José Cisneros today.

“Local banks and credit unions are the front lines of providing financing for individuals and small businesses,” said Treasurer Cisneros, “Under the Community Banking Initiative, I have directed my office to provide deposits of our Pooled Fund Investment Portfolio in these local institutions in an effort to provide more liquidity for San Franciscans.”

The Treasurer administers the Pooled Fund Investment Portfolio under the oversight of the Treasury Oversight Committee. Under California law, the Fund must be managed to provide safety and liquidity while achieving a return on the funds. In addition, San Francisco has adopted socially responsible investment goals, which govern the City's investments in corporate securities and depository institutions after the state requirements are met.

The Community Banking Initiative will make up to fifteen deposits of up to \$240,000 per institution into local banks and credit unions on a quarterly basis. Deposits will be made on a first come, first serve basis.

Interested financial institutions may call Jander Lacerda in the Office of the Treasurer-Tax Collector at (415)554-7870 to learn more about the Initiative.

About Treasurer José Cisneros

Since he first assumed the office of Treasurer in 2004, Treasurer Cisneros has leveraged his financial responsibilities mandated under the City Charter to improve financial outcomes for San Franciscans. He has interpreted his mandate to keep the City's money safe broadly, to

22

include ensuring the financial security of all San Franciscans. His Office of Financial Empowerment has launched such programs as Bank on San Francisco, Kindergarten to College, and the Smart Money Network.

For more information about the Treasurer, visit www.sftreasurer.org

###



Press Release - Community Banking Initiative 2.7.12.pdf

To:
Cc:
Bcc:
Subject: SF Bay Grant Program Requests for Initial Proposals- NOW OPEN!

From: lyris@swrcb18.waterboards.ca.gov
To: Angela Calvillo <angela.calvillo@sfgov.org>
Date: 02/08/2012 02:34 PM
Subject: SF Bay Grant Program Requests for Initial Proposals- NOW OPEN!

Dear Interested Parties,

USEPA is pleased to announce the release of TWO competitive grant announcements for projects that protect and restore San Francisco Bay and its watersheds. Please use the link below to find the TWO open Requests for Initial Proposals (RFIPs) posted at www.grants.gov and our website <http://www.epa.gov/region9/water/watershed/sfbaywqfund/index.html>

EPA is utilizing a two-step application process to simplify the application process and improve proposal quality. Initial proposals will be due to EPA on March 16, 2012. We encourage prospective applicants to read the RFIPs carefully as they differ in funding ranges and match requirements. For a summary of key elements of both RFIPs, please refer to our Grant Program Announcement attached below.

EPA will be holding a free webinar on February 16, 2012 to provide a detailed review the RFIPs and end with a Q&A session to help answer all of your proposal submittal questions. Information on how to register for that webinar will be in a forthcoming email and on the program website.

EPA has also updated the list of Frequently Asked Questions (FAQs) available at the weblink. If you have questions, please feel free to contact us as listed below. We encourage you to submit questions to us in writing via email so we can provide a more thorough answer and share this information with others through the FAQs.

Please forward this announcement to any other interested parties.

Contacts:

Luisa Valiela
Phone: (415) 972-3400
Email: valiela.luisa@epa.gov

Erica Yelensky
Phone: (415) 972-3021
Email: yelensky.eric@epa.gov

You are currently subscribed to reg2_tmdl_basinplanning as: angela.calvillo@sfgov.org.

To unsubscribe click here:

http://swrcb18.waterboards.ca.gov/u?id=248079.8183712791a0c9284ba3a3bfeb729995&n=T&l=reg2_tmdl_basinplanning&o=300852

(It may be necessary to cut and paste the above URL if the line is broken)

or send a blank email to

leave-300852-248079.8183712791a0c9284ba3a3bf729995@swrcb18.waterboards.ca.gov



RFIPs Announcement and Summary page-Feb 2012.docx

**SF Bay Water Quality Improvement Fund
Competitive Grant Program Announcement, EPA Region 9
February 2012**

Funding is now available from U.S. EPA Region 9 through the SF Bay Water Quality Improvement Funds. Since 2008, EPA has awarded over \$22 million through ten grants supporting 38 projects, match and leveraging over \$40 million, and involving 53 partners to protect and restore SF Bay and its watershed. The following briefly describes two available solicitations for this SF Bay competitive grant program.

	RFIP (FY 2011)	RFIP (FY 2012)
Funding Opportunity #	EPA-R9-WTR3-12-001	EPA-R9-WTR3-12-002
Available Funds	\$1,000,000	up to \$5,847,000
Funding Range for Projects	\$200,000 to \$1,000,000	\$500,000 to \$2,000,000
Match (statutory authority)	25%	50%
Evaluation Criteria - Initial Proposals (100 pts)	Scope/Approach (45 pts) Environmental Results (45 pts) Budget Summary (10 pts)	Scope/Approach (45 pts) Environmental Results (45 pts) Budget Summary (10 pts)
Evaluation Criteria - Full Proposals (100 pts)	Partnerships/Leveraging (40 pts) Budget Detail (40 pts) Programmatic Capability and Past Performance (20 pts)	Partnerships (35 pts) Budget Detail (45 pts) Programmatic Capability and Past Performance (20 pts)

Common RFIP Elements

- Uses a 2-step process to simplify application procedures and improve proposal quality.
 - 4-page initial proposals due March 16, 2012.
 - Applicants with the highest ranking initial proposals will be invited to submit full proposals within 30 days of EPA's notification.
 - Emphasis on wetlands and restoration of impaired waters – but other project types are clearly encouraged.
 - Invites projects encouraging innovation, cost-effectiveness, leveraging of additional resources and fostering widespread implementation.
 - Planning projects are welcomed, but to be competitive they need to demonstrate a high likelihood of being implemented and describe the expected water quality results.
- Eligibility
 - Projects must protect water quality in the SF Bay and its watersheds (9 Bay Area Counties).
 - Broad range of entities including government agencies, NGOs, universities, etc.
- Anticipated environmental results must be quantified.
- Proposals must demonstrate consistency with the San Francisco Estuary Partnership's Comprehensive Conservation and Management Plan.
- Projects are encouraged to be based on existing analysis and plans (e.g., TMDLs and watershed plans) because they are more likely to be successful and better investments.
- Review and Selection Process
 - Initial Proposals will be evaluated and ranked by an EPA Review Committee. High ranking initial proposals will be invited to submit full proposals.
 - Full Proposals will be evaluated and ranked by the Review Committee. Funding recommendations based on the full proposal scores will be provided to EPA's Region 9 Water Division Director.
 - Final funding decisions will be made by EPA's Region 9 Water Division Director, in consultation with the Regional Administrator, and can consider geographic distribution, diversity of projects and availability of funds.
 - Grant awards are expected to be made by August 2012.

For More Information

<http://www.epa.gov/region9/water/watershed/sfbaywqfund/index.html>

Luisa Valiela @ 415-972-3400/valiela.luisa@epa.gov

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2012 FEB 15 PM 3:27

BY RBC

BOS-11
CPAGE

George Edwards
1170 Post #258
San Francisco, CA.
94115

February 7, 2012

San Francisco Supervisors
Board of Supervisors
City Hall
1 Carlton B. Goodlett Pl. #244
San Francisco, California. 94102

Dear Supervisors:

I am a fifty year San Francisco resident. I have regular TV. I like to watch channels 2, 4, 5, 7,9,44 and some of the new HD channels. I listen to radio. I like KCBS, KGO, KQED, and I like to listen to the public affair shows and the live community meetings on KPOO. There was a time when I listen to the Board of Supervisors meeting live and direct from City Hall on the radio. Then the San Francisco Redevelopment Agency replaced your meetings on the radio.

For years, I called and called the Clerk of the Board of Supervisors and KPOO radio looking for some kind of help on getting the Board to rebroadcast back on the radio. The Station said the Redevelopment Agency is paying for the broadcast.

I have learned a great deal about the San Francisco Redevelopment Agency and its works in San Francisco.

Over the past few years I have been calling radio stations in San Francisco inquiring about broadcasting your meetings. I have learned that NO radio station will put your meetings on the air. The stations believes broadcasting a city meeting (live

24

for hours from start to the end of the meeting) will KILL the station programming. I have called over fourteen radio stations in San Francisco, Commercial and Noncommercial radio.

A friend told me (a few days ago) that a motion was before the Board of Supervisors to broadcast its meeting on the radio direct from City Hall but the motion was unanimously tabled.

If a San Francisco resident is not a subscriber to Cable TV. The resident will not be able to receive any important city information. We have to wait and read about it later in the Newspapers or watch it on late night TV News.

I disconnected my Comcast Cable a few years ago. Comcast is too expensive and getting higher.

Why does a San Francisco resident have to pay to hear your meeting?

Sincerely,

A handwritten signature in black ink, appearing to be 'George Edwards', written over a horizontal line.

George Edwards

Carroll Sabrie
462 Duboce
San Fran 94117

Board of Supervisors,
City Hall
San Fran, Calif, 94102

Dear Supervisors:

If the opportunity is there, why
say ~~no~~ to a radio broadcast?

Anyone with a ounce of brain would
say yes to such a community meeting
on a radio station.
We need new supervisors.

From a Tax payer and Voter
Carroll
2-6-2012

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2012 FEB 13 PM 4:26

ABC

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

To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Issued: Community-based Long Term Care Fiscal Analysis FY 2011-12

From: Controller Reports/CON/SFGOV
To: Angela Calvillo/BOS/SFGOV@SFGOV, Peggy Nevin/BOS/SFGOV@SFGOV,
BOS-Supervisors/BOS/SFGOV, BOS-Legislative Aides/BOS/SFGOV, Steve
Kawa/MAYOR/SFGOV@SFGOV, Kate Howard/MAYOR/SFGOV@SFGOV, Christine
Falvey/MAYOR/SFGOV@SFGOV, Jason Elliott/MAYOR/SFGOV@SFGOV, Severin
Campbell/BudgetAnalyst/SFGOV@SFGOV, debra.newman@sfgov.org, sfdocs@sfpl.info,
CON-EVERYONE/CON/SFGOV, CON-CCSF Dept Heads/CON/SFGOV, CON-Finance
Officers/CON/SFGOV
Date: 02/16/2012 09:48 AM
Subject: Issued: Community-based Long Term Care Fiscal Analysis FY 2011-12
Sent by: Kristen McGuire

The Controller's Office is pleased to issue its third annual fiscal report on community-based long term care services ("LTC") that are funded or administered by the City. The report shows that while spending in this area has increased by 11 percent over the last five years, the \$728 million budgeted this year represents a four percent decrease from last year. Other report highlights include:

- Spending on services to clients with an immediate risk of institutionalization is budgeted to increase three percent in FY 2011-12. Spending on all other services is budgeted to decrease by 12 percent.
- Federal government revenues to these services are budgeted to decrease by ten percent or \$26 million in FY 2011-12. Local spending (City general fund) is budgeted to increase \$22 million and state spending is budgeted to increase \$24 million. Other sources of funds, which are typically used for capital housing projects, are budgeted to decrease by \$21 million.
- Spending on In-Home Supportive Services has increased by 16 percent over the past five years and represents nearly half of all spending in this analysis. During this period the number of clients served by the program increased 10%, the wage rate of home care providers rose once in 2007-08 by 5% and the average hours of needed service per client increased 2%.

In this report, community-based LTC is defined as the provision of care and support to older adults and adults with disabilities living outside of institutional settings and includes a wide range of services such as paratransit, housing support, in-home care, nutrition support and mental health services.

To view the full report, please visit our website at:
<http://co.sfgov.org/webreports/details.aspx?id=1387>. You can also access the report on the Controller's website (<http://www.sfcontroller.org/>) under the News & Events section. For more information on the report please contact Mike Wylie at (415) 554-7570, michael.wylie@sfgov.org, or the Controller's Office City Services Auditor Division at (415) 554-7463.

This is a send-only email address.

25

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

09/20/11
Alisa -
BOS-11
c page

Land Use Committee hearing - Festivals in Golden Gate Park - background information

Golden Gate Park Preservation Alliance to: Christina Olague,
Board of Supervisor
s; David Campos,

02/11/2012 01:12 PM

Dear Supervisors,

Golden Gate Park is an attractive location for the festivals because of the trees and other vegetation – this must be kept in mind in all decisions regarding the number of people, the impact on the parkland, and the potential for loss of major trees, which cannot be replaced for 50 or 60 years.

Attached please find some of the more recent memos which our group has written in which we explore the impacts on the parkland and makes suggestions for improvements in how the festivals are set up and managed. We hope that you will consider the impact of these festivals on the health of the park in your discussions.

We will be sending a few years of memos; the size of the memos will require a few emails.

Sincerely,
Katherine Howard
Member, Steering Committee
Golden Gate Park Preservation Alliance



Bluegrass Festival 2011- memo & pix.pdf Outside Lands post concert notes - August 17, 2011.pdf

Controller's Office Government Barometer - December 2011

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

02/14/2012 10:24 AM

The Office of the Controller has issued the Government Barometer December 2011 to share key performance and activity information with the public in order to increase transparency, create dialog, and build the public's confidence regarding the City's management of public business. The report lists measures in major service areas, such as public safety, health and human services, streets and public works, public transit, recreation, environment, and customer service. Recent data and trend information are included. This is a recurring report - the February 2012 report is scheduled to be issued in late March 2012.

To view the full report, please visit our website at:
<http://co.sfgov.org/webreports/details.aspx?id=1386>

You can also access the report on the Controller's website (<http://www.sfcontroller.org/>) under the News & Events section and on the Citywide Performance Measurement Program website (www.sfgov.org/controller/performance) under the Performance Reports section.

For more information please contact:

Office of the Controller
City Services Auditor Division
Phone: 415-554-7463
Email: CSA.ProjectManager@sfgov.org

This is a send-only email address.

Thank you.

27

City and County of San Francisco

Office of the Controller – City Services Auditor

GOVERNMENT BAROMETER

December 2011



February 14, 2012

**CONTROLLER'S OFFICE
CITY SERVICES AUDITOR**

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

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

About the Government Barometer:

The purpose of the Government Barometer is to share key performance and activity information with the public in order to increase transparency, create dialog, and build the public's confidence regarding the City's management of public business. The report lists measures in major service areas, such as public safety, health and human services, streets and public works, public transit, recreation, environment, and customer service. This is a recurring report. The February 2012 report is scheduled to be issued in late March 2012.

For more information, please contact the Office of the Controller, City Services Auditor Division.

Phone: 415-554-7463

Email: CSA.ProjectManager@sfgov.org

Internet: www.sfgov.org/controller/performance

Program Team:

Peg Stevenson, Director
Andrew Murray, Deputy Director
Sherman Luk, Project Manager
Dennis McCormick, Performance Analyst
Wylie Timmerman, City Hall Fellow
Richard Kurylo, Operations Analyst
Department Performance Measurement Staff

Government Barometer – December 2011

Summary

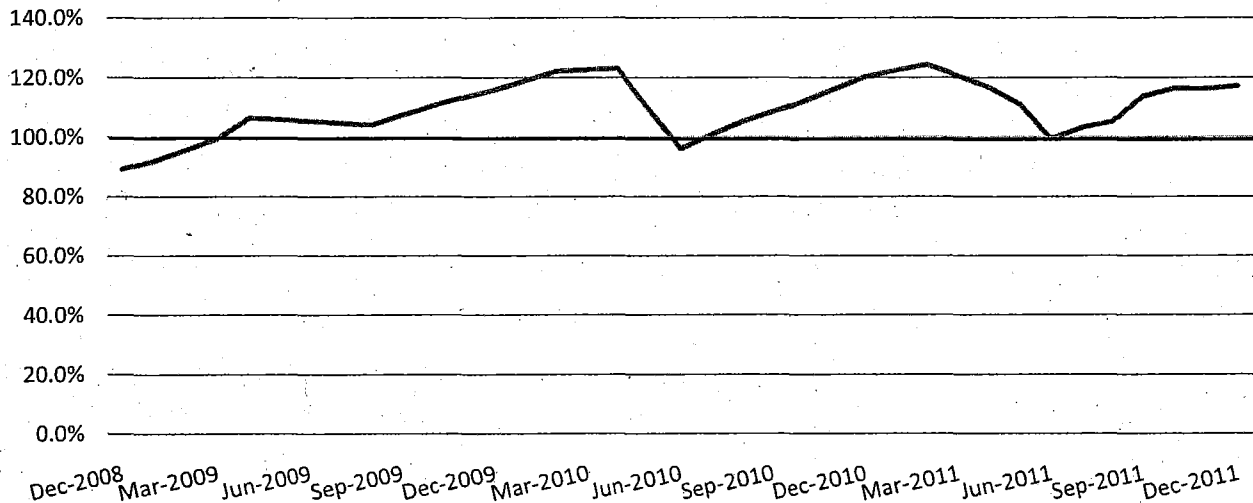
The Office of the Controller has issued the Government Barometer December 2011. Significant changes reported in December 2011 include the following:

- The average daily county jail population declined by 12.5 percent from December 2010 to December 2011.
- The total number of Healthy San Francisco participants decreased by 17.1 percent from December 2010 primarily due to a transition in July 2011 of over 10,000 Healthy San Francisco participants to San Francisco Provides Access to Healthcare (SF PATH), a federally-supported health access program that provides affordable health care services for some low income people living in San Francisco. Correcting for this transition, Healthy San Francisco enrollment is continuing to increase, but at a slower pace.
- The percentage of graffiti requests on public property responded to within 48 hours increased by over 66 percent from December 2010 to December 2011. This improvement is partly attributable to an increase in corridor workers and concentration on abatement in high graffiti zones.
- The total number of individuals currently registered in recreation courses and the total number of park facility (picnic tables, sites, recreation facilities, fields, etc.) bookings declined by 34.9 percent and 69.3 percent respectively from October primarily due to seasonality; both measures increased, by 31 percent and 8.2 percent respectively from the same period a year ago.
- The percentage of pothole requests repaired within 72 hours reached 100 percent, due to unseasonably good weather and a lower volume of service requests.
- The total number of visitors at public fine art museums (Asian Art Museum, Legion of Honor, and de Young) declined by 47.5 percent from December 2010, primarily because the December 2010 Post-Impressionist Masterpieces from the Musee d'Orsay exhibition drew exceptionally large audiences.

Measure Highlight

The Public Utility Commission's drinking water reservoirs storage as a percentage of normal for this month is lower compared to last year due to dry conditions in December 2011 and Water Service Improvement Program construction activities. However, the system's December 2011 storage is well above the long-term median for December: current storage is 117 percent of the median December storage capacity during the period 1968 to 2007.

Drinking Water Reservoirs Storage as a Percentage of Normal for this Month



Beginning of month total system storage (i.e. Hetch Hetchy, Cherry, Eleanor, Water Bank, Calaveras, San Antonio, Crystal Springs, San Andreas, Pilarcitos) as percentage of long-term median (water year 1968 to 2007).

Page intentionally left blank.

City and County of San Francisco
 Controller's Office
 Government Barometer (December 2011)



Activity or Performance Measure	Prior Year	Prior Period	Current Period	Period-to-Period		Year-to-Year	
	Dec-2010	Oct-2011	Dec-2011	% Change	Trend	% Change	Trend
Public Safety							
Total number of serious violent crimes reported (homicide, forcible rape, robbery, and aggravated assault, per 100,000 population)	69.3	75.0	69.5	-7.3%	Positive	0.3%	Neutral
Total number of serious property crimes reported (burglary, larceny-theft, motor vehicle theft, and arson, per 100,000 population)	345.5	371.6	332.1	-10.6%	Positive	-3.9%	Positive
Percentage of fire/medical emergency calls responded to within 5 minutes	85.7%	92.2%	92.3%	0.1%	Neutral	7.7%	Positive
Average daily county jail population	1,732	1,480	1,516	2.4%	Negative	-12.5%	Positive
Percentage of 9-1-1 calls answered within 10 seconds	91%	88%	88%	0.0%	Neutral	-3.3%	Negative
Average 9-1-1 daily call volume	1,426	1,499	1,494	-0.3%	Neutral	4.8%	Negative
Health and Human Services							
Average daily population of San Francisco General Hospital	415	412	397	-3.6%	Positive	-4.3%	Positive
Average daily population of Laguna Honda Hospital	734	752	746	-0.8%	Neutral	1.6%	Neutral
Total number of Healthy San Francisco participants	55,189	44,741	45,749	2.3%	Positive	-17.1%	Negative
New patient wait time in days for an appointment at a DPH primary care clinic	13	32	18	-43.8%	Positive	38.5%	Negative
Current active CalWORKs caseload	4,927	4,819	4,712	-2.2%	Positive	-4.4%	Positive
Current active County Adult Assistance Program (CAAP) caseload	7,472	7,228	7,165	-0.9%	Neutral	-4.1%	Positive
Current active Non-Assistance Food Stamps (NAFS) caseload	25,144	28,853	27,532	-4.6%	Positive	9.5%	Negative
Percentage of all available homeless shelter beds used	93.0%	96.0%	96.0%	0.0%	Neutral	3.2%	Positive
Average nightly homeless shelter bed use	1,154	1,094	1,089	-0.5%	Neutral	-5.6%	Positive
Total number of children in foster care	1,257	1,140	1,103	-3.2%	Positive	-12.3%	Positive
Streets and Public Works							
Average score of streets inspected using street maintenance litter standards (1 = acceptably clean to 3 = very dirty)	2.14	N/A	N/A	N/A	N/A	N/A	N/A
Percentage of street cleaning requests responded to within 48 hours	93.1%	87.0%	91.0%	4.6%	Positive	-2.3%	Neutral
Percentage of graffiti requests on public property responded to within 48 hours	48.1%	63.0%	80.0%	27.0%	Positive	66.3%	Positive
Percentage of pothole requests repaired within 72 hours	82.9%	79.0%	100.0%	26.6%	Positive	20.6%	Positive

City and County of San Francisco
 Controller's Office
 Government Barometer (December 2011)



Activity or Performance Measure	Prior Year	Prior Period	Current Period	Period-to-Period		Year-to-Year	
	Dec-2010	Oct-2011	Dec-2011	% Change	Trend	% Change	Trend
Public Transit							
Percentage of Muni buses and trains that adhere to posted schedules	74.0%	71.4%	72.0%	0.8%	Neutral	-2.7%	Neutral
Average daily number of Muni customer complaints regarding safety, negligence, discourtesy, and service delivery	42.8	45.3	36.1	-20.3%	Positive	-15.7%	Positive
Recreation, Arts, and Culture							
Average score of parks inspected using park maintenance standards	91.0%	91.3%	91.3%	0.1%	Neutral	0.3%	Neutral
Total number of individuals currently registered in recreation courses	5,447	10,964	7,133	-34.9%	Negative	31.0%	Positive
Total number of park facility (picnic tables, sites, recreation facilities, fields, etc.) bookings	2,281	8,025	2,467	-69.3%	Negative	8.2%	Positive
Total number of visitors at public fine art museums (Asian Art Museum, Legion of Honor, and de Young)	240,426	129,746	126,320	-2.6%	Negative	-47.5%	Negative
Total circulation of materials at main and branch libraries	881,761	914,608	867,894	-5.1%	Negative	-1.6%	Neutral
Environment, Energy, and Utilities							
Drinking water reservoirs storage as a percentage of normal for this month	120.2%	116.2%	117.1%	0.8%	Neutral	-2.6%	Neutral
Average monthly water use by City departments (in millions of gallons)	126.4	113.2	116.1	2.5%	Negative	-8.2%	Positive
Average daily residential per capita water usage (in gallons)	50.2	49.9	49.6	-0.5%	Neutral	-1.1%	Neutral
Average monthly energy usage by City departments (in million kilowatt hours)	72.2	72.9	72.9	0.0%	Neutral	0.9%	Neutral
Average daily tons of garbage going to landfill	1,402.3	1,482.4	1,441.7	-2.7%	Positive	2.8%	Neutral
Percentage of total solid waste diverted from landfill through curbside recycling	57.5%	59.2%	58.7%	-0.8%	Neutral	2.1%	Neutral
Permitting and Inspection							
Value (estimated cost, in millions) of construction projects for which new building permits were issued	\$274.0	\$164.2	\$181.7	10.7%	Positive	-33.7%	Negative
Percentage of all building permits involving new construction and major alterations review that are approved or disapproved within 60 days	58%	67%	68%	1.5%	Positive	17.2%	Positive
Percentage of all applications for variance from the Planning Code decided within 120 days	31%	29%	22%	-24.1%	Negative	-29.0%	Negative
Percentage of life hazard or lack of heat complaints responded to within one business day	98.5%	77.0%	100.0%	29.9%	Positive	1.5%	Neutral
Percentage of customer-requested construction permit inspections completed within two business days of requested date	94.5%	98.0%	96.0%	-2.0%	Negative	1.6%	Neutral

City and County of San Francisco
 Controller's Office
 Government Barometer (December 2011)



Activity or Performance Measure	Prior Year	Prior Period	Current Period	Period-to-Period		Year-to-Year	
	Dec-2010	Oct-2011	Dec-2011	% Change	Trend	% Change	Trend
Customer Service							
Average daily number of 311 contacts, across all contact channels	6,879	7,481	6,972	-6.8%	Negative	1.4%	Neutral
Percentage of 311 calls answered by call takers within 60 seconds	83.9%	70.9%	80.0%	12.8%	Positive	-4.6%	Negative

Notes:

The Government Barometer is currently issued every other month, covering even months.

