

FILE NO. 120919 | \_\_\_\_\_

Petitions and Communications received from September 4, 2012, through September 10, 2012, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on September 18, 2012.

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

From Public Utilities Commission, Citizen's Advisory Committee, supporting on-site water reuse ordinance. Copy: Each Supervisor, Land Use Committee Clerk, File No. 120717 (1)

From Harvey Milk Democratic Club, supporting Bruce Wolfe to the Sunshine Task Force. Copy: Each Supervisor (2)

From Patrick Monette-Shaw, regarding article on Sunshine Ordinance Task Force. (3)

From Crichton Kittredge, regarding noticing of enforcement holidays on parking meters. Copy: Each Supervisor (4)

From Clerk of the Board, regarding Mayor's appointment of Patrick Johnston to the Film Commission. Copy: Each Supervisor (5)

\*From Controller's Office, submitting City Services Auditor Division's report. Copy: Each Supervisor (6)

From City Attorney's Office, submitting updated Political Activity Memorandum. Copy: Each Supervisor (7)

From Controller, regarding FYs 2012-2013 and 2012-2014 Budget Certifications from departments. Copy: Each Supervisor, City Attorney, Budget Analyst (8)

From Controller's Office, submitting Government Barometer June 2012 report. Copy: Each Supervisor (9)

From Planning Department, submitting Notice of Preparation of an Environmental Impact Report for the Transportation Sustainability Program. Copy: Each Supervisor (10)

From Clerk of the Board, submitting notice of Board Decision on Referendum Petition: Ordinance No. 104-12 - 8 Washington Street Project - Zoning Map Amendment. Copy: Each Supervisor, File No. 120271 (11)

From North of Market Business Association, regarding Sunshine Ordinance Task Force Appointment. File No. 120847 (12)

From Controller's Office, submitting City Services Auditor Division's memorandum. Copy: Each Supervisor (13)

From Board of Education, submitting resolution in support of the Consideration of Deferred Deportation for Childhood Arrivals Program. Copy: Each Supervisor (14)

From Bay Area Air Quality Management District, submitting Notice of Availability of Draft Environmental Impact Report for Proposed Amendments to BAAQMD New Source Review and Title V Permitting Regulations. (15)

From Anmarie Mabbutt, regarding Recreation and Parks Department permits for the annual Hardly Strictly Bluegrass Festival. (16)

From Airport Commission, submitting report of TEFRA Hearing regarding the Proposed Issuance of Tax-Exempt Airport Revenue Bonds. Copy: Each Supervisor (17)

From Stacey Ballard, supporting expansion of existing ban on plastic checkout bags. (18)

From Human Rights Commission, submitting updated bylaws. (19)

From District Attorney's Office, submitting Real Estate Fraud Annual Report for FY2011-2012. (20)

From concerned citizens, regarding Sheriff Ross Mirkarimi. 6 letters. (21)

From concerned citizens, regarding KPOO radio. 10 letters. (22)

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

BOS-11  
File No. 120717

①



To: BOS Constituent Mail Distribution, Alisa Miller/BOS/SFGOV,  
Cc:  
Bcc:  
Subject: Letter re: Ordinance 120717, Sept. 4

From: jclary@cleanwater.org  
To: Board.of.Supervisors@sfgov.org, angela.calvillo@sfgov.org, "David Chiu"  
<david.chiu@sfgov.org>, Catherine.Rauschuber@sfgov.org, eric.mar@sfgov.org,  
victor.lim@sfgov.org,  
Cc: "Fox, Radhika" <rfox@sfgov.org>, "Paula Kehoe" <pkehoe@sfgov.org>, "Young, Teresa"  
<tyoung@sfgov.org>, "Terrence Jones" <terrencejones@gmail.com>, "Hood, Donna"  
<dhood@sfgov.org>  
Date: 08/31/2012 02:59 PM  
Subject: Letter re: Ordinance 120717, Sept. 4

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Please find attached letter and resolution from the Citizens' Advisory Committee of the San Francisco Public Utilities Commission in support of file #120717, the on-site water reuse ordinance, that is scheduled to come before the Board of Supervisors for its initial vote on Tuesday, September 4.

Thank you,

Jennifer Clary  
on behalf of the SFPUC CAC



PUC\_CAC\_Cover\_120717.pdf PUCCAC\_resolution\_120717.pdf





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

525 Golden Gate Avenue, 12th Floor  
San Francisco, CA 94102  
T 415.554.3155  
F 415.554.3161  
TTY 415.554.3488

August 31, 2012

The Honorable David Chiu  
President, Board of Supervisors  
City Hall  
San Francisco, CA 94102  
*Sent via electronic mail*

Re: File #120717 On-site water reuse ordinance

Dear President Chiu and Supervisors,

This letter is to inform you that the Citizens' Advisory Committee of the San Francisco Public Utilities Commission voted, at their August 28, 2012 meeting, to support this ordinance. The resolution is attached.

The SFPUC Citizens' Advisory was established by ordinance to publicly discuss and make recommendations to the General Manager of the Public Utilities Commission ("General Manager," which includes his or her designee), the Public Utilities Commission ("Commission") and the Board of Supervisors on the achievement of the goals and objectives enumerated in the Charter. Our seventeen members are appointed by each of the Supervisors, with additional appointments by the Board President and the Mayor.

We appreciate the opportunity to comment on this legislation, and thank you for bringing it forward.