The period-to-period change reflects the change since the last even month (e.g., for Dec 2011, change since Oct 2011).

The year-to-year change reflects the change since the same month last year (e.g., for Dec 2011, change since Dec 2010).

A period-to-period change of less than or equal to +/-1% and a year-to-year change of less than or equal to +/-3% is considered "Neutral."

Data reported for the most recent month is either data for that month or the most recent data available, please see the attached Government Barometer Measure Details for more information.

For additional detail on measure definitions and department information, please see the attached Government Barometer Measure Details.

Values for prior periods (e.g. Oct 2011 or Dec 2010) may be revised in this report relative to their original publication.

To prepare this report, the Citywide Performance Measurement Program has used performance data supplied by City Departments. The Departments are responsible for ensuring that such performance data is accurate and complete. Although the Citywide Performance Measurement Program has reviewed the data for overall reasonableness and consistency, the Program has not audited the data provided by the Departments.

City and County of San Francisco
 Controller's Office
 Government Barometer Measure Details



Activity or Performance Measure	Department	Performance Pattern	Measure Description	Measure Technical Description
Public Safety				
Total number of serious violent crimes reported (homicide, forcible rape, robbery, and aggravated assault, per 100,000 population)	Police	Trending down is positive	Number of offenses divided by 100,000 population. Violent crimes: Homicide, forcible rape, robbery and aggravated assault. COMPSTAT profile data for 28-day periods are periods used (Sept period covers 9/4/2011 thru 10/1/2011 and October covers 10/2/11 thru 10/29/2011)).	Collection Method: Number of UCR Violent Part I crimes divided by current San Francisco population and multiplied by 100,000. Data source: COMPSTAT data extraction prepared weekly from the Incident Report System (IRS) and Homicide Detail and Sexual Assault Details. Population FY 2008: 829,848, FY 2009 & FY 2010: 842,625; Jan 1, 2010 pop estimate: 856,095. (CA Dept of Finance E-2 Report). Timing: Monthly.
Total number of serious property crimes reported (burglary, larceny-theft, motor vehicle theft, and arson, per 100,000 population)	Police	Trending down is positive	Number of crimes divided by 100,000 population. UCR Part I property crimes are burglary, larceny-theft, motor vehicle theft and arson. COMPSTAT profile data for 28-day periods are periods used (Sept period covers 9/4/2011 thru 10/1/2011 and October covers 10/2/11 thru 10/29/2011)).	Collection Method: Number of Part I Property crimes divided by current San Francisco population and multiplied by 100,000. Data source: COMPSTAT data extraction prepared weekly from the Incident Report System (IRS) and Homicide Detail and Sexual Assault Details. Population FY 2008: 829,848, FY2009 & FY2010: 842,625; Jan 1, 2010 pop estimate: 856,095. (Source: CA Department of Finance, E-2 Report). Timing: Monthly.
Percentage of fire/medical emergency calls responded to within 5 minutes	Fire	Trending up is positive	Percentage of all incidents responded to in under five minutes (total response time (RT) from dispatch to arrival on scene of first unit). Includes all calls the Department responds to with lights and sirens, not just those requiring possible medical care.	Raw data is stored at Department of Emergency Management and aggregated at Fire Department headquarters.
Average daily county jail population	Sheriff	Trending down is positive	Overcrowding creates security and safety issues for the Department and drives costs in many directions. Approximately 75% of those jailed are pretrial felony prisoners, who either cannot be released or cannot make bail. Housing such prisoners can require greater security precautions. An average daily population above the rated capacity can also drive demand for additional facilities.	Collection Method: Average Daily Population (ADP) is compiled by Sheriff's staff from reports issued daily from each jail. Records are located in City Hall, Room 456. Timing: Data available 5am daily. Population represents all in-custody people.
Percentage of 9-1-1 calls answered within 10 seconds	Emergency Management	Trending up is positive	The State of California 9-1-1 Office recommends that all 9-1-1 calls are answered within 10 seconds. There is no state or federal mandate. Our Center strives to answer 90% of all 9-1-1 calls within 10 seconds.	Collection Method: All calls introduced through the 9-1-1 State switch are captured in an automatic telephone call distribution system produced by Nortel Networks. This system analyzes the time it takes from the call to hit the message switch, then time it takes for our call takers to answer and process the call for service. All equipment housed at 1011 Turk.
Average 9-1-1 daily call volume	Emergency Management	Trending down is positive	This number represents the number of 9-1-1 telephone calls received and presented to the San Francisco Division of Emergency Communications on a daily basis.	Our statistics are continuously collected by our Nortel Network equipment. This information is collated daily and composed into weekly, monthly, and annual reports to reflect the call volume thus allowing us to allocate staff as needed.
Health and Human Services				
Average daily population of San Francisco General Hospital	Public Health	Trending down is positive	The daily count of patients at SFGH (aka: Average Daily Census or ADC) is the number of admitted inpatients at SFGH at approximately 12 midnight, when the census is taken. This measure totals the daily census for a month, divided by the number of days in the month. The measure separates the average monthly census by services (acute medical/surgical, acute psychiatry, skilled nursing, and long-term behavioral health) and also provides the total for the hospital.	The daily count is tracked by the Hospital's computer system - SMS Invision Clinical Data System; maintained by DPH Community Health Network/SFGH. The reporting database is updated monthly, within 10 days of the following month. The data is 99% reliable within one month. Reports are run on an ad hoc basis.
Average daily population of Laguna Honda Hospital	Public Health	Trending down is positive	Laguna Honda Hospital (LHH) is a long-term care facility that provides a residential setting for physically or cognitively impaired individuals who require continuous nursing assistance, rehabilitation services, medical care, and monitoring. LHH also offers acute care for those patients whose condition changes to require this level of care. The daily count of patients (aka: Average Daily Census or ADC) is the total number of residents in-house at LHH at the time the census is taken each day.	Admissions, discharges, and transfers (relocations) are entered into the Invision Clinical Data System when any of these activities occur. Reports for ADC data (from Invision) can be generated for daily, monthly and/or quarterly basis. Numbers are drawn from the Monthly Average Census Report, using the SNF Occupied + M7A + L4A columns.
Total number of Healthy San Francisco participants	Public Health	Trending up is positive	This number represents enrollees in the Healthy San Francisco program (HSF). HSF is a comprehensive health coverage program for uninsured San Francisco residents, age 18 through 64 years old. Enrollment first began in July 2007 for lower income residents and has grown as more health clinic sites joined and as enrollment requirements expanded. This measure was added to the system in January 2009	The enrollment number is derived from the One-E-App program. One-E-App is a web-based eligibility and enrollment application and system of record for Healthy San Francisco. Reports are run monthly and ad hoc.

City and County of San Francisco
 Controller's Office
 Government Barometer Measure Details



Activity or Performance Measure	Department	Performance Pattern	Measure Description	Measure Technical Description
New patient wait time in days for an appointment at a DPH primary care clinic	Public Health	Trending down is positive	This measure shows the number of calendar days that a new patient would have to wait for a routine primary care appointment and/or examination. This assumes that the patient is not reporting any health issue and is not yet established with a primary care provider. The Healthy San Francisco program has set a goal of 60 calendar days for a new enrollee to wait for a primary care appointment.	This data is collected manually by a DPH staff person who searches the DPH computerized appointment system (Invision) for the first possible routine appointment at each primary care clinic or, if required, calls the clinic to inquire about next appointment availability for a new & routine patient appointment. The report represents a point in time, the day the report is done. To obtain one monthly number for the measure, the wait for each clinic is added together and divided by the number of clinics (13).
Current active CalWORKs caseload	Human Services	Trending down is positive	This measure is the number of CalWORKs cases that have received cash assistance (TANF) during the month for which the data is reported.	Data for this measure is obtained from a monthly extract generated by the CalWIN client tracking system.
Current active County Adult Assistance Program (CAAP) caseload	Human Services	Trending down is positive	This measure reflects the number of cases that are paid cash assistance during the month for which data has been reported.	Data for this measure is obtained from a monthly extract generated from the CalWIN client tracking system.
Current active Non-Assistance Food Stamps (NAFS) caseload	Human Services	Trending up is negative	This is the total number of cases receiving non-assistance food stamps. Non-assistance food stamps cases do not include those cases which also receive other forms of public assistance (e.g. CalWORKs).	Collection Method: Data for this measure is tracked within the CalWIN system. A case file is opened at the point of intake and maintained while the case is active. Timing: The CalWIN data system is dynamic, and can be queried for current data. Historical data is stored in extracts that can also be queried for previous periods.
Percentage of all available homeless shelter beds used	Human Services	Trending up is positive	This is the average percentage of shelter beds (single adult) available that have been reserved and used on a nightly basis.	Data for this measure is derived from the CHANGES shelter bed reservation system.
Average nightly homeless shelter bed use	Human Services	Trending down is positive	The numbers reported here represent the average number of beds (single adult) used during the month.	Data for this measure is reported via the CHANGES system, but the actual number of beds available is based upon negotiated contracted obligations.
Total number of children in foster care	Human Services	Trending down is positive	This measure provides a count of the number of children with an open case in foster care at the end of each month that data is being reported.	The data source for this measure is the Child Welfare Services Case Management System (CWS/CMS). CWS/CMS is a longitudinal statewide database that can be queried for current and historical data.
Streets and Public Works				
Average score of streets inspected using street maintenance litter standards (1 = acceptably clean to 3 = very dirty)	Public Works	Trending down is positive	Average score of the inspection results of selected routes for the street cleanliness standard 1.1, which is based on a scale from 1 to 3. (For each 100 curb feet, 1 = under 5 pieces of litter; 2 = 5 - 15 pieces of litter; and 3 = over 15 pieces of litter). See maintenance standards manual for details.	For selected blocks, an inspector assigns a score from 1 to 3 to each 100 curb feet, for blocks of selected routes. Block and route averages are calculated. This measure provides the average of routes inspected for the selected time period. It includes only DPW inspections. Inspections were conducted on a combination of 11 residential and 11 commercial routes. Clean Corridors routes are excluded. Data collection: Data source are MNC Excel files, and summaries are generated by the Controller's Office. Data for these "district" inspections, are available every other month.
Percentage of street cleaning requests responded to within 48 hours	Public Works	Trending up is positive	DPW receives requests to address street cleaning issues primarily through 311. Our goal is to resolve these issues within 48 hours of receiving the request.	Collection Method: Dated services requests and action taken data is entered into the Bureau of Street Environmental Services' 28 Clean Access database. Timing: Data is available on a daily basis.
Percentage of graffiti requests on public property responded to within 48 hours	Public Works	Trending up is positive	DPW receives calls from the public to report graffiti, primarily through 311. DPW crews respond to these calls and abate the graffiti on public property. Our goal is to abate within 48 hours. If the graffiti is on private property, the property owner is notified to abate. This metric only measures abatements on public property.	Collection Method: Dated service requests and action taken data is logged into the Bureau of Street Environmental Services' 28 Clean Access database. Timing: Data is available on a daily basis.
Percentage of pothole requests repaired within 72 hours	Public Works	Trending up is positive	DPW receives calls from the public reporting potholes. Our goal is to repair these potholes within 72 hours.	Collection Method: Dated service requests and action taken data is entered into the Bureau of Street and Sewer Repair's Pothole database daily. Timing: Data is available on a monthly basis.
Public Transit				
Percentage of Muni buses and trains that adhere to posted schedules	Municipal Transportation Agency	Trending up is positive	Definition: Each line is checked at least once in each six month period. Such checks are conducted no less often than 10 weekdays and weekends per period. An annual checking schedule is established for the routes. The order in which the routes are checked is determined monthly through a random selection process. To the extent automated systems can be substituted at less cost for such checks, or the measurement of any performance standard, such systems will be used.	Method: Check the designated lines using criteria of -1/+4 minutes. Periods of time includes morning rush (6am-9am), midday (9am-4pm), evening rush (4pm-7pm), and night (7pm-1am). Supervisors conduct a one-hour check at a point at mid-route during all four time periods stated above. Timeframe: Data is available approximately 60 days after each quarter closes. The annual goal for the forthcoming fiscal year is traditionally approved by the SFMTA Board of Directors in April or May. For the barometer report, data is reported on a quarterly basis.
Average daily number of Muni customer complaints regarding safety, negligence, discourtesy, and service delivery	Municipal Transportation Agency	Trending down is positive	Definition: Customers may provide feedback regarding Muni services through 311, sfmta.com, by mail, and by fax.	Method: Feedback data is pulled from the Trapeze system on a monthly basis and divided by the number of days in the month to come up with the average daily number of complaints.

City and County of San Francisco
 Controller's Office
 Government Barometer Measure Details



Activity or Performance Measure	Department	Performance Pattern	Measure Description	Measure Technical Description
Recreation, Arts, and Culture				
Average score of parks inspected using park maintenance standards	Recreation and Parks	Trending up is positive	The average rating for neighborhood parks category only (i.e. an average of the neighborhood parks' percentages for meeting parks standards). The ratings for Neighborhood Parks have been chosen to be included as a performance measure as they represent the majority of RPD property types, include almost all park features rated, and are geographically dispersed throughout the City	Collection Method: RPD staff conducts quarterly park evaluations. Hard copies turned in to clerical staff for data entry into Park Evaluations database. Hard copies kept on file by clerical staff. Data Location: Park Evaluations Database. "Neighborhood Parks" is an established category of City parks and broken out in the current database reports (BY PARK TYPE BY DISTRICT REPORT). Timing: This data is available quarterly, no more than 30 days after the previous quarter end. For the barometer report, data is reported on a quarterly basis and 1 month in arrears.
Total number of individuals currently registered in recreation courses	Recreation and Parks	Trending up is positive	Measure indicates number of program registrants for all age categories. This number does not reflect the number of individuals participating in courses in a given month but rather the number of participants registered during that month.	Collection Method: CLASS recreation management software records all individuals (termed clients within the CLASS system) registered for any kind of program RPD offers. Timing: CLASS implementation launched in January 2007, with preliminary data available in May 2007. Data is now available monthly. Baseline data was captured in FY08 and FY09 and the Department began to set targets in FY10.
Total number of park facility (picnic tables, sites, recreation facilities, fields, etc.) bookings	Recreation and Parks	Trending up is positive	Measure indicates number of park facilities permits created.	Collection Method: CLASS recreation management software measures field permitting, picnic table rentals, indoor recreation center bookings, and other types of facility rentals.
Total number of visitors at public fine art museums (Asian Art Museum, Legion of Honor, and de Young)	Fine Arts Museums and Asian Art Museum	Trending up is positive	This measure aggregates data from 3 separate measures for the Asian Art Museum, Legion of Honor, and de Young Museum. Museum visitors includes all visitors to the 3 separate museums, including school children, business visitors, rental events, and other events, but excluding cafe and store visitors.	CON to manually calculate measure from data entered directly into PM system.
Total circulation of materials at main and branch libraries	Public Library	Trending up is positive	Number of items (books and other materials) circulated to the public (children, youth & adults) from all libraries.	Collection Method: Statistics generated from the Library's automated circulation system; Information Technology Division. Timing: Reports are generated monthly. For barometer, add both branch & main library measures together.
Environment, Energy, and Utilities				
Drinking water reservoirs storage as a percentage of normal for this month	Public Utilities Commission	Trending up is positive	Beginning of month total system storage (i.e. Hetch Hetchy, Cherry, Eleanor, Water Bank, Calaveras, San Antonio, Crystal Springs, San Andreas, Pilarcitos) as percentage of long-term median (water year 1968 to 2007).	The long-term median of total system storage at the beginning of the month was calculated using data stored in Form 11 for Hetch Hetchy Division and in WISKI database for Water Supply & Treatment Division for water years 1968 to 2007 (40-year period). 1968 was selected as the first year for the calculation to include San Antonio Reservoir. The current beginning of month total system storage is reported as a percentage of the long-term median.
Average monthly water use by City departments (in millions of gallons)	Public Utilities Commission	Trending down is positive	12-month rolling monthly average of total water use by City departments, in million gallons.	12-month rolling monthly average computed from total monthly amount of billed water usage for municipal departments per report 892-Monthly Sales and Revenue, converted to million gallons.
Average daily residential per capita water usage (in gallons)	Public Utilities Commission	Trending down is positive	Annual rolling average of daily residential water use per person.	Daily per capita usage computed using twelve months of city residential usage per report 892-Monthly Sales and Revenue, divided by 365 and estimated 2009 population of 818,887, the 2008 US Census number multiplied by the 2008 growth rate.
Average monthly energy usage by City departments (in million kilowatt hours)	Public Utilities Commission	Trending down is positive	Energy use by City departments in kilowatt hours (kWh) in millions for the month based on 12-month rolling average	Estimate of energy use by City departments in kilowatt hours (kWh) in millions for the month based on 12-month rolling average and maintained in our Electric Billing System.
Average daily tons of garbage going to landfill	Environment	Trending down is positive	Average workday tons of trash from permitted refuse haulers going to city contracted landfill.	Permitted hauler monthly tonnage to city contracted landfill divided by number of workdays in that month.
Percentage of total solid waste diverted from landfill through curbside recycling	Environment	Trending up is positive	Percentage of residential and small business curbside refuse diverted from landfill by permitted haulers.	Monthly permitted hauler small generator curbside recycling and composting tons divided by small generator refuse (recycling, composting and landfill) tons in that month.



Activity or Performance Measure	Department	Performance Pattern	Measure Description	Measure Technical Description
Permitting and Inspection				
Value (estimated cost, in millions) of construction projects for which new building permits were issued	Building Inspection	Trending up is positive	The construction valuation is driven by customer demand, the number of projects approved for construction, major developments, and the overall economic climate. This construction valuation or number of permits issued for construction cannot be estimated.	Collection Method: This is a new measure for DBI. The data entered for April 2008 and April 2009 is actual data, not estimated cost as indicated on Column C. The data is collected through our automated Permit Tracking System and is based on the fees collected for permits issued. Timing: Available on a weekly/monthly basis.
Percentage of all building permits involving new construction and major alterations review that are approved or disapproved within 60 days	Planning	Trending up is positive	When a member of the public wants to conduct major physical improvements to existing construction or to develop property, the proposal comes to the Planning Department for review to ensure the project conforms with existing land use requirements as specified in the Planning Code.	Collection Method: Data is stored in the Department of Building Inspection's permit tracking database, housed at 1650 Mission Street Timing: Data updates are available on a monthly basis.
Percentage of all applications for variance from the Planning Code decided within 120 days	Planning	Trending up is positive	A variance allowing a project to vary from the strict quantitative standards of the Planning Code may be granted after a public hearing before the Zoning Administrator. Variances are typically requested for projects that do not meet the Planning Code standards for rear yards, front setbacks, parking requirements, and open space requirements. The 4 month target is based on a reasonable time to complete the lowest priority applications.	Collection Method: Data stored in Department's case intake database, housed at 1650 Mission Street. Timing: Data updates are available on a monthly basis.
Percentage of life hazard or lack of heat complaints responded to within one business day	Building Inspection	Trending up is positive	This measure addresses response time for complaints received from the public regarding life hazards or lack of heat. Complaints are received in person, by phone, email, through the internet, and mail. Response consists of contacting person making complaint and visiting the building. Measure changed in FY 02-03 to reflect 24-hour turnaround instead of 48 hours, but the data reflecting the 24-hour target was reported for the first time in FY 07. Definition of life hazard includes abandoned buildings, which may not need an inspection.	Collection Method: Staff in Housing Inspection Services utilize the Complaint Tracking System to maintain a record of complaints received and responded to. Response data is compiled into monthly, quarterly and annual reports. Timing: Statistics are available two weeks after the end of the month (i.e., statistics for September will be available on October 15th.)
Percentage of customer-requested construction permit inspections completed within two business days of requested date	Building Inspection	Trending up is positive	Customers request inspection of construction to meet permit requirements. Customers contact inspection divisions via phone to set up appointments. Inspections are completed when inspectors visit sites to conduct inspection.	Collection Method: Daily logs are entered into Oracle database; this information is compiled into monthly, quarterly and annual reports. Timing: Statistics are available two weeks after the end of the month (i.e., statistics for September will be available on October 15th.)
Customer Service				
Average daily number of 311 contacts, across all contact channels	Administrative Services	Trending up is positive	The average daily number of calls and service requests and information accessed on-line, via self-service forms, Twitter, and Open311 applications. Calls received at 311 which includes those calls that were "answered" and those that were "abandoned" by the caller.	Calculation: The total number of calls (answered and abandoned), self-service requests, Open311 requests and website visits received divided by the number of days in that particular month. Sources: The CMS application is used to track the volume of calls, use of self-service forms, and Open 311 apps. Urchin Software is used to track the total number of visits to the website. Frequency: Call volumes are reported on a daily basis with data for the previous day.
Percentage of 311 calls answered by call takers within 60 seconds	Administrative Services	Trending up is positive	The percentage of calls answered within 60 seconds versus the total number of calls received on a monthly basis. This metric of answering 50% of calls in 60 seconds was developed in July 2008 as a performance measure for 311.	Calculation: The number of calls answered within 60 seconds divided by the total number of calls received during the measurement interval. Data Source: Avaya's Call Management System (CMS) will be utilized to determine the number of calls answered within 60 seconds and the total number of calls received. Frequency: Monthly.

Performance Pattern Notes:

Trending up is positive: The trend of a measure is positive when the current value is above the prior value.
 Trending down is positive: The trend of a measure is positive when the current value is below the prior value.



BDS-11
File 120120
COB
B/F Clerk
page

Capital Planning Committee

Naomi M. Kelly, City Administrator, Chair

MEMORANDUM

February 13, 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: Supplemental Appropriation Request for the Design of Jefferson Street Streetscape Improvements (\$962,038)

N. Kelly

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 FEB 14 AM 8:50
W

In accordance with Section 3.21 of the Administrative Code, on February 13, 2012, the Capital Planning Committee (CPC) reviewed one action item under consideration by the Board of Supervisors – the supplemental appropriation request for the Design of Jefferson Street Streetscape Improvements. The CPC's recommendations are set forth below as well as a record of the members present.

1. Board File Number 120120: **Ordinance appropriating \$962,038 consisting of \$856,046 in fund balance and \$105,992 in State Proposition 1B Local Street and Road interest earnings to the Department of Public Works in FY2011-2012 for the design of Jefferson Street Streetscape Improvements and placing \$52,600 on Controller's Reserve pending receipt of the projected interest earnings.**

Recommendation: Recommend the Board of Supervisors approve the ordinance appropriating funds for the Design of Jefferson Street Streetscape Improvements

Comments: The CPC recommends approval of these items by a vote of 11-0.

Committee members or representatives in favor include: David Chiu, Board President, Naomi Kelly, Acting City Administrator; Kate Howard, Mayor's Budget Director; Mohammed Nuru, Interim Director of Public Works; Elaine Forbes, Port of San Francisco; Cindy Nichol, San Francisco International Airport; Harlan Kelly, SFPUC; Nadia Sesay, Controller's Office; Alicia John-Baptiste, Planning Department; Darton Ito, SFMTA; and Dawn Kamalanathan, Recreation and Parks Department.

28

To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Urgent! Medical Cannabis Task Force: Resolution, Invitation to DPH & Letter to the City

From: Stephanie Tucker <sagenetsf@gmail.com>
To: mayoredwinlee@sfgov.org, Board.of.Supervisors@sfgov.org, Rajiv.Bhatia@sfdph.org, BarbraA.Garcia@sfdph.org, cityattorney@sfgov.org
Cc: David.Chiu@sfgov.org, Judson.True@sfgov.org, Eric.L.Mar@sfgov.org, Nickolas.Pagoulatos@sfgov.org, Christina.Olague@sfgov.org, Chris.Durazo@sfgov.org, Jen.Low@sfgov.org, Jane.Kim@sfgov.org, Matthias.Mormino@sfgov.org, Scott.Wiener@sfgov.org; Gillian.Gillett@sfgov.org, Adam.Taylor@sfgov.org, David.Campos@sfgov.org, Hillary.Ronen@sfgov.org, Sheila.Chung.Hagen@sfgov.org, Malia.Cohen@sfgov.org, Andrea.Bruss@sfgov.org, Megan.Hamilton@sfgov.org, John.Avalos@sfgov.org, Frances.Hsieh@sfgov.org, Raquel.Redondiez@sfgov.org, matt.dorsey@cityattorney.org, quinten.mecke@asm.ca.gov
Date: 02/14/2012 12:24 PM
Subject: Urgent! Medical Cannabis Task Force: Resolution, Invitation to DPH & Letter to the City

To the San Francisco **Mayor Edmond Lee, Board of Supervisors, Department of Public Health** and the **City Attorney's Office:**

In light of the current ambiguities concerning the medical cannabis community in San Francisco, stemming not just from actions of the Federal government but also from the actions of city administrators, the Medical Cannabis Task Force (MCTF) requests your presence as our guest at its next meeting on Monday, February ----20th at 10:30 a.m. to answer questions regarding the permitting process, inspections, and the status of the medical cannabis community moving forward.

Please see attached letter & Resolution passed unanimously at the 2/6/2012 MCTF meeting.

Since Mr. Larry Kessler last appeared before the MCTF as a guest on December 16th, 2011, it seems that much has changed regarding City policy towards the medical cannabis community. The *Pack* and *Riverside* cases have since been vacated, causing the DPH to halt and reinitiate the MCD permitting process several times (presumably under the advising of the City Attorney). When the permitting process was last resumed, a brand new statement of compliance was required for MCDs to receive their 2012 permits. This statement of compliance contained new regulations and it required MCD operators to sign under penalty of perjury. Additionally, DPH only gave operators 48 hours to come into compliance with the new regulations.

We, the MCTF, speaking on behalf of the medical cannabis community, are not opposed to new regulations. However, given that there was no community input concerning said regulations, and that an extremely truncated timeframe to reach compliance for these regulations was given, we are left with some very serious questions concerning the future of medical cannabis in San Francisco.

The MCTF has also confirmed that DPH received 17 public information requests from the DOJ over the last 5 months, 12 of which came solely in the month of January 2012. That information is currently being handed over to the DEA, in accordance with San Francisco Sunshine Law. The new disclosure forms would be apart of that information handed over.

The MCTF is also aware that the City has been subpoenaed by the DOJ for files of permitted facilities. At this time, the MCTF is formally requesting to know if the City has been further contacted by the DOJ, engaged in communications with the DOJ, and if any additional information has been handed-over voluntarily and/or as the result of a subpoena?

29

Thank you in advance for your time and understanding during this confusing period.

Sincerely,

Stephanie Tucker, Spokesperson on behalf of the Medical Cannabis Task Force

415-240-9111

Sagenetsf@gmail.com

The San Francisco Medical Cannabis Task Force

Hunter Holliman

Shona Gochenaur

Leonard Watkins

Martin Olive Seatt

Raymond Gamley

Erich Pearson

Sarah Shrader

Brent Saupe

Maureen Burns

Stewart Rhoads

Jean Talleyrand



14_Resolution.docx MCTF 02 2012 letter.docx



MEDICAL CANNABIS TASK FORCE



Edwin M. Lee, Mayor

To the San Francisco Mayor, Edwin Lee, Board of Supervisors, Department of Public Health and the City Attorney's Office:

In light of the current ambiguities concerning the medical cannabis community in San Francisco, stemming not just from actions of the Federal government but also from the actions of city administrators, the Medical Cannabis Task Force (MCTF) requests your presence at its next meeting on Monday, February 20th at 10:30 am to answer questions regarding the permitting process, inspections, and the status of the medical cannabis community moving forward.

Please see attached letter & Resolution passed unanimously at the 2/6/2012 MCTF meeting.

Since Mr. Larry Kessler last appeared before the MCTF as a guest on December 16th, 2011, it seems that much has changed regarding City policy towards the medical cannabis community. The *Pack* and *Riverside* cases have since been vacated, causing the DPH to halt and reinitiate the MCD permitting process several times (presumably under the advising of the City Attorney). When the permitting process was last resumed, a brand new statement of compliance was required for MCDs to receive their 2012 permits. This statement of compliance contained new regulations and it required MCD operators to sign under penalty of perjury. Additionally, DPH only gave operators 48 hours to come into compliance with the new regulations.

We, the MCTF, speaking on behalf of the medical cannabis community, are not opposed to new regulations. However, given that there was no community input concerning said regulations, and that an extremely truncated timeframe to reach compliance for these regulations was given, we are left with some very serious questions concerning the future of medical cannabis in San Francisco.

The MCTF has also confirmed that DPH received 17 public information requests from the DOJ over the last 5 months, 12 of which came solely in the month of January 2012. That information is currently being handed over to the DEA, in accordance with San Francisco Sunshine Law. The new disclosure forms would be apart of that information handed over. The MCTF is also aware that the City has been subpoenaed by the DOJ for files of permitted facilities. At this time, the MCTF is formally requesting to know if the City has been further contacted by the DOJ, engaged in communications with the DOJ, and if any additional information has been handed-over voluntarily and/or as the result of a subpoena?

Thank you in advance for your time and understanding during this confusing period.

Sincerely,

Stephanie Tucker, Spokesperson on behalf the San Francisco Medical Cannabis Task Force
415-240-9111
sagenetsf@gmail.com

Stephanie Tucker
Hunter Holliman
Shona Gochenaur
Leonard Watkins
Martin Olive
Raymond Gamley

Erich Pearson
Sarah Shrader
Brent Saupe
Maureen Burns
Stewart Rhoads
Jean Talleyrand



Edwin M. Lee, Mayor

MEDICAL CANNABIS TASK FORCE



Timeline:

October 2011, the MCTF approved an emergency resolution was passed and adopted by the BOS condemning the current federal actions.

November 2011, it was brought to our attention that the City was planning to stop issuing any new permits as well as stop any inspections until there was clarity regarding the Pack case.

At a **December 2011** MCTF meeting where Larry Kessler was an invited speaker, it was brought to the attention of our community that DPH and the City's new permit policy was "not to make any permitting decisions until the Supreme Court ruled on Pack."

- It was revealed at this same meeting that the DPH received public information requests for files by the DEA which have been handed over in accordance with San Francisco Sunshine laws, ultimately resulting in five threatening DOJ letters to landlords and the closure of five permitted San Francisco facilities. At this same meeting, the MCTF learned that the City had been subpoenaed by the DOJ for files of permitted facilities.
- At that time it was discussed that DPH in light of all the recent activity would not be moving forward with the new disclosure forms without serious consideration and community input.

January 18, 2012, Pack decision vacated and taken up by California Supreme Court

January 25, 2012, SF suspends all permitting process indefinitely

January 30, 2012, SF reinitiates permitting and inspection process, requiring that MCDs file a statement of compliance with the new regulations within 48 hours.



MEDICAL CANNABIS TASK FORCE

Emergency Resolution 2/06/12



Edwin M. Lee, Mayor

1 **The San Francisco Medical Cannabis Task Force urgently demands the Mayor, Board**
2 **of Supervisors, City Attorney, and the Department of Public Health to stand behind its**
3 **Safe Harbor status for medical cannabis patients and providers, passed by the Board**
4 **of Supervisors in 2001 and reaffirmed in October 2011.**

5 WHEREAS, The MCTF strongly recommends the Mayor, Board of Supervisors and the
6 Department of Public Health, to not proceed at this time with any new policies or significant
7 changes to the medical cannabis program until there has been an opportunity for public
8 comment and stakeholder input. This includes the new disclosure forms that were required to
9 be signed under penalty of perjury by medical cannabis facilities on January 31st, 2012 with
10 only 48 hours notice in order to receive their permit.

11 WHEREAS, Starting in October 2011, the medical cannabis community has seen escalating
12 Federal interference with local and state laws, the Board of Supervisors passed a Resolution
13 speaking directly to this concern in October 2011. In addition, the *Pack v. City of Long Beach*
14 California court decision (now de-published) led to much confusion in San Francisco
15 regarding the permitting process, causing suspension and reinstatement of the medical
16 cannabis program on numerous occasions ranging from October 5th, 2011 to January 28th,
17 2012.

18 WHEREAS, In December of 2011, it came to the attention of the Medical Cannabis Task
19 Force that the Department of Public Health received five public records requests from the
20 Department of Justice, Drug Enforcement Administration, and 9th District Federal Prosecutors
21 office, for permit files on medical cannabis facilities. The landlords of these facilities received
22 letters threatening criminal charges and civil forfeiture which ultimately resulting in their
23

24 MAYORS OFFICE, BOARD OF SUPERVISORS, CITY ATTORNEY, DEPARTMENT OF PUBLIC HEALTH

Page 1

25 | 2/14/20122/14/12

1 closures. Three of the five facilities forced to close were located in the Tenderloin in District 6,
2 that currently is home to the largest HIV population per capita in the U.S.

3 WHEREAS, solely in the month of January/2012, the San Francisco Department of Public
4 Health received 12 more requests for files through the public information request process from
5 the DEA, bringing the total number of files now requested to date, 17.

6
7 WHEREAS, It has become evident that the Department of Justice is not targeting
8 dispensaries that are operating outside of the law but instead they are focused on closing the
9 regulated, permitted facilities that operate in good standing in their communities. The U.S.
10 Attorney's office has recently threatened other cities from moving forward with their permitting
11 process in addition to regulated dispensaries, and their landlords. As such, our current
12 dispensary operators in San Francisco face greater risk than ever before.

13 WHEREAS, the state Legislator is asking for San Francisco officials to stand up and take the
14 lead on defending California's medical cannabis laws. Assemblyman, Tom Ammiano states:
15 "It is vital that cities throughout California remain defiant like Oakland has in the face of the
16 Obama administration's ongoing scare tactics with regard to medical marijuana. Proposition
17 215 is the law in California and has been for the past 15 years. San Francisco has been a
18 leader on this issue and the mayor and the Board of Supervisors need to be more prominent
19 in their opposition to the U.S. Attorney's actions. Clearly, medical marijuana will eventually be
20 decided by the Supreme Court, but in the meantime we cannot allow the wholesale
21 dismantling of medical marijuana in the state by a rogue Department of Justice."

22 SO BE IT RESOLVED, That the City and Department of Public Health no longer voluntarily
23 disclose any more potentially self-incriminating information to the Federal government.
24
25

1 BE IT FURTHER RESOLVED, We urgently request that DPH not go forward with the January
2 31, 2012, version of the Written Statement of Compliance with Article 33 form for Medical
3 Cannabis Dispensaries and remove all collected forms from the file immediately.

4 BE IT FURTHER RESOLVED, That the Board of Supervisors requests a meeting with the
5 Mayor, City Attorney and Department of Public Health to discuss any changes in policy that
6 would affect the medical cannabis program and allow input from the Medical Cannabis Task
7 Force and community.

8 **Resolution passed unanimously 2/06/2012 MCTF meeting**
9



Stop the demolition of a national eligible masterplanned community.

Pam-Anela Messenger

to:

board.of.supervisors

02/16/2012 12:39 PM

Hide Details

From: Pam-Anela Messenger <mail@change.org>

To: board.of.supervisors@sfgov.org

Please respond to no-reply@change.org

Security:

To ensure privacy, images from remote sites were prevented from downloading. Show Images

Help protect and advocate for adequate working class housing in San Francisco.,

Please help to prevent the unnecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.

Thank you for your support and interest in housing, jobs, and the environment.


30

Sincerely

Aaron Goodman

I am writing a book on Thomas Church and my 40 years of research on his work compels me to support preservation of his projects.

Pam-Anela Messenger
Lafayette, California

Note: this email was sent as part of a petition started on Change.org, viewable at <http://www.change.org/petitions/protect-and-preserve-parkmerced-as-essential-housing-from-un-sustainable-demolition>. To respond, [click here](#) 



Stop the demolition of a national eligible masterplanned community.

Isabella Nicolaides

to:

board.of.supervisors

02/10/2012 11:28 PM

Hide Details

From: Isabella Nicolaides <mail@change.org>

To: board.of.supervisors@sfgov.org

Please respond to no-reply@change.org

Security:

To ensure privacy, images from remote sites were prevented from downloading. Show Images

Help protect and advocate for adequate working class housing in San Francisco.,

Please help to prevent the unnecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.


Thank you for your support and interest in housing, jobs, and the environment.

30

Sincerely

Aaron Goodman

Isabella Nicolaidès
Coatesville, Pennsylvania

Note: this email was sent as part of a petition started on Change.org, viewable at <http://www.change.org/petitions/protect-and-preserve-parkmerced-as-essential-housing-from-un-sustainable-demolition>. To respond, [click here](#) 

QUARTERLY HIV/AIDS SURVEILLANCE REPORT

San Francisco Department of Public Health HIV/AIDS Cases Reported Through December 2011

Contents	Page
Surveillance Summary.....	1
Table 1: Adult/Adolescent HIV/AIDS Cases by Transmission Category.....	2
Table 2: AIDS Cases by Gender and Year of AIDS Diagnosis.....	3
Table 3: HIV/AIDS Cases by Gender and Year of Initial HIV Diagnosis.....	3
Table 4: AIDS Cases by Transmission Category and Race/Ethnicity.....	4
Table 5: HIV Non-AIDS Cases by Transmission Category and Race/Ethnicity.....	4
Table 6: AIDS Cases by Transmission Category and Year of AIDS Diagnosis.....	5
Table 7: HIV/AIDS Cases by Transmission Category and Year of Initial HIV Diagnosis.....	6
Table 8: AIDS Cases by Gender, Age Group and Race/Ethnicity.....	7
Table 9: HIV Non-AIDS Cases by Gender, Age Group and Race/Ethnicity.....	8
Table 10: AIDS Cases by Race/Ethnicity and Year of AIDS Diagnosis.....	9
Table 11: HIV/AIDS Cases by Race/Ethnicity and Year of Initial HIV Diagnosis.....	9
Table 12: AIDS Incidence, Mortality, and Prevalence by Year.....	10
Table 13: AIDS Cases by Initial AIDS-Defining Condition and Year of AIDS Diagnosis.....	11
Table 14: Cumulative AIDS Indicator Conditions among Persons with AIDS.....	12
Table 15: Living Adult/Adolescent HIV/AIDS Cases by Transmission Category.....	13
Table 16: Living HIV/AIDS Cases by Transmission Category and Race/Ethnicity.....	13
Table 17: Living HIV/AIDS Cases by Gender, Age Group and Race/Ethnicity.....	14

The HIV/AIDS Surveillance Report is published quarterly by the
San Francisco Department of Public Health, HIV Epidemiology Section
25 Van Ness Avenue, Suite 500, San Francisco, CA 94102; Phone (415) 554-9050, FAX (415) 431-0353
Director of Health: Barbara A. Garcia, MPA;
Health Officer and Director of Population Health and Prevention: Tomas Aragon, MD, DrPH;
Section Director: Susan Scheer, PhD, MPH; Surveillance Unit Director: Ling Hsu, MPH;
Program Coordinators: Maree Kay Parisi, Viva Delgado, MPH;
Epidemiologists: Mia Miao-Jung Chen, PhD, MPH, Priscilla Lee Chu, DrPH, MPH, Alison Hughes, MPH,
Kara O'Keefe, PhD, MPH, Sharon Pipkin, MPH, Tony Su, MPH, Annie Vu, MPH
The HIV/AIDS Surveillance Report is accessible via internet:
<http://www.sfdph.org/dph/files/reports/default.asp>

HIV/AIDS Surveillance Summary

San Francisco (as of 12/31/2011)

Cumulative cases ¹ :	
AIDS	29,076
HIV non-AIDS ²	5,988
Cumulative AIDS deaths:	
	19,571
Living HIV/AIDS cases	
	15,469

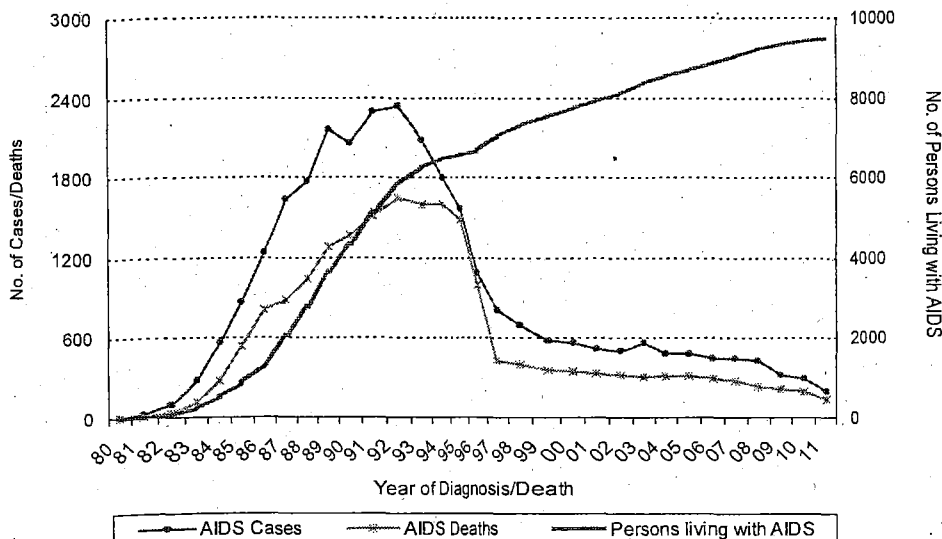
California³ (as of 06/30/2011)

Cumulative cases:	
AIDS	160,760
HIV non-AIDS	43,501
Cumulative AIDS deaths:	
	91,371
Living HIV/AIDS cases:	
	111,100

United States⁴

Cumulative AIDS cases (as of 12/31/2009):	1,113,971
Cumulative AIDS deaths (as of 12/31/2008):	601,415
Living HIV/AIDS cases (as of 12/31/2008):	670,903

San Francisco AIDS Incidence, Mortality, and Prevalence by Year, 1980-2011⁵



1. Includes SF residents diagnosed in SF and SF residents diagnosed in other jurisdictions.
2. Includes HIV non-AIDS cases reported by name. HIV non-AIDS cases reported by a non-name code between July 2002 and April 2006 whose names have not been ascertained are not included.
3. CA data source: www.cdph.ca.gov/data/statistics/Pages/OAHIVAIDSStatistics.aspx.
4. US data source: CDC HIV Surveillance Report, 2009, vol. 21. www.cdc.gov/hiv/topics/surveillance/resources/reports/.
5. Reporting for recent year is incomplete. See Table 12 for actual numbers per year.