Sincerely,

Jennifer Clary  
Secretary

cc: Supervisors  
Mayor Lee  
Ed Harrington, General Manager  
Public Utilities Commission

Members

**Terrence Jones, Chair**  
(D10)

Jessica Buendia (D6)

Stephen Bjorgan (M-Eng./Financial)

Doug Cain (D3)

Donald Carmignani (D2)

Jennifer Clary (D11)

Walt Farrell (D7)

Richard Hansen (D1)

Avni Jamdar (M-En Group)

Art Jensen (M-Reg' Water Customers)

Ted Ko (B-S. Business)

Alex Lantsberg (B-Env Justice)

Diane Mokoro (D5)

David Pilpel (D4)

Javieree PruittHill (D8)

Dairo Romero (D9)

Vacant (M-large water user)

**Edwin M. Lee**  
Mayor

**Anson Moran**  
President

**Art Torres**  
Vice President

**Ann Moller Caen**  
Commissioner

**Francesca Vietor**  
Commissioner

**Vince Courtney**  
Commissioner

**Ed Harrington**  
General Manager





**Alternative Water Supply resolution  
As approved by the SF PUC Citizen's Advisory Committee  
August 28, 2012**

Whereas, the San Francisco Public Utilities Commission currently obtains 85% of its water supply from the Tuolumne River,

Whereas, the SFPUC's Tuolumne River supply is threatened by climate change as well as potential state and federal regulations that may require additional releases of water for the protection and restoration of endangered species;

Whereas, the SFPUC and its wholesale customers are actively pursuing alternative water supply options, including conservation and recycling, to diversify their water supply;

Whereas, in April of this year, the SFPUC published its "Potable Offset Investigation Summary" which identifies up to 3.4 million gallons per day of new water supply by 2035 through reuse of gray water, blackwater, stormwater and sump water for nonpotable purposes such as toilet flushing and irrigation;

Whereas, an ordinance has been introduced at the Board of Supervisors to streamline the approvals for the use of alternative water sources for nonpotable uses;

Whereas, the SFPUC has established a pilot grant program to incentivize the development of nonpotable supplies in large developments;

Therefore be it resolved, that the PUC Citizens' Advisory Committee supports the actions of the SFPUC to diversify its water supply, including the aforementioned pilot program;

Be it further resolved that the PUC Citizens' Advisory Committee supports the Alternative Water Supply ordinance being considered by the Board of Supervisors and urges the Mayor and Board of Supervisors to support.







**To:** BOS Constituent Mail Distribution, Andrea Ausberry/BOS/SFGOV, Linda Wong/BOS/SFGOV,  
**Cc:**  
**Bcc:**  
**Subject:** Sunshine Task Force Appointment

**From:** Correspondent for Milk Club <correspondent@milkclub.org>  
**To:** John.Avalos@sfgov.org, david.campos@sfgov.org, David.Chiu@sfgov.org, Carmen.Chu@sfgov.org, Malia.Cohen@sfgov.org, Sean.Elsbernd@sfgov.org, Mark.Farrell@sfgov.org, jane.kim@sfgov.org, Eric.L.Mar@sfgov.org, Christina.Olague@sfgov.org, scott.wiener@sfgov.org, Board.of.Supervisors@sfgov.org,  
**Cc:** Glendon Anna Conda Hyde <president@milkclub.org>  
**Date:** 09/02/2012 06:20 PM  
**Subject:** Sunshine Task Force Appointment

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As correspondent of the Harvey Milk LGBT Democratic Club, I have been asked by President Glendon Hyde forward this message to you regarding the upcoming appointment to the Sunshine Task Force.

Sincerely,

Susan Englander

Dear Members of the Board of Supervisors,

The Harvey Milk LGBT Democratic Club urges you to seriously consider appointing Bruce Wolfe to the Sunshine Task Force. As president of the club, I have worked with Mr. Wolfe and also know his commitment to this critical watchdog task force that has served to make transparent our city government's proceedings and decisions. Bruce Wolfe's previous tenure on the task force brought a unique and necessary perspective to that body. His continued service would have supplied the experience and judgment that Wolfe developed during his first term. I do not understand why he was not reappointed during the previous round of appointments in the spring. It was a serious oversight and must be corrected.

In addition, Wolfe was the only LGBT disabled member of the public seeking reappointment to the Sunshine Task Force back in May but was passed over by one vote of the Board of Supervisors. This has stymied the task force's ability to meet for three meetings as "(a)t all times the task force shall include at least one member who shall be a member of the public who is physically handicapped." This lack of a qualified individual of disability causes the task force to stand in violation of city law, and it cannot not serve the people who may need public documents for serious issues. This is unconscionable The Milk Club and other organizations and individuals fought to ensure that the public would be represented and served by this task force. To continue to hamper its functioning is a dereliction of duty.

Please remedy this situation and support Bruce Wolfe's reappointment to the Sunshine Task Force.



Sincerely,

Glendon Hyde, President

Harvey Milk LGBT Democratic Club

--

Sue Englander

Harvey Milk LGBT Democratic Club

E-Board Correspondent

[correspondent@milclub.org](mailto:correspondent@milclub.org)

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



3



New on StopLHHDownsize.com: [Supervisor] "Wiener Out of Control: Skullduggery at Board of Supervisors ..." + Westside Observer Editorial and Editorial Cartoon Featuring Wiener ("Sometimes Revenge Is Best Served Hot")

pmonette-shaw

to:

undisclosed-recipients::