HIV/AIDS Quarterly Surveillance Report
Summary of San Francisco Residents with HIV/AIDS*
Reported as of 12/31/2011

Table 1. Adult/Adolescent HIV/AIDS Cases (>12 years) by Transmission Category, San Francisco, 1980-2011

Transmission Category	AIDS		HIV non-AIDS#	
	No.	(%)	No.	(%)
Gay or bisexual male	21204	(73.0)	4335	(72.6)
Heterosexual male injection drug user	1402	(4.8)	215	(3.6)
Heterosexual female injection drug user	724	(2.5)	155	(2.6)
Gay or bisexual male injection drug user	4324	(14.9)	718	(12.0)
Lesbian or bisexual injection drug user	60	(0.2)	15	(0.3)
Transgender (1)	433	(1.5)	143	(2.4)
Hemophiliac	16	(0.1)	2	(0.0)
Heterosexual contact male (2)	162	(0.6)	51	(0.9)
Heterosexual contact female (2)	323	(1.1)	132	(2.2)
Transfusion recipient	143	(0.5)	1	(0.0)
Risk not reported/Other (3)	247	(0.9)	208	(3.5)
Total	29038	(100)	5975	(100)

* Residents of San Francisco at time of HIV/AIDS diagnosis.

Includes HIV non-AIDS cases reported by name. Excludes HIV non-AIDS cases reported by a non-name code between July 2002 and April 2006 whose names have not been ascertained.

- (1) Transgender information was collected since September 1996. Data prior to this are incomplete.
- (2) Includes persons who have had heterosexual contact with a person with HIV/AIDS or with a person who is at risk for HIV.
- (3) Includes persons for whom risk information is incomplete (due to death, refusal to be interviewed or loss to follow-up), cases still under investigation, or interviewed patients who offered no plausible risk for HIV.

HIV/AIDS Quarterly Surveillance Report
Summary of San Francisco Residents with HIV/AIDS*
Reported as of 12/31/2011

Table 2. AIDS Cases by Gender and Year of AIDS Diagnosis, San Francisco, 1980-2011

Gender	Year of AIDS Diagnosis					
	< 2001 No. (%)	2001 No. (%)	2002 No. (%)	2003 No. (%)	2004 No. (%)	2005 No. (%)
Male	23272 (95.3)	453 (88.3)	442 (88.9)	498 (88.5)	425 (88.2)	423 (89.1)
Female	875 (3.6)	45 (8.8)	36 (7.2)	40 (7.1)	40 (8.3)	38 (8.0)
Transgender (1)	274 (1.1)	15 (2.9)	19 (3.8)	25 (4.4)	17 (3.5)	14 (2.9)
Total	24421 (100)	513 (100)	497 (100)	563 (100)	482 (100)	475 (100)

Gender	Year of AIDS Diagnosis					
	2006 No. (%)	2007 No. (%)	2008 No. (%)	2009 No. (%)	2010 No. (%)	2011 No. (%)
Male	402 (90.1)	402 (89.7)	369 (87.0)	287 (89.4)	261 (90.3)	171 (86.8)
Female	30 (6.7)	34 (7.6)	41 (9.7)	24 (7.5)	15 (5.2)	20 (10.2)
Transgender (1)	14 (3.1)	12 (2.7)	14 (3.3)	10 (3.1)	13 (4.5)	6 (3.0)
Total	446 (100)	448 (100)	424 (100)	321 (100)	289 (100)	197 (100)

Table 3. HIV/AIDS Cases by Gender and Year of Initial HIV Diagnosis#, San Francisco, 2006-2011

Gender	Year of Initial HIV Diagnosis					
	2006 No. (%)	2007 No. (%)	2008 No. (%)	2009 No. (%)	2010 No. (%)	2011 No. (%)
Male	466 (91.2)	467 (87.6)	446 (89.4)	408 (90.3)	392 (90.5)	308 (89.3)
Female	34 (6.7)	44 (8.3)	38 (7.6)	26 (5.8)	31 (7.2)	33 (9.6)
Transgender (1)	11 (2.2)	22 (4.1)	15 (3.0)	18 (4.0)	10 (2.3)	4 (1.2)
Total	511 (100)	533 (100)	499 (100)	452 (100)	433 (100)	345 (100)

* Residents of San Francisco at time of HIV/AIDS diagnosis.

Includes persons with a diagnosis of HIV (not AIDS), an initial diagnosis of HIV (not AIDS) and later diagnosed with AIDS, and concurrent diagnosis of HIV and AIDS. The initial year of HIV diagnosis was determined based on the earliest date of HIV antibody test, viral load or CD4 test, initiation of antiretroviral therapy, or patient self-report of a positive HIV test.

(1) Transgender information was collected since September 1996. Data prior to this are incomplete.

HIV/AIDS Quarterly Surveillance Report
Summary of San Francisco Residents with HIV/AIDS*
Reported as of 12/31/2011

Table 4. AIDS Cases by Transmission Category and Race/Ethnicity, San Francisco San Francisco, 1980-2011

Transmission Category (1)	White No. (%)	African American No. (%)	Latino No. (%)	Asian/ Pacific Islander No. (%)	Native American No. (%)
Adult/Adolescent					
Gay or bisexual male	16244 (79.5)	1570 (42.6)	2638 (73.1)	704 (76.4)	53 (43.1)
Injection drug user (IDU)	735 (3.6)	1049 (28.4)	251 (7.0)	39 (4.2)	18 (14.6)
Gay or bisexual male IDU	3135 (15.3)	732 (19.8)	500 (13.8)	80 (8.7)	45 (36.6)
Lesbian or bisexual IDU	25 (0.1)	23 (0.6)	7 (0.2)	2 (0.2)	2 (1.6)
Hemophilia	8 (0.0)	2 (0.1)	5 (0.1)	1 (0.1)	0 (0.0)
Heterosexual (2)	121 (0.6)	199 (5.4)	117 (3.2)	46 (5.0)	4 (3.3)
Transfusion recipient	68 (0.3)	23 (0.6)	27 (0.7)	19 (2.1)	0 (0.0)
Risk not reported/Other (3)	84 (0.4)	78 (2.1)	56 (1.6)	25 (2.7)	1 (0.8)
Pediatric (0-12 years) (4)	8 (0.0)	13 (0.4)	10 (0.3)	5 (0.5)	0 (0.0)
Total	20428 (100)	3689 (100)	3611 (100)	921 (100)	123 (100)

Table 5. HIV Non-AIDS Cases# by Transmission Category and Race/Ethnicity, San Francisco

Transmission Category (1)	White No. (%)	African American No. (%)	Latino No. (%)	Asian/ Pacific Islander No. (%)	Native American No. (%)
Adult/Adolescent					
Gay or bisexual male	2941 (78.8)	367 (46.6)	736 (76.1)	252 (80.5)	18 (52.9)
Injection drug user (IDU)	149 (4.0)	168 (21.3)	39 (4.0)	4 (1.3)	5 (14.7)
Gay or bisexual male IDU	506 (13.6)	106 (13.5)	100 (10.3)	27 (8.6)	10 (29.4)
Lesbian or bisexual IDU	5 (0.1)	5 (0.6)	4 (0.4)	0 (0.0)	0 (0.0)
Hemophilia	2 (0.1)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Heterosexual (2)	38 (1.0)	83 (10.5)	43 (4.4)	16 (5.1)	0 (0.0)
Transfusion recipient	0 (0.0)	1 (0.1)	0 (0.0)	0 (0.0)	0 (0.0)
Risk not reported/Other (3)	88 (2.4)	55 (7.0)	39 (4.0)	13 (4.2)	1 (2.9)
Pediatric (0-12 years) (4)	2 (0.1)	2 (0.3)	6 (0.6)	1 (0.3)	0 (0.0)
Total	3731 (100)	787 (100)	967 (100)	313 (100)	34 (100)

* Residents of San Francisco at time of HIV/AIDS diagnosis.

Includes HIV non-AIDS cases reported by name. Excludes HIV non-AIDS cases reported by a non-name code between July 2002 and April 2006 whose names have not been ascertained.

- (1) Persons with more than one risk factor (other than the combinations listed in the tables) are tabulated only in the most likely transmission category.
- (2) Includes persons who have had heterosexual contact with a person with HIV/AIDS or with a person who is at risk for HIV.
- (3) Includes persons for whom risk information is incomplete (due to death, refusal to be interviewed or loss to follow-up), cases still under investigation, or interviewed patients who offered no plausible risk for HIV.
- (4) Includes children who have hemophilia or other coagulation disorder, have received a blood transfusion, or who have acquired their infection from an infected mother during the perinatal period.

HIV/AIDS Quarterly Surveillance Report
Summary of San Francisco Residents with HIV/AIDS*
Reported as of 12/31/2011

Table 6. AIDS Cases by Transmission Category and Year of AIDS Diagnosis, San Francisco, 1980-2011

Transmission Category (1)	Year of AIDS Diagnosis					
	< 2001 No. (%)	2001 No. (%)	2002 No. (%)	2003 No. (%)	2004 No. (%)	2005 No. (%)
Adult/Adolescent						
Gay or bisexual male	18482 (75.7)	309 (60.2)	303 (61.0)	360 (63.9)	317 (65.8)	292 (61.5)
Injection drug user (IDU)	1631 (6.7)	65 (12.7)	62 (12.5)	71 (12.6)	52 (10.8)	51 (10.7)
Gay or bisexual male IDU	3673 (15.0)	96 (18.7)	105 (21.1)	98 (17.4)	87 (18.0)	97 (20.4)
Lesbian or bisexual IDU	41 (0.2)	3 (0.6)	2 (0.4)	3 (0.5)	1 (0.2)	3 (0.6)
Hemophiliac	15 (0.1)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Heterosexual (2)	274 (1.1)	21 (4.1)	16 (3.2)	21 (3.7)	14 (2.9)	19 (4.0)
Transfusion recipient	141 (0.6)	1 (0.2)	1 (0.2)	0 (0.0)	0 (0.0)	0 (0.0)
Risk not reported/Other (3)	128 (0.5)	18 (3.5)	7 (1.4)	9 (1.6)	11 (2.3)	13 (2.7)
Pediatric (0-12 years) (4)	36 (0.1)	0 (0.0)	1 (0.2)	1 (0.2)	0 (0.0)	0 (0.0)
Total	24421 (100)	513 (100)	497 (100)	563 (100)	482 (100)	475 (100)

Transmission Category (1)	Year of AIDS Diagnosis					
	2006 No. (%)	2007 No. (%)	2008 No. (%)	2009 No. (%)	2010 No. (%)	2011 No. (%)
Adult/Adolescent						
Gay or bisexual male	290 (65.0)	287 (64.1)	261 (61.6)	211 (65.7)	168 (58.1)	114 (57.9)
Injection drug user (IDU)	38 (8.5)	40 (8.9)	31 (7.3)	34 (10.6)	24 (8.3)	31 (15.7)
Gay or bisexual male IDU	87 (19.5)	79 (17.6)	85 (20.0)	47 (14.6)	71 (24.6)	33 (16.8)
Lesbian or bisexual IDU	2 (0.4)	0 (0.0)	3 (0.7)	2 (0.6)	0 (0.0)	0 (0.0)
Hemophiliac	0 (0.0)	0 (0.0)	0 (0.0)	1 (0.3)	0 (0.0)	0 (0.0)
Heterosexual (2)	20 (4.5)	32 (7.1)	28 (6.6)	17 (5.3)	15 (5.2)	12 (6.1)
Transfusion recipient	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Risk not reported/Other (3)	9 (2.0)	10 (2.2)	16 (3.8)	9 (2.8)	11 (3.8)	7 (3.6)
Pediatric (0-12 years) (4)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Total	446 (100)	448 (100)	424 (100)	321 (100)	289 (100)	197 (100)

* Residents of San Francisco at time of HIV/AIDS diagnosis.

- (1) Persons with more than one risk factor (other than the combinations listed in the tables) are tabulated only in the most likely transmission category.
- (2) Includes persons who have had heterosexual contact with a person with HIV/AIDS or with a person who is at risk for HIV.
- (3) Includes persons for whom risk information is incomplete (due to death, refusal to be interviewed or loss to follow-up), cases still under investigation, or interviewed patients who offered no plausible risk for HIV.
- (4) Includes children who have hemophilia or other coagulation disorder, have received a blood transfusion, or who have acquired their infection from an infected mother during the perinatal period.

HIV/AIDS Quarterly Surveillance Report
Summary of San Francisco Residents with HIV/AIDS*
Reported as of 12/31/2011

Table 7. HIV/AIDS Cases by Transmission Category and Year of Initial HIV Diagnosis#, San Francisco, 2006-2011

Transmission Category (1)	Year of Initial HIV Diagnosis					
	2006 No. (%)	2007 No. (%)	2008 No. (%)	2009 No. (%)	2010 No. (%)	2011 No. (%)
Adult/Adolescent						
Gay or bisexual male	364 (71.2)	347 (65.1)	364 (72.9)	328 (72.6)	280 (64.7)	240 (69.6)
Injection drug user (IDU)	37 (7.2)	37 (6.9)	26 (5.2)	23 (5.1)	32 (7.4)	24 (7.0)
Gay or bisexual male IDU	71 (13.9)	80 (15.0)	52 (10.4)	60 (13.3)	57 (13.2)	40 (11.6)
Lesbian or bisexual IDU	1 (0.2)	1 (0.2)	3 (0.6)	3 (0.7)	0 (0.0)	0 (0.0)
Hemophiliac	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Heterosexual (2)	23 (4.5)	44 (8.3)	32 (6.4)	16 (3.5)	32 (7.4)	19 (5.5)
Transfusion recipient	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Risk not reported/Other (3)	15 (2.9)	24 (4.5)	22 (4.4)	22 (4.9)	32 (7.4)	22 (6.4)
Pediatric (0-12 years) (4)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Total	511 (100)	533 (100)	499 (100)	452 (100)	433 (100)	345 (100)

* Residents of San Francisco at time of HIV/AIDS diagnosis.

Includes persons with a diagnosis of HIV (not AIDS), an initial diagnosis of HIV (not AIDS) and later diagnosed with AIDS, and concurrent diagnosis of HIV and AIDS. The initial year of HIV diagnosis was determined based on the earliest date of HIV antibody test, viral load or CD4 test, initiation of antiretroviral therapy, or patient self-report of a positive HIV test.

- (1) Persons with more than one risk factor (other than the combinations listed in the tables) are tabulated only in the most likely transmission category.
- (2) Includes persons who have had heterosexual contact with a person with HIV/AIDS or with a person who is at risk for HIV.
- (3) Includes persons for whom risk information is incomplete (due to death, refusal to be interviewed or loss to follow-up), cases still under investigation, or interviewed patients who offered no plausible risk for HIV.
- (4) Includes children who have hemophilia or other coagulation disorder, have received a blood transfusion, or who have acquired their infection from an infected mother during the perinatal period.

HIV/AIDS Quarterly Surveillance Report
Summary of San Francisco Residents with HIV/AIDS*
Reported as of 12/31/2011

Table 8. AIDS Cases by Gender, Age Group and Race/Ethnicity, San Francisco, 1980-2011

Male Age at AIDS Diagnosis (Years)	White No. (%)	African American No. (%)	Latino No. (%)	Asian/ Pacific Islander No. (%)	Native American No. (%)	Total (1) No. (%)
0 - 12	4 (0.0)	4 (0.1)	5 (0.2)	4 (0.5)	0 (0.0)	19 (0.1)
13 - 19	12 (0.1)	1 (0.0)	14 (0.4)	1 (0.1)	2 (1.9)	30 (0.1)
20 - 24	308 (1.5)	70 (2.3)	129 (3.9)	26 (3.2)	4 (3.8)	544 (2.0)
25 - 29	1670 (8.4)	250 (8.3)	467 (14.1)	90 (11.0)	21 (19.8)	2529 (9.2)
30 - 39	8846 (44.4)	1166 (38.9)	1552 (47.0)	361 (44.2)	51 (48.1)	12097 (44.1)
40 - 49	6557 (32.9)	1005 (33.6)	829 (25.1)	248 (30.4)	24 (22.6)	8738 (31.9)
50 - 59	2018 (10.1)	389 (13.0)	248 (7.5)	64 (7.8)	4 (3.8)	2750 (10.0)
60 +	498 (2.5)	110 (3.7)	61 (1.8)	22 (2.7)	0 (0.0)	698 (2.5)
Male subtotal	19913 (100)	2995 (100)	3305 (100)	816 (100)	106 (100)	27405 (100)
Female Age at AIDS Diagnosis (Years)	White No. (%)	African American No. (%)	Latino No. (%)	Asian/ Pacific Islander No. (%)	Native American No. (%)	Total (1) No. (%)
0 - 12	4 (1.0)	9 (1.6)	5 (2.8)	1 (1.5)	0 (0.0)	19 (1.5)
13 - 19	1 (0.3)	2 (0.4)	2 (1.1)	0 (0.0)	0 (0.0)	5 (0.4)
20 - 24	16 (4.0)	10 (1.8)	10 (5.6)	4 (6.1)	1 (7.1)	42 (3.4)
25 - 29	40 (10.1)	47 (8.4)	26 (14.4)	11 (16.7)	1 (7.1)	127 (10.3)
30 - 39	156 (39.3)	205 (36.7)	61 (33.9)	25 (37.9)	8 (57.1)	462 (37.3)
40 - 49	107 (27.0)	189 (33.9)	46 (25.6)	18 (27.3)	4 (28.6)	370 (29.9)
50 - 59	42 (10.6)	72 (12.9)	17 (9.4)	4 (6.1)	0 (0.0)	139 (11.2)
60 +	31 (7.8)	24 (4.3)	13 (7.2)	3 (4.5)	0 (0.0)	74 (6.0)
Female subtotal	397 (100)	558 (100)	180 (100)	66 (100)	14 (100)	1238 (100)
Transgender (2) Age at AIDS Diagnosis (Years)	White No. (%)	African American No. (%)	Latino No. (%)	Asian/ Pacific Islander Native American No. (%)	Total (1) No. (%)	
13 - 29	25 (21.2)	31 (22.8)	32 (25.4)	12 (28.6)	103 (23.8)	
30 - 39	57 (48.3)	48 (35.3)	60 (47.6)	20 (47.6)	190 (43.9)	
40 +	36 (30.5)	57 (41.9)	34 (27.0)	10 (23.8)	140 (32.3)	
Transgender subtotal	118 (100)	136 (100)	126 (100)	42 (100)	433 (100)	

* Residents of San Francisco at time of HIV/AIDS diagnosis.

(1) Total includes persons with multiple or unknown race.

(2) Transgender information was collected since September 1996. Certain age or race/ethnic groups are combined for transgender cases because of small number.

HIV/AIDS Quarterly Surveillance Report
Summary of San Francisco Residents with HIV/AIDS*
Reported as of 12/31/2011

Table 9. HIV Non-AIDS Cases# by Gender, Age Group and Race/Ethnicity, San Francisco

Male Age at Initial HIV Diagnosis (Years)	White No. (%)	African American No. (%)	Latino No. (%)	Asian/ Pacific Islander No. (%)	Native American No. (%)	Total (1) No. (%)
0 - 12	1 (0.0)	1 (0.2)	1 (0.1)	1 (0.4)	0 (0.0)	4 (0.1)
13 - 19	27 (0.8)	19 (3.2)	21 (2.5)	9 (3.2)	0 (0.0)	78 (1.4)
20 - 24	306 (8.5)	51 (8.7)	107 (12.6)	26 (9.3)	4 (13.8)	512 (9.4)
25 - 29	552 (15.4)	86 (14.7)	190 (22.4)	65 (23.2)	5 (17.2)	928 (17.0)
30 - 39	1564 (43.5)	195 (33.3)	362 (42.6)	131 (46.8)	15 (51.7)	2323 (42.4)
40 - 49	843 (23.5)	164 (28.0)	143 (16.8)	41 (14.6)	5 (17.2)	1223 (22.3)
50 - 59	245 (6.8)	52 (8.9)	22 (2.6)	7 (2.5)	0 (0.0)	328 (6.0)
60 +	55 (1.5)	17 (2.9)	4 (0.5)	0 (0.0)	0 (0.0)	77 (1.4)
Male subtotal	3593 (100)	585 (100)	850 (100)	280 (100)	29 (100)	5473 (100)
Female Age at Initial HIV Diagnosis (Years)	White No. (%)	African American No. (%)	Latino No. (%)	Asian/ Pacific Islander No. (%)	Native American No. (%)	Total (1) No. (%)
0 - 12	1 (0.9)	1 (0.7)	5 (6.9)	0 (0.0)	0 (0.0)	9 (2.4)
13 - 19	2 (1.8)	3 (2.0)	2 (2.8)	0 (0.0)	0 (0.0)	7 (1.9)
20 - 24	12 (11.0)	13 (8.6)	13 (18.1)	0 (0.0)	0 (0.0)	40 (10.8)
25 - 29	22 (20.2)	15 (9.9)	12 (16.7)	6 (27.3)	0 (0.0)	56 (15.1)
30 - 39	28 (25.7)	49 (32.5)	24 (33.3)	6 (27.3)	3 (75.0)	115 (30.9)
40 - 49	27 (24.8)	51 (33.8)	12 (16.7)	7 (31.8)	0 (0.0)	99 (26.6)
50 - 59	17 (15.6)	15 (9.9)	4 (5.6)	2 (9.1)	1 (25.0)	41 (11.0)
60 +	0 (0.0)	4 (2.6)	0 (0.0)	1 (4.5)	0 (0.0)	5 (1.3)
Female subtotal	109 (100)	151 (100)	72 (100)	22 (100)	4 (100)	372 (100)
Transgender (2) Age at Initial HIV Diagnosis (Years)	White No. (%)	African American No. (%)	Latino No. (%)	Asian/ Pacific Islander Native American No. (%)	Total (1) No. (%)	
13 - 29	10 (34.5)	24 (47.1)	21 (46.7)	4 (33.3)	62 (43.4)	
30 +	19 (65.5)	27 (52.9)	24 (53.3)	8 (66.7)	81 (56.6)	
Transgender subtotal	29 (100)	51 (100)	45 (100)	12 (100)	143 (100)	

* Residents of San Francisco at time of HIV/AIDS diagnosis.

Includes HIV non-AIDS cases reported by name. Excludes HIV non-AIDS cases reported by a non-name code between July 2002 and April 2006 whose names have not been ascertained.

(1) Total includes persons with multiple or unknown race.

(2) Transgender information was collected since September 1996. Certain age or race/ethnic groups are combined for transgender cases because of small number.

HIV/AIDS Quarterly Surveillance Report
Summary of San Francisco Residents with HIV/AIDS*
Reported as of 12/31/2011

Table 10. AIDS Cases by Race/Ethnicity and Year of AIDS Diagnosis, San Francisco, 1980-2011

Race/Ethnicity	Year of AIDS Diagnosis					
	< 2001 No. (%)	2001 No. (%)	2002 No. (%)	2003 No. (%)	2004 No. (%)	2005 No. (%)
White	17881 (73.2)	294 (57.3)	290 (58.4)	285 (50.6)	260 (53.9)	270 (56.8)
African American	2849 (11.7)	98 (19.1)	89 (17.9)	106 (18.8)	78 (16.2)	84 (17.7)
Latino	2752 (11.3)	74 (14.4)	78 (15.7)	126 (22.4)	111 (23.0)	88 (18.5)
Asian/Pacific Islander	639 (2.6)	34 (6.6)	28 (5.6)	34 (6.0)	21 (4.4)	23 (4.8)
Native American	91 (0.4)	5 (1.0)	2 (0.4)	5 (0.9)	4 (0.8)	3 (0.6)
Total (1)	24421 (100)	513 (100)	497 (100)	563 (100)	482 (100)	475 (100)

Race/Ethnicity	Year of AIDS Diagnosis					
	2006 No. (%)	2007 No. (%)	2008 No. (%)	2009 No. (%)	2010 No. (%)	2011 No. (%)
White	249 (55.8)	258 (57.6)	221 (52.1)	167 (52.0)	144 (49.8)	109 (55.3)
African American	81 (18.2)	78 (17.4)	80 (18.9)	59 (18.4)	55 (19.0)	32 (16.2)
Latino	81 (18.2)	75 (16.7)	71 (16.7)	66 (20.6)	55 (19.0)	34 (17.3)
Asian/Pacific Islander	22 (4.9)	27 (6.0)	41 (9.7)	14 (4.4)	25 (8.7)	13 (6.6)
Native American	4 (0.9)	0 (0.0)	3 (0.7)	3 (0.9)	2 (0.7)	1 (0.5)
Total (1)	446 (100)	448 (100)	424 (100)	321 (100)	289 (100)	197 (100)

Table 11. HIV/AIDS Cases by Race/Ethnicity and Year of Initial HIV Diagnosis#, San Francisco, 2006-2011

Race/Ethnicity	Year of Initial HIV Diagnosis					
	2006 No. (%)	2007 No. (%)	2008 No. (%)	2009 No. (%)	2010 No. (%)	2011 No. (%)
White	285 (55.8)	277 (52.0)	253 (50.7)	232 (51.3)	216 (49.9)	180 (52.2)
African American	74 (14.5)	77 (14.4)	79 (15.8)	69 (15.3)	61 (14.1)	55 (15.9)
Latino	107 (20.9)	106 (19.9)	112 (22.4)	93 (20.6)	95 (21.9)	67 (19.4)
Asian/Pacific Islander	31 (6.1)	49 (9.2)	40 (8.0)	41 (9.1)	43 (9.9)	32 (9.3)
Native American	3 (0.6)	2 (0.4)	4 (0.8)	1 (0.2)	3 (0.7)	1 (0.3)
Total (1)	511 (100)	533 (100)	499 (100)	452 (100)	433 (100)	345 (100)

* Residents of San Francisco at time of HIV/AIDS diagnosis.

Includes persons with a diagnosis of HIV (not AIDS), an initial diagnosis of HIV (not AIDS) and later diagnosed with AIDS, and concurrent diagnosis of HIV and AIDS. The initial year of HIV diagnosis was determined based on the earliest date of HIV antibody test, viral load or CD4 test, initiation of antiretroviral therapy, or patient self-report of a positive HIV test.

(1) Total includes persons with multiple or unknown race.

HIV/AIDS Quarterly Surveillance Report
Summary of San Francisco Residents with HIV/AIDS*
Reported as of 12/31/2011

Table 12. AIDS Incidence, Mortality, and Prevalence by Year, San Francisco, 1980-2011

Year	Number of AIDS Cases Reported per Year	Number of AIDS Cases Diagnosed per Year (1)	Number of AIDS Deaths Occurred per Year (1)	Number of Persons Living with AIDS (1)
1980	0	3	0	3
1981	21	26	8	21
1982	75	99	32	88
1983	197	274	111	251
1984	451	558	273	536
1985	673	860	534	862
1986	981	1236	807	1291
1987	1287	1629	878	2042
1988	1408	1763	1039	2766
1989	1584	2161	1276	3651
1990	1686	2046	1365	4332
1991	1685	2288	1508	5112
1992	1638	2331	1641	5802
1993	4271	2073	1599	6276
1994	1914	1790	1595	6471
1995	1633	1566	1483	6554
1996	1240	1085	993	6646
1997	1060	805	422	7029
1998	793	695	402	7322
1999	723	578	354	7546
2000	624	555	349	7752
2001	495	513	324	7941
2002	440	497	321	8117
2003	532	563	302	8378
2004	555	482	309	8551
2005	499	475	313	8713
2006	423	446	290	8869
2007	536	448	271	9046
2008	555	424	233	9237
2009	350	321	212	9346
2010	404	289	193	9442
2011	343	197	134	9505
Total	29076	29076	19571	

* Residents of San Francisco at time of HIV/AIDS diagnosis.

(1) Data in recent years is incomplete due to delay in cases/deaths reporting.

HIV/AIDS Quarterly Surveillance Report
Summary of San Francisco Residents with HIV/AIDS*
Reported as of 12/31/2011

Table 13. AIDS Cases by Initial AIDS-Defining Condition and Year of AIDS Diagnosis, San Francisco, 1980-2011

Initial AIDS-Defining Condition	Year of AIDS Diagnosis		
	1980-1989 No. (%)	1990-1995 No. (%)	1996-2011 No. (%)
Bacterial infections, recurrent, <13 years [HIV+(1)]	1 (0.0)	4 (0.0)	3 (0.0)
Candidiasis of bronchi, trachea, or lungs	15 (0.2)	6 (0.0)	5 (0.1)
Candidiasis of esophagus	221 (2.6)	217 (1.8)	101 (1.2)
Cervical cancer, invasive [HIV+]	1 (0.0)	1 (0.0)	5 (0.1)
Coccidioidomycosis, disseminated or extrapulmonary [HIV+]	4 (0.0)	2 (0.0)	1 (0.0)
Cryptococcosis, extrapulmonary	197 (2.3)	130 (1.1)	55 (0.7)
Cryptosporidiosis, intestinal (>1 mo. duration)	105 (1.2)	176 (1.5)	54 (0.6)
Cytomegalovirus (except liver, spleen, lymph nodes), >1 month of age	101 (1.2)	93 (0.8)	11 (0.1)
CMV retinitis with loss of vision [HIV+]	34 (0.4)	67 (0.6)	12 (0.1)
HIV encephalopathy [HIV+]	181 (2.1)	163 (1.3)	54 (0.6)
Herpes simplex: chronic (>1 mo.), bronchitis, pneumonitis, esophagitis	49 (0.6)	39 (0.3)	13 (0.2)
Histoplasmosis, disseminated or extrapulmonary [HIV+]	10 (0.1)	8 (0.1)	8 (0.1)
Isosporiasis, intestinal (>1 mo. duration) [HIV+]	8 (0.1)	8 (0.1)	5 (0.1)
Kaposi's sarcoma (2)	1853 (21.5)	767 (6.3)	242 (2.9)
Lymphoid interstitial pneumonia/pulmonary lymphoid hyperplasia, <13 years	3 (0.0)	1 (0.0)	0 (0.0)
Lymphoma, Burkitt's (non-Hodgkin's) [HIV+]	55 (0.6)	27 (0.2)	33 (0.4)
Lymphoma, immunoblastic (non-Hodgkin's) [HIV+]	200 (2.3)	153 (1.3)	68 (0.8)
Lymphoma, primary in brain (2)	19 (0.2)	12 (0.1)	10 (0.1)
Mycobacterium avium complex or M. kansasii, disseminated or extrapulmonary	139 (1.6)	103 (0.9)	18 (0.2)
Mycobacterium tuberculosis, pulmonary [HIV+]	43 (0.5)	117 (1.0)	62 (0.7)
Mycobacterium tuberculosis, disseminated or extrapulmonary [HIV+]	62 (0.7)	62 (0.5)	26 (0.3)
Mycobacterium other species, disseminated or extrapulmonary [HIV+]	12 (0.1)	14 (0.1)	1 (0.0)
Pneumocystis carinii pneumonia	3611 (41.9)	1590 (13.1)	517 (6.2)
Pneumonia, recurrent [HIV+]	33 (0.4)	123 (1.0)	97 (1.2)
Progressive multifocal leukoencephalopathy	37 (0.4)	8 (0.1)	5 (0.1)
Salmonella sepsis, recurrent [HIV+]	6 (0.1)	1 (0.0)	1 (0.0)
Toxoplasmosis of brain, >1 month of age	147 (1.7)	75 (0.6)	22 (0.3)
Wasting syndrome [HIV+]	224 (2.6)	333 (2.8)	131 (1.6)
CD4 T lymphocyte count <200 or percent <14 [HIV+]	1235 (14.3)	7793 (64.4)	6813 (81.4)
Any AIDS indicator condition, HIV-negative and CD4 count <400 (3)	3 (0.0)	1 (0.0)	0 (0.0)
Total	8609 (100)	12094 (100)	8373 (100)

* Residents of San Francisco at time of HIV/AIDS diagnosis.

(1) [HIV+]: Indicator conditions that require laboratory evidence of HIV infection.

(2) Laboratory evidence of HIV infection in persons > 60 years of age.

(3) In the absence of other causes of immunocompromise.

HIV/AIDS Quarterly Surveillance Report
Summary of San Francisco Residents with HIV/AIDS*
Reported as of 12/31/2011

Table 14. Cumulative AIDS Indicator Conditions among Persons with AIDS, San Francisco, 1980-2011

AIDS Indicator Condition (1)	Total No. (%)
Bacterial infections, recurrent, <13 years [HIV+(2)]	11 (0.0)
Candidiasis of bronchi, trachea, or lungs	149 (0.5)
Candidiasis of esophagus	2660 (9.1)
Cervical cancer, invasive [HIV+]	14 (0.0)
Coccidioidomycosis, disseminated or extrapulmonary [HIV+]	64 (0.2)
Cryptococcosis, extrapulmonary	1882 (6.5)
Cryptosporidiosis, intestinal (>1 mo. duration)	1383 (4.8)
Cytomegalovirus (except liver, spleen, lymph nodes), >1 month of age	2482 (8.5)
CMV retinitis with loss of vision [HIV+]	2501 (8.6)
HIV encephalopathy [HIV+]	2509 (8.6)
Herpes simplex: chronic (>1 mo.), bronchitis, pneumonitis, esophagitis	457 (1.6)
Histoplasmosis, disseminated or extrapulmonary [HIV+]	160 (0.6)
Isosporiasis, intestinal (>1 mo. duration) [HIV+]	68 (0.2)
Kaposi's sarcoma (3)	6770 (23.3)
Lymphoid interstitial pneumonia/pulmonary lymphoid hyperplasia, <13 years	6 (0.0)
Lymphoma, Burkitt's (non-Hodgkin's) [HIV+]	559 (1.9)
Lymphoma, immunoblastic (non-Hodgkin's) [HIV+]	1142 (3.9)
Lymphoma, primary in brain (3)	392 (1.3)
Mycobacterium avium complex or M. kansasii, disseminated or extrapulmonary	5104 (17.6)
Mycobacterium tuberculosis, pulmonary [HIV+]	665 (2.3)
Mycobacterium tuberculosis, disseminated or extrapulmonary [HIV+]	483 (1.7)
Mycobacterium other species, disseminated or extrapulmonary [HIV+]	340 (1.2)
Pneumocystis carinii pneumonia	11096 (38.2)
Pneumonia, recurrent [HIV+]	1033 (3.6)
Progressive multifocal leukoencephalopathy	312 (1.1)
Salmonella sepsis, recurrent [HIV+]	60 (0.2)
Toxoplasmosis of brain, >1 month of age	1174 (4.0)
Wasting syndrome [HIV+]	4368 (15.0)

* Residents of San Francisco at time of HIV/AIDS diagnosis.

(1) Cases may have more than one condition.

(2) [HIV+]: Indicator conditions that require laboratory evidence of HIV infection.

(3) Laboratory evidence of HIV infection in persons > 60 years of age.

HIV/AIDS Quarterly Surveillance Report
Summary of San Francisco Residents with HIV/AIDS*
Reported as of 12/31/2011

Table 15. Living Adult/Adolescent HIV/AIDS Cases (>12 years) by Transmission Category, San Francisco

Transmission Category	No.	(%)
Gay or bisexual male	11136	(72.2)
Heterosexual male injection drug user	580	(3.8)
Heterosexual female injection drug user	418	(2.7)
Gay or bisexual male injection drug user	2112	(13.7)
Lesbian or bisexual injection drug user	39	(0.3)
Transgender (1)	343	(2.2)
Hemophiliac	4	(0.0)
Heterosexual contact male (2)	152	(1.0)
Heterosexual contact female (2)	320	(2.1)
Transfusion recipient	17	(0.1)
Risk not reported/Other (3)	310	(2.0)
Total	15431	(100)

Table 16. Living HIV/AIDS Cases by Transmission Category and Race/Ethnicity, San Francisco

Transmission Category	White No. (%)	African American No. (%)	Latino No. (%)	Asian/ Pacific Islander No. (%)	Native American No. (%)
Adult/Adolescent					
Gay or bisexual male	7633 (78.7)	913 (44.4)	1937 (75.3)	625 (77.5)	43 (48.9)
Injection drug user (IDU)	371 (3.8)	462 (22.5)	117 (4.5)	22 (2.7)	15 (17.0)
Gay or bisexual male IDU	1441 (14.9)	372 (18.1)	307 (11.9)	78 (9.7)	23 (26.1)
Lesbian or bisexual IDU	15 (0.2)	16 (0.8)	5 (0.2)	1 (0.1)	2 (2.3)
Hemophiliac	3 (0.0)	1 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Heterosexual (2)	97 (1.0)	196 (9.5)	127 (4.9)	46 (5.7)	4 (4.5)
Transfusion recipient	6 (0.1)	3 (0.1)	5 (0.2)	3 (0.4)	0 (0.0)
Risk not reported/Other (3)	127 (1.3)	82 (4.0)	62 (2.4)	25 (3.1)	1 (1.1)
Pediatric (0-12 years) (4)	5 (0.1)	10 (0.5)	13 (0.5)	6 (0.7)	0 (0.0)
Total	9698 (100)	2055 (100)	2573 (100)	806 (100)	88 (100)

* Residents of San Francisco at time of HIV/AIDS diagnosis.

- (1) Transgender information was collected since September 1996. Data prior to this are incomplete.
- (2) Includes persons who have had heterosexual contact with a person with HIV/AIDS or with a person who is at risk for HIV.
- (3) Includes persons for whom risk information is incomplete (due to death, refusal to be interviewed or loss to follow-up), cases still under investigation, or interviewed patients who offered no plausible risk for HIV.
- (4) Includes children who have hemophilia or other coagulation disorder, have received a blood transfusion, or who have acquired their infection from an infected mother during the perinatal period.

HIV/AIDS Quarterly Surveillance Report
Summary of San Francisco Residents with HIV/AIDS*
Reported as of 12/31/2011

Table 17. Living HIV/AIDS Cases by Gender, Age Group and Race/Ethnicity, San Francisco

Male Current Age (Years)	White No. (%)	African American No. (%)	Latino No. (%)	Asian/ Pacific Islander No. (%)	Native American No. (%)	Total (1) No. (%)
0 - 12	0 (0.0)	0 (0.0)	1 (0.0)	0 (0.0)	0 (0.0)	2 (0.0)
13 - 19	1 (0.0)	5 (0.3)	1 (0.0)	2 (0.3)	0 (0.0)	9 (0.1)
20 - 24	40 (0.4)	24 (1.5)	32 (1.4)	8 (1.1)	0 (0.0)	108 (0.8)
25 - 29	159 (1.7)	43 (2.7)	98 (4.3)	37 (5.2)	1 (1.4)	350 (2.5)
30 - 39	872 (9.3)	159 (10.2)	464 (20.1)	159 (22.3)	16 (21.9)	1734 (12.2)
40 - 49	3213 (34.3)	502 (32.1)	915 (39.7)	287 (40.3)	37 (50.7)	5045 (35.4)
50 - 59	3341 (35.7)	575 (36.7)	590 (25.6)	151 (21.2)	19 (26.0)	4714 (33.1)
60 +	1732 (18.5)	257 (16.4)	202 (8.8)	69 (9.7)	0 (0.0)	2274 (16.0)
Male subtotal	9358 (100)	1565 (100)	2303 (100)	713 (100)	73 (100)	14236 (100)
Female Current Age (Years)	White No. (%)	African American No. (%)	Latino No. (%)	Asian/ Pacific Islander No. (%)	Native American No. (%)	Total (1) No. (%)
0 - 12	0 (0.0)	1 (0.3)	1 (0.6)	0 (0.0)	0 (0.0)	2 (0.2)
13 - 19	1 (0.4)	1 (0.3)	6 (3.6)	1 (1.7)	0 (0.0)	11 (1.2)
20 - 24	3 (1.1)	6 (1.6)	3 (1.8)	0 (0.0)	0 (0.0)	12 (1.3)
25 - 29	9 (3.4)	12 (3.2)	15 (9.0)	3 (5.2)	0 (0.0)	40 (4.5)
30 - 39	37 (14.0)	42 (11.4)	26 (15.7)	12 (20.7)	2 (15.4)	125 (14.0)
40 - 49	107 (40.4)	110 (29.7)	54 (32.5)	22 (37.9)	5 (38.5)	302 (33.9)
50 - 59	83 (31.3)	147 (39.7)	39 (23.5)	15 (25.9)	6 (46.2)	295 (33.1)
60 +	25 (9.4)	51 (13.8)	22 (13.3)	5 (8.6)	0 (0.0)	103 (11.6)
Female subtotal	265 (100)	370 (100)	166 (100)	58 (100)	13 (100)	890 (100)
Transgender (2) Current Age (Years)	White No. (%)	African American No. (%)	Latino No. (%)	Asian/ Pacific Islander Native American No. (%)	Total (1) No. (%)	
13 - 39	19 (25.3)	36 (30.0)	45 (43.3)	11 (29.7)	117 (34.1)	
40 +	56 (74.7)	84 (70.0)	59 (56.7)	26 (70.3)	226 (65.9)	
Transgender subtotal	75 (100)	120 (100)	104 (100)	37 (100)	343 (100)	

* Residents of San Francisco at time of HIV/AIDS diagnosis.

(1) Total includes persons with multiple or unknown race.

(2) Transgender information was collected since September 1996. Certain age or race/ethnic groups are combined for transgender cases because of small number.

**SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH
EPIDEMIOLOGY AND SURVEILLANCE BRANCH
AIDS OFFICE**

**25 VAN NESS AVENUE, SUITE 500
SAN FRANCISCO, CALIFORNIA 94102**

CLERK
BOARD OF SUPERVISORS
401 VAN NESS AVE, #308
INTER-OFFICE MAIL

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 FEB 15 AM 11:34
ML

February 7, 2012
TO: STATE, COUNTY AND
CITY OFFICIALS

BOS-11
Cpage

NOTICE OF JOINT APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY, SOUTHERN CALIFORNIA EDISON COMPANY, AND SAN DIEGO GAS & ELECTRIC COMPANY FOR RECOVERY OF COSTS OF THE MARKET REDESIGN AND TECHNOLOGY UPGRADE (MRTU) INITIATIVE

On January 31, 2012, Pacific Gas and Electric Company (PG&E) filed a joint application with Southern California Edison and San Diego Gas & Electric Company (collectively, "Joint Utilities") with the California Public Utilities Commission (CPUC) for recovery of costs of the Market Redesign and Technology Upgrade (MRTU) initiative. PG&E originally filed the 2010 MRTU initiative Application in February 2011 (A.11-02-011). The CPUC requested that PG&E re-submit its original request as a joint application with the other Joint Utilities.

In this Application, PG&E restates its original request to make changes to electric rates, updated to go into effect January 1, 2013. In the original Application, PG&E requested to recover in rates the costs associated with complying with the mandated MRTU initiative. The inclusion of the rate recovery request was provided by CPUC Decision 09-12-012. PG&E also proposed recovery of additional costs forecast to be incurred in the 2012 and 2013 MRTU initiatives.