09/03/2012 04:45 PM

Hide Details

From: pmonette-shaw <Pmonette-shaw@earthlink.net>

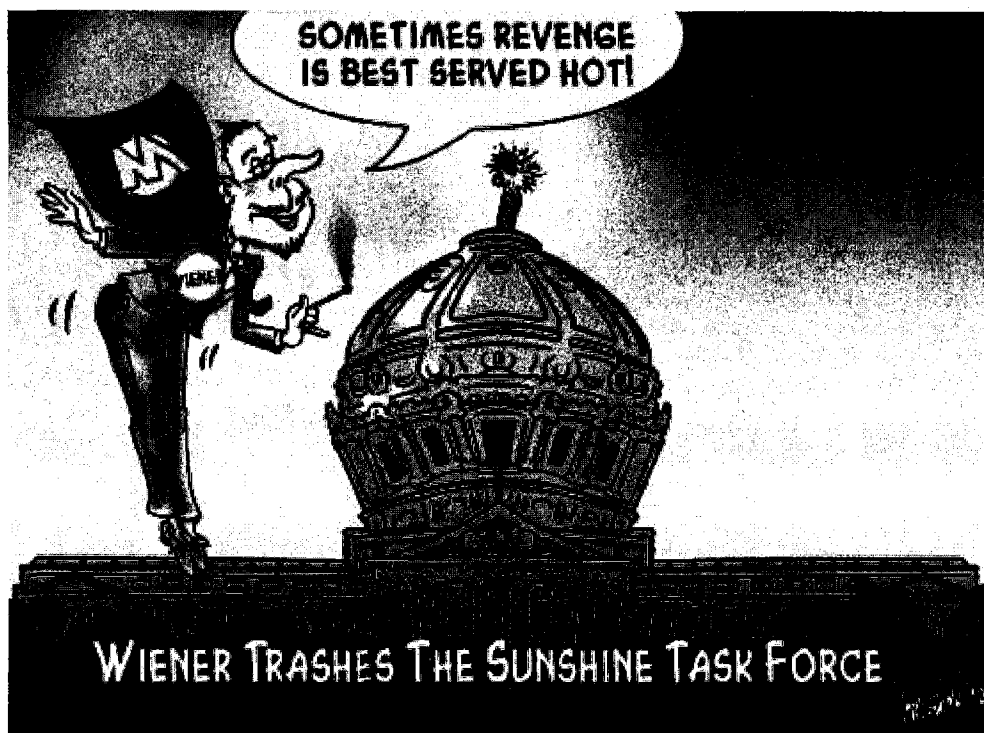
To: undisclosed-recipients::,

Please respond to Pmonette-shaw@earthlink.net

My article "Wiener Out of Control" is in press at the *Westside Observer*. It will appear opposite from the editorial page in the print edition, and will be available on the *Observer's* web site soon.

New on [www.stopLHHdownsize.com](http://www.stopLHHdownsize.com):

**"Wiener Out of Control: Skullduggery at Board of Supervisors leaves City Hall wide open for corruption to run rampant"**



As the *Observer* reported in July in "Who Killed Sunshine?," Supervisor Scott "The Tinkerer" Wiener single-handedly killed open government by shutting down our local Sunshine Task Force, leaving San Francisco's without any citizen oversight of access to public meetings and access to public records, and leaving City Hall wide open for corruption to run rampant. (Wiener is trying desperately to downplay his role, but there's no way around the fact that he played an instrumental role in eviscerating membership appointments to the Sunshine Task Force.)

Clearly peeved that the Task Force had referred him to the Ethics Commission for official misconduct in



September 2011 over the Parkmerced development deal, Wiener engineered kicking physically disabled member Bruce Wolfe off of the SOTF on May 22, filling the remaining “member of the public” seats with non-disabled appointees. Wolfe was the only physically handicapped member of the Task Force, which now has been unable to meet for four months due to lacking a physically disabled member. The Board of Supervisors knowingly removed the only disabled member of the SOTF and failed to appointment a disabled replacement, as required by Sunshine Ordinance Section 67.30(a).

Truth is, Wiener appeared to remove Task Force members because of the “different approach” the SOTF used arriving at its conclusions, and it’s the difference in approach that put Wiener in a Tinkerbelle-like tizzy.

The full Task Force has now not met for four months: Twice it adjourned its meetings without acting on its agendas after voting that they were, indeed out-of-compliance with Section 67.30(a), and twice they simply cancelled the Task Force's meetings (in August and September ) due to being non-compliant with Section 67.30(a).

Supervisors David Campos and Jane Kim criticized Wiener’s handling of the SOTF appointments on May 22. They noted that the SOTF members removed on May 22 were ousted because they took a “different approach” than members of the Board of Supervisors may prefer. On July 17, Wiener tried to absolve himself, using revisionist history-making to lie again.

What seems to annoy “*The Tinkerer*” Wiener the most is that while the Board of Supervisors can review or modify decisions of the Planning Commission, the Board has no authority to review or modify decisions made by the Sunshine Task Force.

Wiener’s nominee to replace Bruce Wolfe was Todd David, who appears to have had no qualifications to serve on the Sunshine Task Force. Indeed, Mr. David’s application listed no qualifications to serve. Mr. David’s Form 700, *Statement of Economic Interests* — a document required as part of SOTF’s application process — failed to include the pre-printed form, Schedule B, *Interests in Real Property*. Instead, Mr. David submitted a written statement in lieu of Schedule B in which he neglected to report the appraised value of a multi-family residential property he owns at 384 Eureka Street appraised at \$2.1 million, and neglected to report rental income he receives from the multi-unit property.

Although David applied for a single seat (SOTF Seat 9), Wiener’s substitution assigned Mr. David to Seat 8, the seat the Board of Supervisors has historically advertised as reserved for a physically disabled member.

Neither the Board of Supervisors nor San Francisco’s Ethics Commission took action on David’s substitution of a written statement in lieu of Schedule B. So a complaint was filed with the California Fair Political Practices Commission (FPPC) regarding Mr. David’s substitution of a typed statement in lieu of Schedule B. The FPPC did take action, and determined David had violated California’s Political Reform Act by failing to disclose his interests in real property, and issued a warning letter to Mr. David on August 22, after he submitted an amendment including the proper Schedule B.

The parallels between the Mirkarimi case and the SOTF appointments are striking: Unsupportable and false accusations were simply tossed out by Mayor Lee against Mirkarimi as they were by Supervisor Wiener against Wolfe to see if they would “stick.” Then, both the Ethics Commission (in Mirkarimi’s case) and the full Board of Supervisors (in the Bruce Wolfe case) simply made up processes along the way to wrongly remove political opponents

The *Westside Observer* granted permission to re-post it's September editorial "**Serving Two Masters**,"





and its editorial cartoon, above. The editorial begins:

“It's only fair that the Board of Supervisors admit the obvious: open government laws do not apply to the Board of Supervisors. It is exempt from Sunshine laws because it appoints the board that enforces them.”

Patrick Monette-Shaw

[Read more](#) (in printer-friendly PDF file) ... To unsubscribe, send me an e-mail



BOS-11

(4)



To: BOS Constituent Mail Distribution,  
Cc:  
Bcc:  
Subject: meter hours

From: Crichton Kittredge <ckittredge@pacbell.net>  
To: "311.Prodmail@sfgov.org" <311.Prodmail@sfgov.org>, "mayoredwinlee@sfgov.org"  
<mayoredwinlee@sfgov.org>, "Board.of.Supervisors@sfgov.org"  
<Board.of.Supervisors@sfgov.org>,  
Date: 09/04/2012 02:52 PM  
Subject: Re: meter hours

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To whom it may concern,

Could your department post enforcement holidays on each meter in San Francisco like you post the hours of enforcement? I would suggest adding: Normal enforcement applies on holidays except New Years Day, Thanksgiving Day, and Christmas Day. This could be added to the stickers on the pole side or as a screen prompt on the electronic meters. That would assist us citizens with knowing the enforcement policy for this city.

For example San Jose does not enforce on City Holidays, [http://www.sanjoseca.gov/transportation/parking\\_meters.htm](http://www.sanjoseca.gov/transportation/parking_meters.htm). So I'm not sure that my legislator could assist with San Francisco City parking enforcement policy or updating the stickers. But I have included them on this message just in case.

For their benefit since my original comment was not included, I had posted a comment using the SFMTA website about meter enforcement on Federal Holidays. There is no signage to indicate which holidays are enforced and which ones aren't. The website is helpful at home but not when I'm deciding if I need to scrounge under the car seats for quarters. Myself and several others received \$83 dollar parking tickets for parking in a metered truck zone downtown on Monday (Labor Day) morning. Shame on me for not finding a parking garage but I assumed that so many people couldn't be wrong. But we were.

Thank you for your response.

Crichton

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**From:** "311.Prodmail@sfgov.org" <311.Prodmail@sfgov.org>  
**To:** ckittredge@pacbell.net  
**Sent:** Tuesday, September 4, 2012 2:31 PM  
**Subject:** meter hours

please contact the legislator for your area if you wish to request a law cahnge.



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

Dos-4

5

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## MEMORANDUM

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Date: September 4, 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:

- Patrick Johnston, Film Commission, term ending March 19, 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 30 days of the appointment as provided in Charter Section 3.100(18).

Please notify me in writing by **5:00 p.m., Friday, September 7, 2012**, if you would like to request a hearing on the above appointment.

Attachments

orig. Rules Clerk  
c. 2013, page, *File*

OFFICE OF THE MAYOR  
SAN FRANCISCO



EDWIN M. LEE  
MAYOR

August 30, 2012

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

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2012 AUG 30 PM 4:00  
*AB*

Dear Ms. Calvillo,

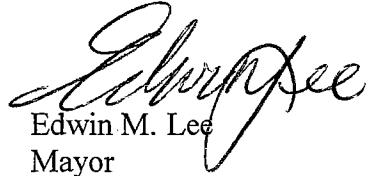
Pursuant to Section 3.100 (18) of the Charter of the City and County of San Francisco, I hereby make the following appointment:

Patrick Johnston to the Film Commission, assuming the seat formerly held by William Adams, for a term ending March 19, 2016.

I am confident Mr. Johnston, a CCSF elector, will serve the City and County well. Attached are his qualifications to serve, which demonstrates how this appointment represents the communities of interest, neighborhoods, and diverse populations of San Francisco.

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

Sincerely,

  
Edwin M. Lee  
Mayor

OFFICE OF THE MAYOR  
SAN FRANCISCO



EDWIN M. LEE  
MAYOR

5

**Notice of Appointment**

August 30, 2012

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

Honorable Board of Supervisors:

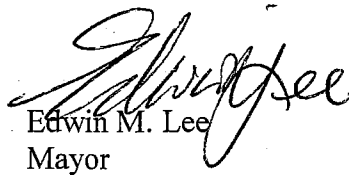
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I am confident Mr. Johnston, a CCSF elector, will serve the City and County well. Attached are his qualifications to serve, which demonstrates how this appointment represents the communities of interest, neighborhoods, and diverse populations of San Francisco.

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

Sincerely,

  
Edwin M. Lee  
Mayor

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BOARD OF SUPERVISORS  
SAN FRANCISCO  
2012 AUG 30 PM 3:59  
DR

## **PJ Johnston** a biography

PJ Johnston is a communications consultant specializing in media and public relations, crisis communications, communication strategies, messaging, government affairs and political campaigning.

Johnston has served as a spokesman, speechwriter and media consultant for several prominent public officials, and maintains a regular presence in the Bay Area broadcast, print and digital media.

PJ Johnston Communications' clients range from public agencies and state, county and local officials to private companies, law firms, developers, nonprofit organizations and trade associations – including large companies like Lennar Corp. and Norcal Waste Systems, as well as private nonprofit institutions like the Chinese Hospital, trade associations like BayBio, government agencies such as Job Corps, and cities like Richmond, Calif.

Johnston continues to manage major citywide events; he recently served as director of communications for San Francisco Rising, the city's official 1906 Earthquake & Fire Centennial Commemoration series.

Johnston served as press secretary to Mayor Willie L. Brown, Jr., and was chief public information officer for the City and County of San Francisco from 2001 to 2004. Johnston also served as director of communications for Willie Brown's 1999 re-election campaign, which resulted in a 20-point margin of victory.

Johnston continues to serve in Mayor Gavin Newsom's administration as president of the San Francisco Arts Commission.

Johnston was the spokesman for one of the most sought-after personalities in American politics and manager of all internal and external communications for the Mayor's Office. As chief public information officer for the city, he directed more than 50 department PIOs and managed media and public relations for major events in San Francisco, ranging from presidential visits to international conferences. He was also the city's chief spokesman in times of crisis, such as the aftermath of Sept. 11, 2001; a citywide electrical blackout; and the nation's largest anti-Iraq War protests.

During his eight years in the upper-management ranks of City Hall, Johnston served in several capacities – including executive director of the San Francisco Film Commission and assistant director of public transportation (San Francisco Municipal Railway). Prior to that, he was a journalist working for several publications, including the *San Jose Mercury News*, the *San Francisco Bay Guardian* and the *Eureka Times-Standard*.