The MRTU initiative, which was developed by the California Independent System Operator and approved by the Federal Energy Regulatory Commission, is mandated technology that allows electricity to be bought and sold by participants in energy markets in California. Costs presented in this application represent actual costs incurred by PG&E in 2010 to upgrade the initially deployed system to include greater functionality, as well as costs PG&E forecasts to incur in 2012 and 2013 for this same purpose.

The total electric revenue requirement request (the total amount PG&E is requesting to collect in rates from all customers) is \$64.9 million. PG&E requests that electric rates designed to recover this amount become effective on January 1, 2013.

Will rates increase as a result of this application?

Yes, the approval of this application will increase electric rates by 0.55 percent in 2013, relative to current rates. This rate change will impact bundled service customers (those customers who receive electric generation and transmission and distribution service from PG&E) and customers who purchase electricity from other suppliers (e.g., direct access and community choice aggregation).

FOR FURTHER INFORMATION

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

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

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

詳情請致電 1-800-893-9555

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

Pacific Gas and Electric Company
Joint MRTU Application
P.O. Box 7442, San Francisco, CA 94120.

THE CPUC PROCESS

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

The CPUC has indicated that it will hold workshops (a more informal version of evidentiary hearings) soon after this Application is filed. The CPUC may also hold evidentiary hearings where parties of record present their proposals in testimony and are subject to cross-examination before an Administrative Law Judge (ALJ). These hearings are open to the public, but only those who are parties of record may present evidence or cross-examine witnesses during evidentiary hearings. Members of the public may attend, but not participate in, these hearings.

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

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

Public Advisor's Office
505 Van Ness Avenue
Room 2103
San Francisco, CA 94102
1-415-703-2074 or 1-866-849-8390 (toll free)
TTY 1-415-703-5282 or TTY 1-866-836-7825 (toll free)
E-mail to public.advisor@cpuc.ca.gov

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

A copy of PG&E's Joint MRTU application and exhibits are also available for review at the California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102, Monday-Friday, 8 a.m.-noon, and on the CPUC's website at <http://www.cpuc.ca.gov/puc>.

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 FEB - 9 PM 3:10
AK

32



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

EDMUND G. BROWN, JR.



Governor

Sonke Mastrup
EXECUTIVE DIRECTOR
1416 Ninth Street, Room 1320
Box 944209
Sacramento, CA 94244-2090
(916) 653-4899
(916) 653-5040 Fax
fgc@fgc.ca.gov

STATE OF CALIFORNIA

Fish and Game Commission

February 8, 2012

TO ALL INTERESTED AND AFFECTED PARTIES:

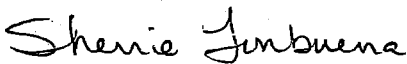
This is to provide you with a copy of the notice of proposed regulatory action relative to Section 27.80, Title 14, California Code of Regulations, relating to ocean salmon sport fishing, which will be published in the California Regulatory Notice Register on February 10, 2012.

This proposed regulatory action pertains only to the ocean salmon sport fishing regulations for May to November 2012. A notice pertaining to the April 2012 ocean salmon sport fishing regulations was published on January 6, 2012.

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

Ms. Marija Vojkovich, Marine Region Manager, Department of Fish and Game, phone (805) 568-1246, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,



Sherrie Fonbuena
Associate Governmental Program Analyst

Attachment

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 FEB - 9 PM 3:11
AK

33

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

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 220, 240, 316.5 and 2084 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 316.5 and 2084 of said Code, proposes to amend Section 27.80, Title 14, California Code of Regulations, relating to ocean salmon sport fishing after April 30, 2012.

Informative Digest/Policy Statement Overview

The Pacific Fishery Management Council (PFMC) coordinates west coast management of recreational and commercial ocean salmon fisheries in the Federal fishery management zone (three to 200 miles offshore) off Washington, Oregon and California. The annual PFMC ocean salmon regulation recommendations are subsequently implemented in federal regulation by the National Marine Fisheries Service (NMFS) by May 1 of each year.

The Fish and Game Commission (Commission) adopts regulations for the ocean salmon recreational fishery in State waters (zero to three miles offshore) which are consistent with these Federal fishery management goals and regulations each year.

PFMC Regulatory Outlook

On March 7, 2012, the PFMC will propose a suite of ocean salmon fishery regulatory options. These options will go out for public review and the final PFMC recommendations for federal waters will be made on April 6, 2012. The federal regulations will go into effect on or after May 1, 2012 and may include:

1. the minimum size of salmon that may be retained;
2. the number of rods anglers may use (e.g., one, two, or unlimited);
3. the type of bait and/or terminal gear that may be used (e.g., amount of weight, hook type, and type of bait or no bait);
4. the number of salmon that may be retained per angler-day or period of days;
5. the definition of catch limits to allow for combined boat limits versus individual angler limits;
6. the allowable fishing dates and areas; and
7. the overall number of salmon that may be harvested, by species and area.

Commission Regulatory Outlook

Although there are no PFMC regulatory options to consider until March, the 2012 ocean salmon sport regulations could range from no fishing in all areas off California to limited salmon fishing for varied areas and dates to be determined between May 1, 2012 and November 11, 2012.

Present Regulations

Current regulations authorized recreational ocean salmon fishing north of Horse Mountain including Humboldt Bay from May 14 to September 5, 2011. Between Horse Mountain and

Pigeon Point, fishing was authorized from April 2 to October 30, 2011. All areas south of Pigeon Point had an ocean salmon recreational fishing season from April 2 to September 18, 2011. For all areas in 2011, the bag limit was two fish per day (all species except coho) and the minimum size limit was 24 inches total length. All recreational fishing for ocean salmon is currently closed until further action by the PFMC and/or the Commission.

The ocean salmon sport fishing regulations for April 1-30, 2012 are being considered in a separate rulemaking package, as described in OAL Notice No. Z-2011-1227-03.

Proposed Regulations

For public notice purposes and to facilitate Commission discussion, the Department is proposing three regulatory options which encompass all possible actions that would, or would not allow for salmon fishing on or after May 1 in various areas of California for Commission consideration:

Option 1 – Varied season dates and regulations in all areas

The date ranges in the following areas are proposed to encapsulate all possibilities that might be considered for Federal ocean salmon regulations in effect on or after May 1, 2012. This approach will allow final State ocean salmon recreational fishing regulations to conform to those in effect in federal ocean waters.

- (1) For the all waters of the ocean north of Horse Mountain and in Humboldt Bay: The season, if any, may occur within the range of May 15 through September 15, 2012.
- (2) For the area between Horse Mountain and Point Arena: The season, if any, may occur within the range of May 1 to November 11, 2012.
- (3) For the area between Point Arena and Pigeon Point: The season, if any, may occur within the range of May 1 to November 11, 2012.
- (4) For the area between Pigeon Point and Point Sur: The season, if any, may occur within the range of May 1 to October 7, 2012.
- (5) For the areas south of Point Sur: The season, if any, may occur within the range of May 1 to October 7, 2012.

For all areas, the proposed bag limit will be from one to two fish and the proposed minimum size will be from 20 to 26 inches total length. The exact opening and closing dates, along with bag limit, minimum size, and days of the week open will be determined in April and may be different for each sub-area.

Option 2 - No fishing in all areas

If adopted, the regulatory text of Option 2 would specifically establish 2012 closed areas.

Option 3 - A possible combination of Option 1 and 2 may be developed after more information is available from the NMFS and PFMC.

This may include different opening and closing dates, bag limits, size limits, days of the week open and periodic closures among areas.

The benefits of the proposed regulations are concurrence with Federal law, sustainable management of ocean salmon resources, and promotion of businesses that rely on recreational ocean salmon fishing.

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

The proposed regulations are neither inconsistent nor incompatible with existing state regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Mission Inn Hotel, 3649 Mission Inn Avenue, Riverside, California, on Wednesday, March 7, 2012 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Red Lion Hotel, 1929 4th Street, Eureka, California, on Wednesday, April 11, 2012, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 6, 2012 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on April 9, 2012. All comments must be received no later than April 11, 2012, at the hearing in Eureka, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Ms. Marija Vojkovich, Regional Manager, Marine Region, Department of Fish and Game, telephone (805) 568-1246, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

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

interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

Impact of Regulatory Action

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The proposed regulations range from no salmon fishing in 2012 to a normal ocean salmon season; therefore, the potential impacts range from 0 to 1,400 jobs depending on which option is ultimately adopted by the Commission. The impacted businesses are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed action is to increase sustainability in fishable salmon stocks and, subsequently, the promotion and long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for an ocean salmon sport fishery encourages consumption of a nutritious food.

The Commission does not anticipate any non-monetary benefits to worker safety.

The Commission anticipates benefits to the environment by the sustainable management of California's ocean salmon resources.

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

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:
None.
- (e) Nondiscretionary Costs/Savings to Local Agencies:
None.
- (f) Programs Mandated on Local Agencies or School Districts:
None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:
None.
- (h) Effect on Housing Costs:
None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

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

FISH AND GAME COMMISSION

Sonke Mastrup
Executive Director

Dated: January 31, 2012

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

EDMUND G. BROWN, JR.



Governor

BOS-11 cpage
Sonke Mastrup
EXECUTIVE DIRECTOR
1416 Ninth Street, Room 1320
Box 944209
Sacramento, CA 94244-2090
(916) 653-4899
(916) 653-5040 Fax
fgc@fgc.ca.gov

STATE OF CALIFORNIA
Fish and Game Commission

February 8, 2012

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 FEB - 8 PM 2:53
AK

TO ALL AFFECTED AND INTERESTED PARTIES:

This is to provide you with a copy of the notice of proposed emergency regulatory action relating to recreational take of abalone. The objective of this regulation is to repeal the emergency closure of the abalone fishery along Sonoma County before April 1, 2012, the historic opening day of the abalone fishery.

The Commission adopted this emergency regulation at its February 2, 2012 meeting. It is anticipated that the emergency regulation will be filed with the Office of Administrative Law (OAL) on or about February 15, 2012.

Sincerely,

Sherrie Fonbuena
Associate Governmental Program Analyst

Attachments

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

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 210, 220, 240, 5521 and 7149.8 of the Fish and Game Code (FGC) and to implement, interpret or make specific sections 200, 202, 205, 220, 5521, 7145 and 7149.8 of said Code, re-adopted Section 29.15, Title 14, California Code of Regulations (CCR), relating to the recreational take of abalone. **The objective of this re-adoption is to repeal the closure of the abalone fishery along Sonoma County before April 1, 2012, the historic opening day of the abalone fishery.**

Informative Digest/Policy Statement Overview

Existing Laws and Regulations directly related to the proposed action

Under existing regulations (Section 29.15, Title 14, CCR), red abalone may only be taken for recreational purposes north of a line drawn due west magnetic from the center of the mouth of San Francisco Bay. Current regulations also specify: season, hours, daily limits, special gear provisions, measuring devices, abalone report card requirements, and sizes. There are no existing comparable federal regulations or statutes.

Effect of the Regulatory Action

The proposed emergency regulations will prohibit the take of abalone along the coast of Sonoma County **until March 30, 2012.**

Policy Statement Overview

The Department of Fish and Game (DFG) has confirmed a significant die-off of red abalone along the coast of Sonoma County. The cause has been determined to be an unusual red-tide event that occurred during late August and early September, 2011, although the specific mechanism that is responsible for the abalone mortality is still under investigation. Fishery regulations currently in place were not designed to provide conservation safeguards for this unexpectedly large increase in natural mortality. Furthermore, surviving abalone may have an intrinsic resistance to the underlying cause of this mortality, and it is therefore necessary to provide additional protection at this time so that the surviving animals will have an increased opportunity to reproduce and rebuild the population with potentially resistant offspring. Consequently, the Commission determined that abalone fishing must be closed along Sonoma County to protect the abalone resource.

Section 240 Finding

Pursuant to the authority vested in it by FGC Section 240 and for the reasons set forth in the attached "Statement of Emergency Action," the Commission expressly finds that the adoption of this regulation is necessary for the immediate conservation, preservation, or protection of fish and wildlife resources. The Commission specifically finds that the adoption of this regulation is necessary for the immediate conservation, preservation, or protection of the abalone resource.

Public Comments on Proposed Emergency Regulations

Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law, the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to the Office of Administrative Law, the Office of Administrative Law shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6.

In order to be considered, public comments on proposed emergency regulations must be submitted in writing to the Office of Administrative Law (OAL), 300 Capitol Mall, Room 1250, Sacramento, CA 95814; AND to the Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, CA 95814, or via fax to (916) 653-5040 or via e-mail to fgc@fgc.ca.gov. Comments must identify the emergency topic and may address the finding of emergency, the standards set forth in sections 11346.1 and 11349.1 of the Government Code and Section 240 of the Fish and Game Code. Comments must be received within five calendar days of filing of the emergency regulations. Please refer to OAL's website (www.oal.ca.gov) to determine the date on which the regulations are filed with OAL.

Impact of Regulatory Action

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

(a) **Costs/Savings in Federal Funding to the State:**

The Commission has determined that the amendment of Section 29.15, Title 14, of the California Code of Regulations (CCR), as an emergency regulation will not result in costs or savings in federal funding to the State.

(b) **Nondiscretionary Costs/Savings to Local Agencies:**

The Commission has determined that amendment of Section 29.15, Title 14, CCR, as an emergency regulation will not result in any costs or savings to local agencies.

(c) **Programs Mandated on Local Agencies or School Districts:**

The Commission has determined that the amendment of Section 29.15, Title 14, CCR, as an emergency regulation does not impose a mandate on local agencies or school districts.

(d) **Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code; and**

(e) **Effect on Housing Costs:**

(e) Effect on Housing Costs:

The Commission has determined that the amendment of Section 29.15, Title 14, CCR as an emergency regulation will not result in any cost to any local agency or school district for which Government Code sections 17500 through 17630 require reimbursement and will not affect housing costs.

(f) Costs or Savings to State Agencies

The Commission has determined that amendment of Section 29.15, Title 14, CCR as an emergency regulation will not change any cost or savings to state agencies.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost-effective to the affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Sonke Mastrup
Executive Director

Dated: February 8, 2012



REGULATORY LANGUAGE

Section 29.15, Title 14, CCR is amended to read:

29.15. Abalone

(a) Geographic Area: Except in the special closure area described in subsection (a)(1) below, abalone may only be taken north of a line drawn due west magnetic from the center of the mouth of San Francisco Bay. No abalone may be taken, landed, or possessed if landed south of this line.

(1) Special Closure: No abalone may be taken between a line drawn due west magnetic from the Sonoma/Marin County line, north to a line drawn due west magnetic from the Sonoma/ Mendocino County line (All of the Sonoma County coast line). This special closure is in effect from October 4, 2011 through March 30, 2012, and is repealed on March 31, 2012.

...

Subsections (b) through (h) remain unchanged.

...

Note: Authority cited: Sections 200, 202, 205, 210, 220, 240, 5521 and 7149.8, Fish and Game Code. Reference: Sections 200, 202, 205, 220, 5521, 7145 and 7149.8, Fish and Game Code.

**FISH AND GAME COMMISSION
STATEMENT OF EMERGENCY ACTION
FOR RE-ADOPTION OF EMERGENCY REGULATIONS**

Emergency Action to Re-adopt Subdivision (a) of Section 29.15, Title 14, CCR,
Re: Abalone

I. Request for Approval of Re-adoption of Emergency Regulation

The Fish and Game Commission (Commission) requests to re-adopt the amendment to subdivision (a) of Section 29.15, Title 14, California Code of Regulations (CCR) [Office of Administrative Law (OAL) file number 2011-0927-02 E] without modification, and to repeal the emergency changes on March 31 2012. The Findings of Emergency for this file (Attachment A), which contain the following information: Statement/Finding of Emergency; Authority and Reference Citations; Informative Digest; Fiscal Impact Statement; and Standard Form 399 are incorporated by reference.

The abalone fishery is normally open during the months of April, May, June, August, September, October and November in all areas north of a line drawn due west from the center of San Francisco Bay; however, a recent rulemaking (OAL file number 2011-1219-08S) closed the Fort Ross area to the take of abalone for the months of April and May. The objective of this re-adoption is to repeal the closure of the abalone fishery along Sonoma County before April 1, 2012, the historic opening day of the abalone fishery.

II. Emergency Regulation in Effect to Date

On September 15, 2011, the Commission adopted an emergency regulation to close the abalone fishery along the Sonoma County coast in response to a large scale die off of the species along the Sonoma County coast caused by an unusual red tide event. (Cal. Reg. Notice Register 2011, No. 41-Z, p. 1687 (October 14, 2011)). The emergency regulation was approved by OAL and became effective on October 4, 2011. Pursuant to Government Code (GC) sections 11346.1(e) and (h), emergency regulations are effective for 180 days. OAL may approve two re-adoptions, each for a period not to exceed ninety days. In the absence of re-adoption, the current emergency regulation will expire on April 3, 2012.

III. Statement of Emergency

The Commission has prepared this Emergency Action Statement under the Administrative Procedure Act (APA) (Gov. Code, § 11340 et seq.) in connection with its request to OAL to approve the re-adoption of the amendment to subdivision (a) of Section 29.15, Title 14, CCR. The Commission's adoption, and requested re-adoption, of subdivision (a) of Section 29.15, Title 14, CCR, as an

emergency action under the APA is based, in part, on authority provided by FGC section 240.

As set forth above, the Commission found that the amendment of subdivision (a) of Section 29.15, Title 14, CCR, pursuant to FGC section 240 constituted a necessary emergency action by the Commission under the APA. However, the emergency circumstances that necessitated the amendment have ended and the Commission finds that reopening the abalone fishery on the historic opening date is appropriate.

A Harmful Algal Bloom (HAB) also known as a "Red Tide" was documented along the Sonoma County coast coincident with a large die off of invertebrates in late August 2011. Most phytoplankton (microalgae) blooms are harmless but in some cases the algal species can produce toxins thus creating a HAB event. The nearshore phytoplankton bloom extended from approximately Bodega Bay north to Anchor Bay. The invertebrates affected by the bloom were reported from many taxa including mollusks (including abalone), echinoderms (i.e. sea urchins) and crustacean but fish deaths were not observed. By October the bloom had run its course and was no longer contributing to increased invertebrate mortality.

Water samples collected during the bloom revealed a number of phytoplankton species with the most abundant being the dinoflagellate, *Gonyaulax spinifera*. Standard tests for Paralytic Shellfish Poisoning and Domoic Acid biotoxins were negative during the bloom. Tests of tissue samples from dead abalone showed trace quantities of Yessotoxin, which can be produced by this *Gonyaulax* species. Little is known about the potential of this class of toxins to cause invertebrate mortality therefore other causes have not been ruled out.

Surveys of abalone and sea urchin populations conducted immediately after the HAB event along the Sonoma coast revealed significant mortality levels. Survey results were provided to Commission which lead it to approve the emergency closure of the red abalone fishery in Sonoma County for the remainder of the season (OAL File number 2011-0927-02 E).

This type of dinoflagellate has a complex life cycle with a resting cyst stage. The concern about these dormant cysts is that they may re-bloom at some time in the future when ocean conditions are optimal. A re-bloom of this toxic dinoflagellate could again cause invertebrate mortality in northern California. More work is being conducted to determine the long term impacts as well as the causes of this significant and novel abalone and sea urchin mortality event.

IV. Re-adoption Criteria

1) Same or Substantially Equivalent

Pursuant to GC section 11346.1(h), the text of a re-adopted regulation must be the "same or substantially equivalent" to the text of the original emergency regulation. The proposed language for the re-adopted regulatory amendment is substantially the same as the language of the original emergency regulation. A sentence will be added to the regulatory text which specifies that the special closure is in effect from October 4, 2011 through March 30, 2012, and is repealed on March 31, 2012. As the regulatory text is substantially the same as the original emergency regulation, this requirement has been met.

(2) Substantial Progress

GC section 11346.1(h) specifies that the emergency rulemaking agency must demonstrate that it is making "substantial progress and has proceeded with due diligence" to comply with the standard rulemaking provisions. The Commission has not technically complied with this requirement because a standard rulemaking is not necessary in this particular circumstance. More work is being conducted to determine the long term impacts as well as the causes of the mortality event; however, the emergency circumstances that necessitated the original emergency regulation have ended and the Commission finds that reopening the abalone fishery on the historic opening date is appropriate in that the current season, minimum size limit, daily bag limit and yearly trip limit are sufficient to maintain a sustainable fishery.

**FISH AND GAME COMMISSION
STATEMENT OF EMERGENCY ACTION**

Emergency Action to Re-adopt Amendments to Section 29.15, Title 14, CCR,
Re: Abalone

I. INTRODUCTION

The Fish and Game Commission ("Commission") as established by the Constitution of the State of California has exclusive statutory authority to manage abalone (Fish and Game Code Section 5520). Pursuant to Fish and Game Code 240, if the Commission is made aware of a situation where the immediate conservation, preservation, or protection of birds, mammals, reptiles, or fish (abalone) requires the adoption or repeal of a regulation (pursuant to Section 11346.1 of the Gov. code), it may do so after at least one hearing where such a finding can be made.

On September 9, 2011, the Commission was briefed by Department of Fish and Game (DFG) staff as to the potential impacts of an apparent large scale death of abalone along the Sonoma County coast during the last part of August 2011. The event appears to have been caused by a red tide event that produced toxins or deleted oxygen, killing a significant portion of the population.

The scope of the potential impact was not determined until after the deadline for publishing the notice for the September 2011 commission meeting. This combined with the necessity to protect the resource activates the authority for an abbreviated notice requirement under 11125.3 (a)(1) of the Gov. Code.

On September 15, 2011, the Commission determined that abalone fishery must be closed along Sonoma county to protect the sustainability of the species. The Commission has prepared this Emergency Action Statement under the Administrative Procedure Act (APA) (Gov. Code, § 11340 et seq.) in connection with its subsequent amendment of section 29.15 of Title 14 of the California Code of Regulations.

Closing Somona County to the take of abalone constitutes a necessary emergency action by the Commission under the APA. In the absence of this emergency regulation, take would continue on populations that may no longer be able to sustain a fishery and could harm future recovery. The Commission finds it is imperative to protect the surviving abalone until a more thorough assessment of the impacts can be completed. This situation constitutes an emergency under Fish and Game Code section 240 and the APA requiring immediate action.