Johnston is a fourth-generation San Franciscan and continues to live and work in the city with his wife and children.



Bos-11

6



Issued: SFPUC: The Community Assistance Program's Significant Operational Weaknesses Make It Susceptible to Customer Abuse Reports, Controller

to:

Calvillo, Angela, Nevin, Peggy, BOS-Supervisors, BOS-Legislative Aides, Kawa, Steve, Howard, Kate, Falvey, Christine, Elliott, Jason, Campbell, Severin, Newman, Debra, sfdocs@sfpl.info, gmetcalf@spur.org, CON-Media Contact, ggiubbini@sftc.org, CON-EVERYONE, CON-CCSF Dept Heads, CON-Finance Officers, Harrington, Ed, Kelly, Jr, Harlan, Rydstrom, Todd, Hom, Nancy, Lum, Matthew, Jue, Tyrone, Vizcarra, Marge, Torres, Pet, Johnson, Chandra

09/04/2012 03:19 PM

Sent by:

"Kurylo, Richard" <richard.kurylo@sfgov.org>

Hide Details

From: "Reports, Controller" <controller.reports@sfgov.org> Sort List...

To: "Calvillo, Angela" <angela.calvillo@sfgov.org>, "Nevin, Peggy" <peggy.nevin@sfgov.org>, BOS-Supervisors <bos-supervisors.bp2ln@sfgov.microsoftonline.com>, BOS-Legislative Aides <bos-legislativeaides.bp2ln@sfgov.microsoftonline.com>, "Kawa, Steve" <steve.kawa@sfgov.org>, "Howard, Kate" <kate.howard@sfgov.org>, "Falvey, Christine" <christine.falvey@sfgov.org>, "Elliott, Jason" <jason.elliott@sfgov.org>, "Campbell, Severin" <severin.campbell@sfgov.org>, "Newman, Debra" <debra.newman@sfgov.org>, "sfdocs@sfpl.info" <sfdocs@sfpl.info>, "gmetcalf@spur.org" <gmetcalf@spur.org>, CON-Media Contact <con-mediacontact.bp2ln@sfgov.microsoftonline.com>, "ggiubbini@sftc.org" <ggiubbini@sftc.org>, CON-EVERYONE <con-everyone.bp2ln@sfgov.microsoftonline.com>, CON-CCSF Dept Heads <con-ccsfdeptheads.bp2ln@sfgov.microsoftonline.com>, CON-Finance Officers <confinanceofficers.bp2ln@sfgov.microsoftonline.com>, "Harrington, Ed" <eharrington@sfgov.org>, "Kelly, Jr, Harlan" <hkelly@sfgov.org>, "Rydstrom, Todd" <trydstrom@sfgov.org>, "Hom, Nancy" <nhom@sfgov.org>, "Lum, Matthew" <mglum@sfgov.org>, "Jue, Tyrone" <tjue@sfgov.org>, "Vizcarra, Marge" <mvizcarra@sfgov.org>, "Torres, Pet" <ptorres@sfgov.org>, "Johnson, Chandra" <chandra.johnson@sfgov.org>,

Sent by: "Kurylo, Richard" <richard.kurylo@sfgov.org>

The Office of the Controller's City Services Auditor Division (CSA) today issued a report, *The Community Assistance Program's Significant Operational Weaknesses Make It Susceptible to Customer Abuse*. The assessment found that SFPUC does not verify the number of household members and the annual household income reported by CAP applicants and participants required to renew their applications. This lack of verification allows CAP applicants and participants to easily falsify information to meet the income guidelines and qualify for CAP discounts. Of 90 CAP accounts CSA selected to verify income and household size, 46 percent did not qualify for the program, including some that did not respond.

CSA identified 473 CAP accounts where the account holder (who could be the property owner) may be ineligible to receive the CAP discount because at least one city employee has a home address matching the CAP service address and the average salary for approximately 200 of these employees exceeds the CAP income limit for a five-person household. Additionally, some households use an excessive amount of water per person, report a suspiciously high number of household members, have a bill that represents a disproportionately large percentage of total reported income, or have different service and mailing addresses. These are all indicators of potential customer abuse of the program.

To view the full report, please visit our website at: <http://co.sfgov.org/webreports/details.aspx?id=1474>

This is a send-only email address.

For questions about the report, please contact Director of City Audits Tonia Lediju at [Tonia.Lediju@sfgov.org](mailto:Tonia.Lediju@sfgov.org) or 415-554-5393, or the CSA Audits unit at 415-554-7469.



**City and County of San Francisco**

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

\* To view full document  
Request file # 120919

## **SAN FRANCISCO PUBLIC UTILITIES COMMISSION:**

**The Community Assistance Program's Significant Operational Weaknesses Make It Susceptible to Customer Abuse**



September 4, 2012

**OFFICE OF THE CONTROLLER  
CITY SERVICES AUDITOR**

The City Services Auditor (CSA) was created in the Office of the Controller through an amendment to the Charter of the City and County of San Francisco (City) that was approved by voters in November 2003. Under charter Appendix F, CSA has broad authority to:

- Report on the level and effectiveness of San Francisco's public services and benchmark the City to other public agencies and jurisdictions.
- Conduct financial and performance audits of city departments, contractors, and functions to assess efficiency and effectiveness of processes and services.
- Operate a whistleblower hotline and website and investigate reports of waste, fraud, and abuse of city resources.
- Ensure the financial integrity and improve the overall performance and efficiency of city government.

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

For questions regarding the report, please contact Director of City Audits Tonia Lediju at [Tonia.Lediju@sfgov.org](mailto:Tonia.Lediju@sfgov.org) or 415-554-5393, or CSA at 415-554-7469.

Assessment Team: Irella Blackwood, Audit Manager  
Nicole Doran, Associate Auditor  
Deric Licko, Associate Auditor



# City and County of San Francisco

## Office of the Controller - City Services Auditor

San Francisco Public Utilities Commission:  
The Community Assistance Program's Significant Operational Weaknesses  
Make It Susceptible to Customer Abuse

September 4, 2012

### Purpose of the Assessment

The assessment evaluated the administration, monitoring, and application and renewal processes of the Community Assistance Program (CAP) of the San Francisco Public Utilities Commission (SFPUC). The assessment was performed at the request of SFPUC.