II. BACKGROUND

The Department issued a press release on September 12, 2011 detailing the situation:

California Department of Fish and Game News Release September 12, 2011

Media Contacts:

Ian Taniguchi, DFG Marine Region, (562) 342-7182

Kirsten Macintyre, DFG Communications, (916) 322-8988

Closure of Abalone Fishery Under Consideration

The California Fish and Game Commission will consider emergency action on Thursday, Sept. 15 to possibly close the abalone fishery along the northern California coast. This action is being considered in the wake of confirmed reports of dead red abalone and other invertebrates on beaches and inside coves along the coast in Sonoma County.

The Department of Fish and Game (DFG) is currently attempting to assess the impact of the situation and will provide the Commission with information at this Thursday's meeting. Based on the DFG's report, the Commission may take emergency action to close the abalone season along all or parts of the Sonoma coast.

There was an abalone die-off along the Sonoma coast beginning Aug. 27 as a result of a red tide-induced poisoning and/or lack of oxygen. According to DFG biologists, these abalone deaths coincided with a local red tide bloom and calm ocean conditions. Although the exact reasons for the abalone deaths are not known, invertebrate die-offs have occurred in the past along the northern California coast when similar weather and bloom conditions existed.

The number of dead and dying abalone is not known but DFG divers are assessing the damage this week via underwater transect surveys. Reports of dead abalone and a variety of invertebrates have come from Bodega Bay, Russian Gulch, Fort Ross, Timber Cove and Salt Point State Park. Other DFG biologists and game wardens have collected abalone, mussels and water samples since the beginning and are continuing to document reports from the public.

For more information, please refer to DFG's Sept. 2 press release, <http://cdfgnews.wordpress.com/2011/09/02/abalone-die-off-observed-in-sonoma-county/>.

Abalone fishermen are advised to contact a physician immediately if they feel sick, and to report symptoms to the local county health department (www.sonoma-county.org/health/about/publichealth.asp). The latest red tide updates from the California Department of Public Health are also posted online at www.cdph.ca.gov/programs/Pages/DDWEM.aspx.

III. FACTS CONSTITUTING THE NEED FOR EMERGENCY ACTION

The APA defines an "emergency" to mean "a situation that calls for immediate action to avoid serious harm to the public peace, health, safety, or general welfare." (*Id.* § 11342.545.) To make a finding of emergency, the agency must describe the specific facts supported by substantial evidence that demonstrate the existence of an emergency and the need for immediate adoption of the proposed regulation. (*Id.*, § 11346.1, subd. (b)(2).) Some of the factors an agency may consider in determining whether an emergency exists include: (1) the magnitude of the potential harm, (2) the existence of a crisis situation, (3) the immediacy of the need, i.e., whether there is a substantial likelihood that serious harm will be experienced unless immediate action is taken, and (4) whether the anticipation of harm has a basis firmer than simple speculation. DFG field surveys in recent days have provided preliminary data that show the level of mortality from this event is significant, and it is clear that fishery regulations currently in place were not anticipated to provide conservation safeguards for this unexpected increase in natural mortality. Furthermore, surviving animals may have an intrinsic resistance to the underlying cause of this mortality, and it is therefore necessary to provide additional protection at this time so that the surviving animals will have an increased opportunity to reproduce and rebuild the population.

The Commission has considered all of these factors and the definition of an emergency provided in the APA, as well as pertinent authority in Fish and Game Code section 240. Under this latter authority, notwithstanding any other provision of the Fish and Game Code, the Commission may adopt an emergency regulation where doing so is necessary for the immediate conservation, preservation, or protection of fish and wildlife resources, or for the immediate preservation of the general welfare. The Commission finds that such necessity exists in the present case.

IV. Express Finding of Emergency

Pursuant to the authority vested in the Commission by Fish and Game Code section 240, and for the reasons set forth above, the Commission expressly finds that the amendment of this regulation is necessary for the immediate conservation, preservation, or protection of the abalone resource.

V. Authority and Reference Citations

Authority: FGC sections 200, 202, 205, 210, 220, 240, 5521 and 7149.8.

Reference: FGC sections 200, 202, 205, 220, 240, 5521, 7145 and 7149.8.

VI. Informative Digest

Existing Laws and Regulations directly related to the proposed action

Under existing regulations (Section 29.15, Title 14, CCR), red abalone may only be taken for recreational purposes north of a line drawn due west magnetic from the center of the mouth of San Francisco Bay. Current regulations also specify: season, hours, daily limits, special gear provisions, measuring devices, abalone report card requirements, and sizes. There are no existing comparable federal regulations or statutes.

Effect of the Regulatory Action

The proposed emergency regulations will prohibit the take of abalone along the coast of Sonoma County **until March 30, 2012**.

Policy Statement Overview

DFG has confirmed a significant die-off of red abalone along the coast of Sonoma County. The cause has been determined to be an unusual red-tide event that occurred during late August and early September, 2011, although the specific mechanism that is responsible for the abalone mortality is still under investigation. Fishery regulations currently in place were not designed to provide conservation safeguards for this unexpectedly large increase in natural mortality. Furthermore, surviving abalone may have an intrinsic resistance to the underlying cause of this mortality, and it is therefore necessary to provide additional protection at this time so that the surviving animals will have an increased opportunity to reproduce and rebuild the population with potentially resistant offspring. Consequently, the Commission determined that abalone fishing must be closed along Sonoma County to protect the abalone resource.

Benefits of the Regulation

The original emergency regulation closed the recreational abalone season along the Sonoma County coast in response to a die-off as a result of an unusual red-tide event. The closure was intended to last through the remainder of the 2011 season. Repealing the special closure prior to the historic opening day of the abalone season allows for appropriate utilization of the abalone resource.

VII. Specific Agency Statutory Requirements

The Commission has complied with the special statutory requirements governing the adoption of emergency regulations pursuant to Fish and Game Code section 240. The Commission held a public hearing on this regulation on

September 15, 2011, and the above finding that this regulation is necessary for the immediate conservation, preservation, or protection of fish and wildlife resources meets the requirements of section 240.

VIII. Impact of Regulatory Action

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

(a) **Costs/Savings in Federal Funding to the State:**

The Commission has determined that the amendment of Section 29.15, Title 14, of the California Code of Regulations (CCR), as an emergency regulation will not result in costs or savings in federal funding to the State.

(b) **Nondiscretionary Costs/Savings to Local Agencies:**

The Commission has determined that amendment of Section 29.15, Title 14, CCR, as an emergency regulation will not result in any costs or savings to local agencies.

(c) **Programs Mandated on Local Agencies or School Districts:**

The Commission has determined that the amendment of Section 29.15, Title 14, CCR, as an emergency regulation does not impose a mandate on local agencies or school districts.

(d) **Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code; and**

(e) **Effect on Housing Costs:**

The Commission has determined that the amendment of Section 29.15, Title 14, CCR as an emergency regulation will not result in any cost to any local agency or school district for which Government Code sections 17500 through 17630 require reimbursement and will not affect housing costs.

(f) **Costs or Savings to State Agencies**

The Commission has determined that amendment of Section 29.15, Title 14, CCR as an emergency regulation will not change any cost or savings to state agencies.

BOARD of SUPERVISORS



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

Date:	February 17, 2012
To:	Honorable Members, Board of Supervisors
From:	Angela Calvillo, Clerk of the Board
Subject:	Form 700

This is to inform you that the following individuals have submitted a Form 700 Statement:

Christina Olague, Supervisor – Annual
Jason Fried – LAFCo - Annual
Jennifer Low, Legislative Aide – Assuming
Deborah Landis, Deputy Director – Assuming
Edward Campana, SOTF - Assuming

To: BOS Constituent Mail Distribution, Linda Wong/BOS/SFGOV,
Cc:
Bcc:
Subject: Fw: Mayor Edwin Lee's Appointments to the Association of Bay Area Governments

From: Nicole Wheaton/MAYOR/SFGOV
To: "Fred Castro" <FredC@abag.ca.gov>
Cc: Jason Elliott/MAYOR/SFGOV@SFGOV, Malcolm Yeung/MAYOR/SFGOV@SFGOV, Renee Willette/MAYOR/SFGOV@SFGOV, Kate Howard/MAYOR/SFGOV@SFGOV, Angela Calvillo/BOS/SFGOV@SFGOV
Date: 02/15/2012 10:36 AM
Subject: Mayor Edwin Lee's Appointments to the Association of Bay Area Governments

Good morning Fred,

Attached, please find the Mayor's appointments of Jason Elliott, Malcolm Yeung, and Renee Willette to the General Assembly and Executive Board of ABAG. Please distribute to all appropriate parties.



2.15.2012_Notice of Appointment.pdf

Thank you again for your assistance, and please don't hesitate to call should you have questions.

Best,
Nicole

Nicole Wheaton
Commissions & Appointments
Office of Mayor Edwin M. Lee
P: (415) 554-7940
F: (415) 554-6671
Email: Nicole.Wheaton@sfgov.org

36

OFFICE OF THE MAYOR
SAN FRANCISCO



EDWIN M. LEE
MAYOR

February 15, 2012

Ezra Rapport
Executive Director
Association of Bay Area Governments
P.O. Box 2050
Oakland, CA 94604-2050

Dear Mr. Rapport:

Pursuant to California Government Code and the Association of Bay Area Governments Bylaws, I hereby make the following appointments to the Association of Bay Area Governments' General Assembly and Executive Board:

Jason Elliott as Delegate to the General Assembly and as a City and County Representative to the Executive Board. Mr. Elliott will assume the seat previously held by Kate Howard for a term ending June 30, 2012.

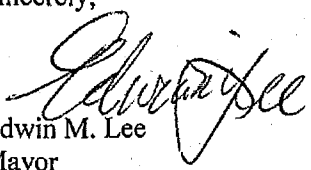
Renee Willette to serve as Mr. Elliott's Alternate. Ms. Willette will assume the seat formerly held by Joaquin Torres for a term ending June 30, 2012.

Malcolm Yeung to serve as my Alternate to the Executive Board and to the General Assembly. Mr. Yeung will assume the seat formerly held by Jason Elliott for a term ending June 30, 2012.

I am confident that these appointments will positively contribute to ABAG's mission of "enhancing the quality of life in the San Francisco Bay Area by leading the region in advocacy, collaboration, and excellence in planning, research, and member services."

Should you have any questions, please contact my Director of Appointments, Nicole Wheaton, at (415) 554-7940.

Sincerely,


Edwin M. Lee
Mayor

Cc: Mark Luce, President, Association of Bay Area Governments
Fred Castro, Clerk of the Board, Association of Bay Area Governments
Angela Calvillo, Clerk of the Board, San Francisco Board of Supervisors

CITY HALL, ROOM 200
1 DR. CARLTON B. GOODLETT PLACE
SAN FRANCISCO, CALIFORNIA 94102-4681
(415) 554-6141
(415) 554-6160 FAX

RECYCLED PAPER

To: BOS Constituent Mail Distribution, Gail Johnson/BOS/SFGOV,
Cc:
Bcc:
Subject: File 111029: in support of the Employee Bicycle Access Legislation

From: Martha Thompson <mothonmars@gmail.com>
To: Board.of.Supervisors@sfgov.org
Cc: Marc@sfbike.org
Date: 02/16/2012 02:53 PM
Subject: in support of the Employee Bicycle Access Legislation
Sent by: martha.thompson@gmail.com

Dear Board of Supervisors:

My name is Martha Thompson, and I am writing to voice my support for the Employee Bicycle Access Legislation.

I bike commute from the Inner Richmond to the Financial District, at Beale and Mission. I work in a 24-story office building, which provides secure storage for...a dozen bikes.

Did I mention our building is 24 stories?

For anyone who doesn't arrive at work by 7am, the bike storage basically doesn't exist. Our floor of the building has more than enough space for bicycles, but the building management doesn't allow bikes in the office spaces. So instead we have to lock our bikes to parking meters (as there aren't even bike racks nearby), or park in the bike parking in Embarcadero station. For people like me who frequently work until 8pm or later, that requires a bit of a sketchy walk down Market Street at night, when that area is almost deserted.

As one of the many San Franciscans who ride a bike to work, I urge you to support this important legislation to help allow employers and commercial tenants provide a safe secure place for employees to store their bike during the workday.

Sincerely,

Martha Thompson

To: BOS Constituent Mail Distribution, Gail Johnson/BOS/SFGOV,
Cc:
Bcc:
Subject: File 111029: Bike Parking Downtown

From: Kat Rosa <krosa@opentable.com>
To: "Board.of.Supervisors@sfgov.org" <Board.of.Supervisors@sfgov.org>
Cc: "Marc@sfbike.org" <Marc@sfbike.org>
Date: 02/16/2012 01:54 PM
Subject: Bike Parking Downtown

Dear Board of Supervisors:

My name is Katherine Rosa. I live at Grove and Masonic, and I work at 4th and Market, an easy 20-minute bike ride to work (versus 40 minutes on the crowded 21 or 5 Muni buses). I've been biking to work for about a year now.

I work for OpenTable, who occupies the 4th and 6th floors, and my company has said that it is the building owners that will not allow bike parking inside. Not knowing where I could safely leave my bike was actually the biggest deterrent for me when I first considered biking to work. When I decided to take the plunge anyway, I was shocked to find that my best option was leaving it on Market street. The first day I left it outside, I worried about it constantly; I made up excuses to go down to the street just so I could make sure it was ok. I still worry about my bike every single day.

I love biking to work: I look at it as a fitness regime that actually makes my life MORE convenient. It's cheaper and faster than the bus or private car, and it's better for me and for this city that I love so much.

I don't need to say that the pedestrian traffic at 4th and Market is colorful. But the heavy foot traffic has kept my bike for getting straight up stolen, I believe. Being left on Market St for 8-10 hours a day has ravaged my bike a bit though. It's pretty clear when it's been messed with, and I've had bike lights and a bike basket stolen, even when properly installed to prevent theft. My bike seat is cheap and unsatisfactory, but I know if I upgrade it'll only get stolen. I've talked with other cyclists who can't believe I would leave a new bike out on the street, but I have no other option, and after a year on Market St, the bike hardly looks new.

As one of the many San Franciscans who ride a bike to work, I urge you to support this important legislation to help allow employers and commercial tenants provide a safe secure place for employees to store their bike during the workday.

Please continue to make it easier for me, my family and my friends to bike in San Francisco

Sincerely,
Katherine Rosa

Kat Rosa

Marketing Manager
OpenTable, Inc

415-344-4232
krosa@opentable.com

To: BOS Constituent Mail Distribution, Gail Johnson/BOS/SFGOV,
Cc:
Bcc:
Subject: File 111029: Employee Bike access - Secure Bike Storage at the Office

From: Thomas Friedrich <tomfriedrich@me.com>
To: Board.of.Supervisors@sfgov.org
Cc: Marc@sfbike.org
Date: 02/16/2012 01:26 PM
Subject: Employee Bike access - Secure Bike Storage at the Office

Dear Board of Supervisors:

My Name is Thomas

I live in Larkspur and commute into the city via the Golden Gate Ferry

I work as a contract designer on Townsend and 3rd st.

The company is a fantastic provider of bike parking within the office. Without which I wouldn't be able to bike into the city and safely park and or lock my bicycle. I have already had one bike stolen right out front the Asian Art Museum. Ever since I haven't patroned a museum or business in the downtown area for fear of having my bike stolen again.

As one of the many San Franciscans who ride a bike to work, I urge you to support this important legislation to help allow employers and commercial tenants provide a safe secure place for employees to store their bike during the workday.

Please continue to make it easier for me, my family and my friends to bike in San Francisco

Sincerely,

Thomas Friedrich

THOMAS FRIEDRICH

Graphic Designer

t: 925.212.9115

e: tomfriedrich@me.com

w: <http://www.friedrich.st>

BOS-11
COB, cpage
Library
Mayor

PUBLIC UTILITIES REVENUE BOND OVERSIGHT COMMITTEE

c/o San Francisco Public Utilities Commission
1155 Market Street, 5th floor, San Francisco, CA 94103
Telephone (415) 487-5245 Email: bondoversight@sfwater.org

February 17, 2011

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

Dear Mayor Lee:

On behalf of my fellow Committee members, I am pleased to present you with the 2011 Annual Report of the Public Utilities Revenue Bond Oversight Committee.

The Revenue Bond Oversight Committee (RBOC) was established in November 2003 pursuant to Proposition P, which was approved by the San Francisco voters during the November 2002 election. The attached report of the Committee describes our activities during 2011.

During the past year, RBOC's activities culminated in two major reports. The first report reviewed construction-related aspects of the WSIP program, specifically, change management, risk management and project cost, schedule and contingencies. The second report was a two-part audit that examined whether bond proceeds were expended appropriately and whether program management expenses were reported accurately and complied with best practices. A more detailed description of the findings of these Reports and the RBOC's future activities is provided within this Annual Report.

Please do not hesitate to contact me if you have any questions.

Sincerely,



Aimee Brown, 2011 Chair
Public Utilities Revenue Bond Oversight Committee

- c. Angela Calvillo, Clerk of the Board of Supervisors
Members, San Francisco Board of Supervisors
- Mike Housh, Commission Secretary, San Francisco Public Utilities Commission
Members, San Francisco Public Utilities Commission
- Ben Rosenfield, Controller
- Ed Harrington, General Manager, Public Utilities Commission
- Art Jensen, General Manager, Bay Area Water Supply & Conservation Agency

FEBRUARY 1, 2012

2011 ANNUAL REPORT OF THE SAN FRANCISCO PUBLIC UTILITIES REVENUE BOND OVERSIGHT COMMITTEE

The Public Utilities Revenue Bond Oversight Committee (RBOC) was created as a result of the passage of Proposition P (November 2002) adding Sections 5A.30 through 5A.36 to the San Francisco Administrative Code and was formed in November 2003. The RBOC has the responsibility of reporting publicly to the Mayor, San Francisco Public Utilities Commission (SFPUC) and the Board of Supervisors regarding the SFPUC's expenditure of revenue bonds on the repair, replacement and expansion of the City's water, power, and wastewater facilities. The Committee will sunset January 1, 2013 unless the Board reauthorizes RBOC by ordinance. The SFPUC has submitted a resolution to the Board of Supervisors supporting the extension of the RBOC until January 1, 2016.

The RBOC is required to issue annual reports on the results of its activities. This 2011 Annual Report is RBOC's eighth report since formation.

EXECUTIVE SUMMARY

RBOC's activities for 2011 culminated in two major reports. The first report was prepared by an Independent Review Panel (IRP) originally constituted by the SFPUC's WSIP program manager (Parsons). This Panel, comprised of four industry professionals, had previously reported on the WSIP program on behalf of the SFPUC. At the suggestion of WSIP's Director, Julie Labonte, RBOC engaged this Panel for another review. RBOC hired a peer reviewer to help the Panel formulate a scope of work and provide comments on the Panel's initial draft report. The Panel was tasked with reviewing construction-related aspects of the WSIP program, specifically, change management, risk management, and project cost, schedule and contingencies.

In general, the Panel was impressed by the SFPUC's construction management team, its plan and procedures, and the overall management of the program. Change orders are effectively managed, risk management procedures well designed, and cost,

schedule and contingency procedures exceeded industry standards. The Panel did, however, comment on the lack of clarity regarding certain reports and their relation to overall WSIP performance, primarily concerning schedule. The Panel recommended that RBOC consider performing a more detailed audit to confirm the forecasting of WSIP's overall cost and schedule performance and revising certain reports to better reflect the actual program schedule change management process.

RBOC's second report was a two-part audit conducted by the City Services Auditor (CSA) involving five projects. The first part examined whether bond proceeds for three representative projects were expended per the intended uses stated in the San Francisco Charter and bond resolution. CSA found that expenditures were spent in accordance with the bond resolution. CSA did recommend, however, that WSIP program managers regularly check all expenses charged to the project and update depletion of bond proceeds more frequently. The second part concerned the allocation of program management expenses. Two representative projects were examined. CSA found that the SFPUC's allocation of program management costs - while different from other jurisdictions' methods - complies with best practices and is a logical approach. However, CSA did note that the SFPUC is slow to allocate these costs. This causes some costs to be recognized in the wrong period, resulting less accurate reporting (e.g., WSIP Quarterly Reports). CSA also noted that the SFPUC should develop procedures for identifying and correcting misallocations if and when they occur.

In addition to having the above-named reports completed on behalf of RBOC during 2011, other work efforts completed or initiated included:

- Creating an RBOC account with the Controller's Office for purposes of identifying bond proceeds received and spent;
- Establishing guidelines for using outside consultant services and examining RBOC's contracting options, including the establishment of its own pool of consultants;
- Participating in the selection process of RBOC's Peer Reviewer and establishing that consultant's role;
- Developing a historical account of RBOC work efforts to-date to assist new members appointed to the Committee.

For key activities during each of the 14 RBOC meetings, see Appendix 3.

BACKGROUND

The purpose of the RBOC is to monitor the expenditure of bond proceeds related to the repair, replacement, upgrading, and expansion of the City's water collection, power generation, water distribution, and wastewater treatment facilities. The goal of the RBOC is to make certain public dollars are spent according to authorization and applicable laws. Its purpose is to facilitate transparency and accountability in connection with the expenditure of revenue bond proceeds. The General Public is invited and welcomed to attend RBOC meetings and to provide input. (Specifics regarding RBOC's establishment and purpose can be found in Appendix 1.)

COMMITTEE MEMBERSHIP

The RBOC is comprised of seven appointed members: two by the Mayor, two by the Board of Supervisors, one by the City Controller, one by the Bay Area Water User's Association (BAWUA) under the auspices of the Bay Area Water Supply and Conservation Agency (BAWSCA). The seventh member is the Budget Analyst or his/her representative. At a minimum, the members appointed by the Mayor and the Board shall, individually or collectively, have expertise, skills and experience in economics, the environment, construction, and project management. The member appointed by the Controller shall have background and experience in auditing, accounting, and project finance. RBOC members serve no more than two consecutive terms. Upon their initial appointment, three members were assigned by lot to an initial term of two years and the remaining four members had an initial term of four years. Thereafter, each RBOC member shall serve a four-year term. At the end of 2011, two members were in holdover status and one seat was vacant.