### Highlights

CAP provides discounts of 15 percent on water charges and 35 percent on sewer charges for qualifying residential single-family customers in San Francisco. SFPUC provided more than \$2 million in discounts to approximately 7,400 customers in fiscal year 2010-11, with average monthly discounts of \$25 per account. To qualify for CAP, customers must comply with program guidelines and meet certain eligibility criteria. The assessment found that:

- SFPUC fails to verify the household income and number of household members self-reported by customers, potentially allowing falsified information to be used to meet the income guidelines and qualify for the CAP discounts.
- 46 percent of the CAP accounts selected by CSA for income verification were ineligible, as they failed to respond to an income verification request, did not provide sufficient documentation to verify eligibility, or provided documentation showing that they do not qualify.
- SFPUC does not analyze account data to identify customers who abuse the program or have excessive water use.
- 6 percent of CAP account addresses match the listed home address of at least one city employee, and these households may not be self-reporting all income.
- SFPUC does not limit the amount of the CAP discounts a customer can receive, so program participants have no incentive to conserve water.
- SFPUC does not initiate CAP account renewals in a timely manner, and some ineligible participants are not removed from the program.
- The customer information for some CAP accounts recorded in SFPUC's billing system is inaccurate.
- Customers receive CAP discounts before completing the required water conservation evaluation.
- SFPUC's Water Conservation Division does not report evidence of potential abuse of CAP for further investigation.
- SFPUC could improve CAP participation rates in low-income areas of San Francisco.

### Recommendations

The report includes 28 recommendations for SFPUC to improve the program's application and renewal processes, requirements, procedures, guidelines, outreach, and overall monitoring. These include that SFPUC should:

- Verify that CAP participants meet the program's income and other criteria.
- Remove accounts from CAP when customers do not respond to income verification requests or provide proof of income, or provide documentation showing they do not qualify.
- Analyze CAP data each billing period to identify potential customer abuse or excessive water use.
- Recover CAP discounts provided to households that do not qualify for the program.
- Ensure that CAP participants renew their eligibility status every two years.
- Develop policies for handling customers who violate program rules.
- Require CAP applicants to complete the water conservation evaluation before receiving discounts.
- Limit the total discount a CAP account can receive.
- Explore cost-effective outreach methods to reach customers in low-income neighborhoods.

*Copies of the full report may be obtained at:*

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

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**CITY AND COUNTY OF SAN FRANCISCO**  
**OFFICE OF THE CONTROLLER**

**Ben Rosenfield**  
**Controller**

**Monique Zmuda**  
**Deputy Controller**

September 4, 2012

San Francisco Public Utilities Commission  
525 Golden Gate Avenue, 13<sup>th</sup> Floor  
San Francisco, CA 94102

Ed Harrington, General Manager  
San Francisco Public Utilities Commission  
525 Golden Gate Avenue, 13<sup>th</sup> Floor  
San Francisco, CA 94102

Dear Commission President, Commissioners, and Mr. Harrington:

The Office of the Controller's City Services Auditor Division (CSA) presents its assessment of the Community Assistance Program (CAP) of the San Francisco Public Utilities Commission (SFPUC). The assessment objectives were to evaluate the administration, monitoring, and application and renewal processes of CAP. The assessment was performed at the request of SFPUC.

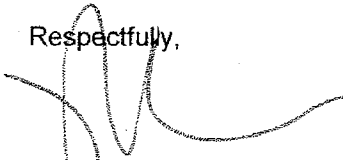
The assessment found that SFPUC does not verify the number of household members and the annual household income reported by CAP applicants and participants required to renew their applications. This lack of verification allows CAP applicants and participants to easily falsify information to meet the income guidelines and qualify for CAP discounts. Of 90 CAP accounts selected by CSA to verify income and household size, 46 percent did not qualify for the program.

CSA identified 473 CAP accounts where the account holder (who could be the property owner) may be ineligible to receive the CAP discounts, because at least one city employee has a listed home address matching the CAP service address and the average salary for approximately 200 of these employees exceeds the CAP income limit for a five-person household. Additionally, some households use an excessive amount of water per person, report a suspiciously high number of household members, have a bill that represents a disproportionate amount of total reported income, or have different service and mailing addresses. These are all indicators of potential customer abuse of the program.

The assessment concluded that the CAP application and renewal processes are poorly administered and the program lacks proper monitoring, both of which make the program susceptible to customer abuse. The report includes 28 recommendations for SFPUC to improve the program's application and renewal processes, requirements, procedures, guidelines, outreach, and overall monitoring. SFPUC's response to the assessment is included as an appendix.

CSA will work with SFPUC to follow up on the status of the recommendations made, and appreciates the assistance and cooperation provided by SFPUC staff. For questions regarding the report, please contact me at [Tonia.Lediju@sfgov.org](mailto:Tonia.Lediju@sfgov.org) or 415-554-5393, or CSA at 415-554-7469.

Respectfully,

A handwritten signature in black ink, appearing to read 'Tonja Lediju', with a long horizontal flourish extending to the right.

Tonja Lediju  
Director of City Audits

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



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## **GLOSSARY OF TERMS**

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CAP	Community Assistance Program
CARE	California Alternate Rates for Energy
CSA	City Services Auditor Division of the Office of the Controller
CSB	Customer Services Bureau, a unit of SFPUC's Business Services Division
City	City and County of San Francisco
GAGAS	Generally Accepted Government Auditing Standards
PG&E	Pacific Gas and Electric Company
PPSD	Payroll and Personnel Services Division of the Office of the Controller
SFPUC	San Francisco Public Utilities Commission

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## INTRODUCTION

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### Background

For years the San Francisco Public Utilities Commission (SFPUC) has supported low-income assistance programs for regulated utility customers. The San Francisco Charter (Charter) requires SFPUC to consider low-income customers when establishing rates, fees, and charges.<sup>1</sup> The Charter also requires SFPUC to develop and implement priority programs to increase and monitor water conservation and efficiency.<sup>2</sup>

*CAP provides discounts of 15 percent on water charges and 35 percent on sewer charges.*

In July 2004 SFPUC initiated the Community Assistance Program (CAP), which provided a 15 percent discount on sewer charges for qualifying low-income residential single-family customers in San Francisco. In 2005 the discount on sewer charges was increased to 35 percent, and in 2007 a 15 percent discount on water charges was added to the program.

Participation in CAP has increased significantly since its inception. Enrolled accounts increased more than eight-fold, from 879 in 2004 to 7,437 in March 2012, at which point 7 percent of SFPUC's residential single-family service accounts were enrolled in the program. The total amount of the discounts provided to CAP customers has increased accordingly, with SFPUC providing approximately more than \$2 million in CAP discounts in fiscal year 2010-11, or an average monthly discount of \$25 per household. Exhibit 1 shows the steady increase in the value of discounts provided to CAP households in fiscal years 2005-06 through 2010-11.<sup>3</sup>

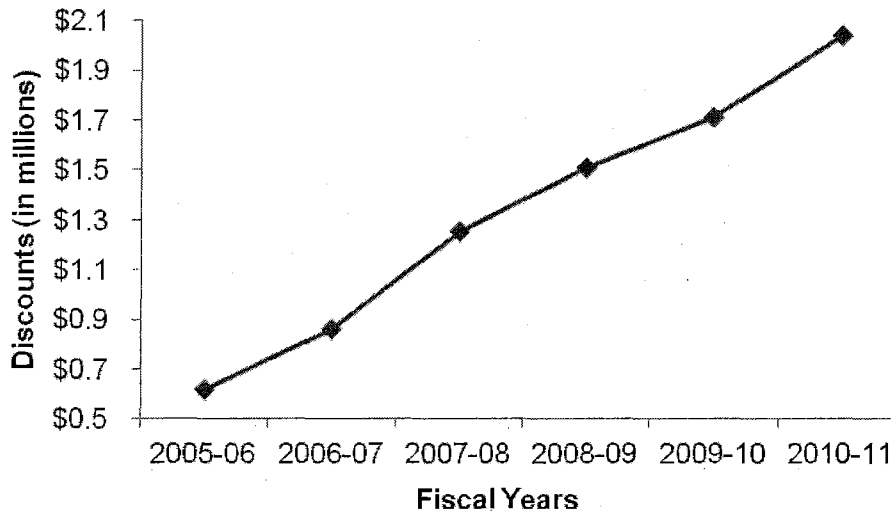
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<sup>1</sup> The San Francisco Charter, Article VIII B, Section 8B.125(5), requires SFPUC to study rate-based conservation incentives and/or lifeline rates and similar rate structures to assist low-income users, and take the results of such studies into account when establishing rates, fees and charges, in accordance with applicable state and federal laws.

<sup>2</sup> San Francisco Charter Article VIII B, Section 8B.122(5)

<sup>3</sup> The total amount of CAP discounts provided in fiscal year 2004-05 is unavailable.

**EXHIBIT 1** Total CAP Discounts Provided Yearly



Source: SFPUC Customer Care and Billing system.

*CAP has three objectives.*

The stated objectives of the program are to:

- Develop a more progressive system of water and sewer fees and charges.
- Mitigate the financial impact on lower income customers of the sewer rate increase that went into effect on July 15, 2004.
- Better understand the usage patterns of the customers associated with the program.

*CAP has numerous eligibility criteria.*

To qualify for the program, customers must comply with program guidelines and meet certain eligibility criteria. These include that the applicant must:

- Have only one service account with SFPUC.
- Have an account for which the water and sewer bill is in the applicant's name.
- Not be claimed as a dependent on another person's tax return.
- Reside full-time at the address where the discounts will be received.
- Be part of a household whose total income does not exceed the income guidelines.
- Participate in a free, one-time Water Wise Evaluation to evaluate all water-using areas and

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fixtures on the property.

- Notify SFPUC if the household no longer qualifies for the discounts.

Applicants must certify that they meet these criteria and that they understand that SFPUC reserves the right to verify their household income. They must also agree to renew their application when requested.

*The required water conservation home evaluation was added in 2010.*

In February 2010 SFPUC added the requirement that CAP households and new applicants must participate in a free, one-time water conservation home evaluation conducted by a trained specialist from SFPUC's Water Conservation Division (Conservation Division). This Water Wise Evaluation helps detect costly plumbing leaks, shows customers ways to conserve water, and provides free, water-saving faucets and shower heads.

Additionally, since 2009 CAP participants are eligible to receive free installation of high-efficiency replacement toilets through the High-Efficiency Toilet Direct Install and Water Conservation Program. SFPUC estimates lifetime water savings of over 800 million gallons from the toilets provided to date through this program, with additional significant savings estimated for installation of other water-saving devices as part of the Water Wise Evaluations.

*A family of four's annual income cannot exceed \$45,100 to be eligible for CAP.*

Most of the Class A water utilities<sup>4</sup> regulated by the California Public Utilities Commission offer some type of low-income assistance program to all or some of their customers. As a result, California has many low-income assistance programs for utility customers, such as the California Alternate Rates for Energy Program (CARE) and the Family Electric Rate Assistance Program. The maximum qualifying income levels for participation in these low-income programs are based on 200 percent of the federal poverty level. Although it is not regulated by the California Public Utilities Commission, SFPUC has adopted the same eligibility criteria for CAP. Exhibit 2 lists the CAP income guidelines, effective July 1, 2011, through June 30, 2012.<sup>5</sup>

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<sup>4</sup> Per the California Public Utilities Commission, a Class A water utility is one with 10,000 or more customers.

<sup>5</sup> The CAP income guidelines changed effective July 1, 2012.