The members and officers of the RBOC who served during the past calendar year can be found in Appendix 2.

2011 MEETINGS

The RBOC held 14 meetings in 2011, the substance of which are briefly described in Appendix 3. Full agendas and minutes for each meeting are available on WWW.SFWATER.ORG. In addition to meetings held by the full RBOC, a sub-committee (initially named the "*City Services Auditor Working Group*" and later, the "*Contracting Working Group*") met eleven times. This subcommittee was responsible for developing guidelines for RBOC's use of consultants, coming up with a list of potential consultant task assignments, identifying options for getting the work done, providing preliminary input into potential scopes of work, and reviewing preliminary consultant work products.

BUDGET

Pursuant to Proposition P, the RBOC receives 1/20th of 1% of gross revenue bond proceeds to fund the cost of retaining the services of "outside auditors, inspectors and necessary experts" to perform independent reviews. As of January 31, 2012, RBOC had a pending account balance of \$1,375,470. This total reflects only a partial progress payment for the Controller's audit, Independent Review Panel report or peer review services. The not-to-exceed cost of these three activities is estimated at \$156k, \$138k and \$47k respectively. A complete accounting of RBOC funds as of January 31, 2012 can be found in Appendix 4.

2011 ACCOMPLISHMENTS

Guidelines for Use of Outside Consultants

To assist RBOC with its oversight responsibilities, RBOC developed a set of guidelines for its use of consultants. The guidelines stated that any task assignment should satisfy the provisions of Proposition P while being completed within RBOC's allotted budget. Furthermore, tasks assigned to consultants should adhere to one or more of the following:

- Be relevant to current stages of capital projects or program;
- Not duplicate evaluations performed or planned by SFPUC or third parties;
- Result in improving management practices;
- Follow recommendations from prior audits or studies

Identification of Possible Task Assignments

After reviewing past audits and follow-up recommendations, seeking input from WSIP staff, and entertaining new topics of interest to members, RBOC identified the following possible tasks to examine (audit) in 2011:

- Allocation of program management costs.
- Reconnaissance review of most challenging projects.
- Soft costs.
- Projects savings, change orders and contingencies.
- Perform selected construction audits or reconnaissance review of CSA.
- Adherence to risk management procedures and/or assessments.
- Construction management program/system (CMIS).

- Use of alternative delivery methods.
- Feasibility of Level of Service goals.
- Selected project expenditures and appropriations.
- Comparison of SFPUC's efforts with other large capital programs (BMPs).
- Procedures and processes used in project close-outs.
- Start-up of the Sewer System Improvement Program (SSIP).
- SFPUC's plans to transition out of WSIP to SSIP.
- SFPUC's operational needs in a post-WSIP environment.
- WSIP cost/schedule with emphasis on increased costs for program delivery.
- Contracting processes to determine lessons learned.
- Program/project permitting.

From this comprehensive list, RBOC narrowed its review for 2011 to two tasks:

1. Examination of a) project expenditures and appropriations and b) allocation of program management costs.
2. An evaluation of change orders and contingencies and the effectiveness of the construction and risk management programs.

The first task was assigned to the City Services Auditor (CSA) while the second task was assigned to the SFPUC's Independent Review Panel (IRP). In addition, RBOC contracted with a Peer Reviewer to oversee the Panel's work.

Audit by City's Services Auditor (CSA)

One of RBOC's primary responsibilities is to ensure that bond proceeds are appropriately expended. For this particular audit, RBOC chose three WSIP projects for CSA to review. In addition, because the issue of program cost allocation had been raised in a previous RBOC audit, RBOC elected to have the CSA provide a more thorough review to determine if program management costs were being allocated reasonably and within industry norms. For this task, RBOC chose two projects (one small, one large) for auditing.

With respect to the first audit, CSA found that expenditures were spent in accordance with the bond resolution. CSA did recommend, however, that WSIP program managers regularly check all expenses charged to the project and update depletion of bond proceeds more frequently.

With regard to the audit of program management costs, CSA found that the SFPUC's categorization of expenditures as program management costs appeared reasonable (though different from other agencies); its approach complied with best practices, and was logical. However, CSA did note that the SFPUC was slow to allocate these costs, did not always reconcile its budget-based allocations when actual costs became available, and, as a result, interim reports (e.g., WSIP Quarterly Reports) did not always reflect program management costs. CSA's recommendations included improved methods for adjusting program management costs, developing better procedures for determining when allocated costs are materially misallocated, and that program management costs are properly accounted for in the WSIP quarterly reports.

Audit by Independent Review Panel

In FY2009-10, the SFPUC, with help from its WSIP Program Manager (Parsons), formed an independent review panel (IRP) to review aspects of its \$4.6B WSIP program. The IRP consists of the following construction industry professionals: Gary Griggs, Stanford University, who served as Panel Chair; Glenn Singley, Los Angeles Department of Water and Power; Don Russell, Independent Consultant; and Galyn Rippentrop, Independent Consultant.

The Panel's first review was conducted in October-November 2010 in response to six questions formulated by WSIP senior management. The Panel made a number of recommendations including an audit of the construction management organization and systems to verify performance. The Panel conducted a second review of the construction management program in FY2010-11 adhering to eight questions posed by the SFPUC. Among its recommendations was to continue with independent panel reviews until the program reached peak construction activity in 2012. While RBOC was contemplating an audit of its own, the SFPUC was planning to engage the Panel in a third review in 2011.

WSIP Director Julie Labonte offered the use of the Panel to RBOC and in June RBOC voted to engage the Independent Review Panel rather than an outside consultant for two important reasons: 1) RBOC did not have access to a suitable pool of construction management consultants and 2) the lead-time to prepare an RFP for such services and have a report completed was too long. Since the Panel was initially created by the SFPUC's Program Manager (Parsons), RBOC used an informal RFP process to hire a Peer Reviewer: Ibbs Consulting Group. The principal of Ibbs Consulting, Dr. William Ibbs, is also a professor of construction management at UC Berkeley. As RBOC's Peer Reviewer, Dr. Ibbs was charged with helping the Panel develop a scope of work, overseeing the Panel's work, and writing a separate report on the Panel's findings and

recommendations. The Panel was tasked with reviewing construction-related aspects of the WSIP program, specifically, change management, risk management, and project cost, schedule and contingencies.

The Panel conducted its review during the week of October 3, 2011. The review consisted of interviews with the SFPUC's construction management team, site visits to a number of on-going construction projects, attendance at various project meetings and review of relevant project reports and documents. In general, the IRP was impressed by the SFPUC's construction management team, its plan and procedures, and the overall management of the program. Change orders were effectively managed, risk management procedures well designed, and cost, schedule and contingency procedures exceeded industry standards. The IRP did, however, comment on the lack of clarity regarding certain reports and their relation to overall WSIP performance, primarily concerning schedule. The IRP put forth both short term and long term recommendations.

IRP's Short Term Recommendations (prioritized):

- Perform an audit of the latest Earned-Value Analysis or, alternatively, perform a Cost- and Schedule-to-Complete Analysis, in order to check the forecast of overall WSIP cost and schedule performance.
- Revise the current Contract Summary reporting to better reflect the actual program schedule change management process being used and establish a policy for what change orders and trends are to be considered for identifying program performance problems for both cost and schedule.
- Verify that there are system-wide Emergency Procedures in place including evacuation, notification, regular drills and training at all construction field offices.
- Assess the earthquake provisions related to construction ways and means.

IRP's Long Term Recommendations (prioritized):

- Consider other delivery approaches such as design-build, CM at risk and CM/GC for future projects;
- Contract for constructability reviews to be provided by construction managers, on a consulting or fee-for- service basis, for projects prior to the completion of design with particular attention paid to geotechnical issues.
- Apply procedures and lessons learned to future programs as the SSIP.

- Implement a formal Integration Management Plan for future programs.

The Panel's full report can be accessed on the SFPUC's website at:

<http://sfwater.org/index.aspx?page=121>

Separate Report by RBOC's Peer Reviewer

RBOC's Peer Reviewer (Dr. William Ibbs) was to oversee the Panel's work and write a separate report on the Panel's findings and recommendations. Dr. Ibbs "shadowed" the Panel during the week of October 3, attending the same meetings and interviews with key WSIP staff, visiting construction sites, and reviewing the same documentation. While Dr. Ibbs agreed with the Panel's final recommendations, he did make several observations that differed from the Panel's. For example, Dr. Ibbs cited the omission of an evaluation of WSIP's Cost-and-Schedule-to-Complete; that is, Dr. Ibbs thought the Panel should have opined on the likelihood of the WSIP program meeting budget and schedule. ⁽¹⁾ In addition, Dr. Ibbs believed that parts of the Panel's report dealt too exclusively with WSIP management *processes*; not on the application and compliance with those processes.

Dr. Ibbs recommended that the RBOC consider:

- A follow-up study that evaluates WSIP's expected final cost and schedule inclusive of the construction and post-construction phases. (Note: the IRP made a similar recommendation.) and;
- A follow-up study that examines actual compliance with WSIP management processes.

The Peer Review full report can be accessed on the SFPUC's website at:

<http://sfwater.org/index.aspx?page=121>

⁽¹⁾ *The Panel did not agree with this observation. The Panel maintains that an evaluation of the SFPUC's ability to complete the WSIP per schedule and budget was not specifically included in the Panel's scope; that the Panel's work was related to the construction phase only; and that the Panel neither had the time or the appropriate auditing background to conduct such an evaluation. RBOC recognizes these as valid points, however, it should be noted that a sub-committee of the RBOC expressed its disappointment to the Panel regarding this omission and cited several sub-tasks in the Panel's scope of work that implied a limited or qualified opinion was in order.*

FUTURE ACTIVITIES

The CSA, Independent Review Panel, and Peer Reviewer all made recommendations in their reports that could develop into possible follow-up assignments in 2012. For example, both the IRP and the Peer Reviewer recommended an audit of earned value or cost and schedule to complete of the WSIP program. Such an audit would help validate whether the WSIP program – at this stage of completion – was poised to finish “on time” and “on budget. Currently, the SFPUC is projecting the program to finish per the revised schedule (July 2016) and budget (\$4.6B) set in July, 2011. Such an audit would only be considered after RBOC has a more thorough understanding of the SFPUC’s internal reporting requirements.

Critical to RBOC accomplishing its audit objectives is fast access to qualified consultants. In 2012, RBOC will pursue the establishment of its own consulting pool to perform its ongoing audit responsibilities, while, at the same time, utilizing consultants in the Controller’s pool should they be qualified.

RBOC efforts to date have concentrated on the Water Enterprise’s WSIP program. While RBOC continues to audit that program, audits of the Wastewater and Power Enterprises’ capital programs (and associated bond financing of such) may be getting underway in 2012. Similar to WSIP, the RBOC will monitor the expenditure of proceeds on these programs as well.

As of December 31, 2011, the SFPUC intends to issue approximately, \$680 million in revenue bonds during calendar year 2012 for continued funding of the Water System Improvement Programs (WSIP) as well as non-WSIP capital projects. No additional Waste Water bonds are anticipated during 2012 though \$6.6 million in revenue bonds may be issued for the Power Enterprise. These bonds are directly within the purview of the RBOC.

Last year was an extremely productive year for RBOC. However, two members are currently serving past their term expiration dates and a third seat is currently open. It will be important for RBOC to maintain its momentum in 2012 in the event there is a change in membership and leadership positions.

ACKNOWLEDGEMENTS

The RBOC would like to acknowledge and express appreciation to the SFPUC staff and others for facilitating the tasks of the Committee. Specifically, we want to acknowledge WSIP Director Julie Labonte, Jeet Bajwa and Harvey Elwin (WSIP); Deputy CFO Charles Perl; Mike Brown and Pauson Yun from the SFPUC; and Deputy City Attorney Mark Blake. From the Board of Supervisors, the RBOC wishes to thank Assistant Clerk Victor Young for his work in support of the meetings. The RBOC also expresses its appreciation for the participation of members of the public and various stakeholders.

2012 MEETING SCHEDULE

Regularly scheduled meetings of the RBOC meet monthly on the following dates beginning at 9:30 A.M. in the 4th Floor Meeting Room at the SFPUC Offices, 1155 Market Street in San Francisco, unless otherwise specified. Meeting agendas of the RBOC will be posted on WWW.SFWATER.ORG and at the SF Main Library, 5th Floor. Public participation is always welcome.

January 23, 2012

February 13, 2012

March 19, 2012

April 16, 2012

May 21, 2012

June 18, 2012

July 16, 2012

August 20, 2012

September 10, 2012

October 15, 2012

November 19, 2012

December 17, 2012

Appendix 1

In furtherance of its purpose, the RBOC may:

1. Inquire into the disbursement and expenditure of the proceeds of the Commission's revenue bonds authorized by the bond resolutions and other applicable laws. This information may be obtained by receiving any and all published reports, financial statements, correspondence, or other documents and materials related to the expenditure of revenue bond funds from the San Francisco Public Utilities Commission;
2. Hold public hearings to review the disbursement and expenditure of the proceeds of revenue bonds;
3. Inspect facilities financed with the proceeds of revenue bonds;
4. Receive and review copies of any capital improvement project proposals or plans developed by the Commission relating to the Commission's water, power or wastewater infrastructure which are to be financed in whole or in part with revenue bonds;
5. Review the efforts by the Commission to maximize revenue bond proceeds by implementing cost saving measures, including, but not limited to:
 - a. Mechanisms designed to reduce the costs of professional fees, site preparation and project design,
 - b. Recommendations regarding the cost-effective and efficient use of core facilities,
 - c. The development and use of alternative technologies, and
 - d. The use of other sources of infrastructure funding, excluding bond refunding; and
6. Commission review and evaluation of the disbursement and expenditure of the proceeds of such revenue bonds by independent consultants and experts. The RBOC may comment to the Board of Supervisors on the development and drafting of proposed legislation pertaining to Commission revenue bonds prior to a Board determination of whether to submit the measure for voter approval, or authorizing the issuance of revenue bonds if voter approval is not otherwise required.

In addition, after reviewing materials provided by the Commission, the RBOC, after conducting its own independent audit, and after consultation with the City Attorney, may determine that proceeds of a revenue bond program were utilized for purposes not authorized in accordance with the authorizing bond resolution. It may be further determined that this surmounts to an illegal expenditure or waste of such revenue bonds within the interpretation of applicable law specific to the RBOC. By majority vote,

the RBOC may prohibit the issuance or sale of authorized public utility revenue bonds which have yet to be issued or sold. The RBOC's decision to prohibit the sale of authorized, unsold revenue bonds may be appealed and overturned, or lifted, upon a two-thirds vote of all the members of the Board of Supervisors, if the SFPUC, in response to the report of the RBOC, provides evidence of corrective measures satisfactory to the Board of Supervisors.

Appendix 2

Member	Appointed By & Term	Qualifications
Aimee Brown, Chair	Mayor Reappointed on 9/1/10 First term expired 11/12/07; Second term expires on 11/12/11 Currently on holdover status	Former investment banker whose work primarily focused on financing state and local government projects through municipal debt; previously served as a financial advisor to the SFPUC.
Ben Kutnick Currently Vacant	Controller 03/21/11 to 11/12/11 ----- Term expires on 11/12/13	Former Finance Director for the San Francisco Airport, Fiscal Officer with the Public Utilities Commission, and Director of Finance and Administration for the Port of San Francisco.
Ian Hart	Budget Analyst or his/her representative Appointed on 12/2/10	Senior Analyst at the BOS Budget and Legislative Analyst's Office. Conducted analyses of the SFPUC's annual budget and WSIP Revenue Bond-related legislation. Previously served as Communications Director for water resources think-tank.
Kevin Cheng, Vice-Chair	Mayor Appointed on 05/19/10 Term expires on 11/12/13	Former principal management consultant developing and executing strategy and operation work for major Fortune 500 corporations, with particular expertise in project management. Current managing partner of San Francisco based development company.
Brian Browne	Board of Supervisors Reappointed 6/07/11 First term expired 11/12/07; Second term expires on 11/12/11 currently on holdover status	Co-author of Proposition P. Semi-retired economist, currently involved in USAID water project in Jordan; previous member of the Mayor's Infrastructure Task Force, which addressed SFPUC issues.
David Sutter (term expired) ----- Larry Liederman	Board of Supervisors Second term expired on 11/12/09; holdover status until 6/14/11 ----- Appointed on 06/14/11 Term expires on 11/12/13	Retired CCSF Project Manager whose work included the Kirkwood Powerhouse Addition, additional hydro-electric projects, subway projects and light rail projects for San Francisco and Los Angeles. ----- Finance and accounting professional who serves and has served as Controller for several Bay area companies. Board Member and Audit Committee Chair for the Child Welfare League of America.
John Ummel	Bay Area Water Users Association Appointed on 10/15/10 Term expires on 11/12/13	Senior Administrative Analyst for the Bay Area Water Supply and Conservation Agency (BAWSCA).

Appendix 3

Meeting Dates	Key Activities
January 10, 2011	<ul style="list-style-type: none"> • SFPUC Update - WSIP Pre-Construction • SFPUC Report - Waste Water Capital Improvement Program • SFPUC Report - Financing and Bond Sale • Jurisdiction over the Indebtedness of the SFPUC • Contracting Options for RBOC Projects
January 24, 2011	<ul style="list-style-type: none"> • RBOC Scope of Work for Future Projects; Contracting Options; and Potential Request for Proposals • Scope of Work for Future Projects • RBOC Contracting Options
February 14, 2011	<ul style="list-style-type: none"> • SFPUC Update - WSIP Construction Management • Jurisdiction over the Indebtedness of the SFPUC • Updates from the SFPUC Concerning Advanced Metering Infrastructure, WSIP and Water Bond Sales
March 21, 2011	<ul style="list-style-type: none"> • SFPUC Update - WSIP Pre-Construction • SFPUC Report - Lessons Learned and Future Challenges • MOU with the Controller's City Services Auditor for Auditing Assignments
April 25, 2011	<ul style="list-style-type: none"> • Summary of the presentation of the 2009 Annual Report and Audit Findings provided to the Public Utilities Commission • SFPUC Update - WSIP and Water Bond Sales
May 9, 2011	<ul style="list-style-type: none"> • City Auditor's Services Working Group Report on: 1) RBOC Audit Assignments; 2) Prioritization of task assignments; and 3) approved the scope of work
May 16, 2011	<ul style="list-style-type: none"> • SFPUC Report - Financing and Bond Sale • SFPUC Report - Climate Change and Planning SFPUC Update - FY2011/2012 Wholesale Water Rates
June 20, 2011	<ul style="list-style-type: none"> • Presentation from BAWSCA – WSIP and Assessment of performance to-date. • SFPUC Report - WSIP Pre-Construction • Extension of the expiration date of the RBOC
July 18, 2011	<ul style="list-style-type: none"> • SFPUC Report – Local Water System Emergency Preparedness • Construction Management Independent Review Panel – Scope of Work
August 15, 2011	<ul style="list-style-type: none"> • Selection of Peer Reviewer to the Construction Management Independent Review Panel • City Services Auditor's Audit Update
September 19, 2011	<ul style="list-style-type: none"> • SFPUC Report - Construction Management • Approval of Construction Management Independent Review Panel Scope of Work • Update from the SFPUC Concerning Financing and Water Bond Sales • City Services Auditor's Audit Update

October 24, 2011	<ul style="list-style-type: none"> • SFPUC Report - Construction Management • City Services Auditor's Audit Update • Construction Management Independent Review Panel Preliminary Report of Findings on WSIP
November 14, 2011	<ul style="list-style-type: none"> • SFPUC Quarterly Report on WSIP • SFPUC Report - Power Enterprise Bonds and Future Financing Plans • City Services Auditor Audit Report: Bay Division Pipeline Reliability Upgrade; Mission and Mount Vernon Street Sewer Improvement
December 19, 2011	<ul style="list-style-type: none"> • City Services Auditor's Audit Update • SFPUC Report - Construction Management • SFPUC Report - Rate Policy • RBOC Future Contracting/Consultant Options

Appendix 4

RBOC Fees and Expenses as of 1/31/2012

Sources

<u>Series</u>	<u>5W Water</u>	<u>5C Wastewater</u>	<u>5T Hetchy Power</u>	<u>Total</u>
2006 A Bonds	\$253,063	\$0	\$0	\$253,063
2008 CREBS	\$0	\$0	\$3,163	\$3,163
2009 A Bonds	\$206,000	\$0	\$0	\$206,000
2009 B Bonds	\$206,000	\$0	\$0	\$206,000
2010 A Bonds	\$28,473	\$23,525	\$0	\$51,998
2010 B Bonds	\$208,860	\$96,258	\$0	\$305,118
2010 D Bonds	\$35,680	\$0	\$0	\$35,680
2010 E Bonds	\$172,100	\$0	\$0	\$172,100
2010 F Bonds	\$90,480	\$0	\$0	\$90,480
2010 G Bonds	\$175,735	\$0	\$0	\$175,735
2011 A Bonds*	\$301,358	\$0	\$0	\$301,358
2011 B Bonds*	\$14,488	\$0	\$0	\$14,488
2011 C Bonds*	\$16,798	\$0	\$0	\$16,798
2011 QECBS*	\$0	\$0	\$4,150	\$4,150
Subtotal	\$1,709,033	\$119,783	\$7,313	\$1,836,128

Uses

Independent Reports

WSIP Expenditures & CP (2006)	\$59,370	\$0	\$0	\$59,370
Financial Review of WSIP (2007)	\$92,050	\$0	\$0	\$92,050
WSIP Sunset Reservoir (2009)	\$71,890	\$0	\$0	\$71,890
CSA Controller's Audit (2011/2012)	\$115,969	\$0	\$0	\$115,969
Independent Review Panel (IRP) (2011/2012)	\$102,008	\$0	\$0	\$102,008
IBBS Consulting for IRP (2011/2012)	\$19,370	\$0	\$0	\$19,370
Subtotal	\$460,658	\$0	\$0	\$460,657

Grand Total	\$1,248,374	\$119,783	\$7,313	\$1,375,470
-------------	-------------	-----------	---------	-------------

*Pending transfer to RBOC fund