<b>EXHIBIT 2</b>		<b>CAP Income Guidelines – July 1, 2011, Through June 30, 2012</b>	
Number of Persons in Household		Maximum Combined Annual Income	
1 or 2		\$31,800	
3		37,400	
4		45,100	
5		52,800	
6		60,500	
Each additional person, add		7,700	

Source: CAP application.

*SFPUC has guidelines for processing new CAP applications and renewing existing CAP participants.*

The SFPUC's Customer Services Bureau (CSB), a unit of SFPUC's Business Services Division, has policies and procedures for the CAP application and renewal processes. The procedures provide guidelines for processing new CAP applications and renewing existing CAP participants. Procedures address:

- Receiving applications.
- Reviewing applications for qualifications and completeness.
- Updating the customer record in SFPUC's Customer Care and Billing system (the billing system).
- Notifying applicants of acceptance or denial.
- Referring applicants to the Conservation Division for scheduling the required Water Wise Evaluation.
- Enabling the CAP discounts in the billing system.

**Objectives**

The primary objectives of the assessment were to:

- Evaluate the program's eligibility criteria.
- Evaluate the program's application and renewal processes.
- Verify information provided on the CAP application for a sample of CAP accounts.
- Analyze the demographics and characteristics of program participants.
- Benchmark and compare CAP to similar programs administered by other jurisdictions.

**Scope and Methodology**

CSA performed this assessment at the request of SFPUC. The assessment evaluated the administration and monitoring of the program, and the application and



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renewal processes.

To conduct the assessment, CSA:

- Reviewed SFPUC policies and procedures, key system-generated reports, and account records.
- Interviewed SFPUC staff to understand the application and renewal processes.
- Observed a Water Wise Evaluation.
- Analyzed the demographics and usage characteristics of 7,437 CAP accounts.
- Selected a sample of 90 CAP accounts to verify household income and number of household members, as follows:
  - A random sample of 60 accounts.
  - A purposeful sample of 30 accounts based on unusual account characteristics, such as irregular usage patterns.
- Selected a sample of 40 CAP accounts to assess the application and renewal processes, as follows:
  - A sample of 30 accounts that had participated in the program since 2008 or earlier.
  - A sample of 10 accounts with no household members listed in SFPUC's Customer Care and Billing system (the billing system).
- Analyzed CAP account service addresses and home addresses of all active city employees.
- Researched programs in other jurisdictions.

Generally Accepted Government Auditing Standards (GAGAS) do not cover nonaudit services, which are defined as professional services other than audits or attestation engagements. Therefore, SFPUC is responsible for the substantive outcomes of the work performed during this assessment, and is responsible to be in a position, in fact and appearance, to make an informed judgment on the results of the nonaudit service.

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## CHAPTER 1 – Ineligible Households Receive Program Discounts

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### Summary

SFPUC does not require that customers verify the number of household members, all sources of income, and total annual household income reported on the CAP application form with supporting documentation, and does not evaluate the reasonableness of information reported by customers. Based on a sample of 90 CAP accounts CSA used to verify income and household size, 41 (46 percent) were determined to be ineligible for the program, but had been receiving CAP discounts. These 41 households received approximately \$17,000 in CAP discounts in 2011.

### Finding 1.1

**46 percent of participants tested for income verification were ineligible for the program.**

*Almost half of households tested did not show that they qualified for the program.*

Based on a sample of 90 CAP accounts used by CSA to verify income and household size, 41 (46 percent) were ineligible for the program.

CSA sent a letter to all 90 CAP customers requesting that they list the names and current income of each household member, and provide proof of income. Customers that did not respond to the letter or did not provide sufficient documentation were sent a follow-up letter, again requesting the information and indicating that the account would potentially be dropped from the program if the requested information was not received. CSA provided customers language translation services for the verification letters when requested.

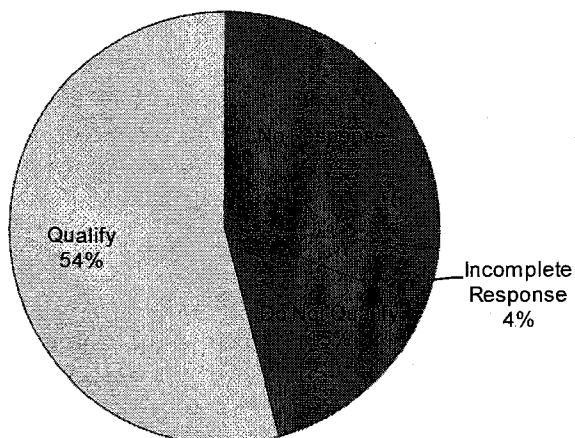
As shown below and in Exhibit 3, of the 90 customer accounts selected for income verification, 49 (54 percent) responded and provided qualifying documentation. However, 41 (46 percent) were determined to be ineligible because they did not respond to either the initial or follow-up letter, did not provide sufficient documentation to verify eligibility, or provided documentation that showed they did not qualify, as follows:

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- 24 (27 percent) failed to respond.
- 13 (15 percent) responded, but provided documentation showing the household did not qualify based on reported income.<sup>6</sup>
- 4 (4 percent) responded, but provided insufficient documentation to verify eligibility.

**EXHIBIT 3**

**Results of CSA's Income Verification of 90 CAP Accounts**



Source: CSA analysis of customer responses to income verification letters.

Of the 41 ineligible accounts, 15 (37 percent) were enrolled in the program within the last two years, but 13 (32 percent) have been receiving the CAP discounts for more than five years. These 41 households received approximately \$17,000 in CAP discounts in 2011.

Although 49 of the 90 customer accounts selected for income verification responded and provided qualifying documentation, 20 (41 percent) of these customers reported either an amount of household income or a number of household members (or both) inconsistent with their household water usage. As discussed below, these households had either extremely high per-person water use or had a bill that was an excessive percentage of reported annual income (or both), which makes the information reported by these customers dubious.

<sup>6</sup> One customer indicated that the account holder was deceased, making the customer ineligible for the program. Two customers reported current income that qualifies for the program, but provided a 2011 federal tax return showing household income that exceeded the program's maximum allowed amount.

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SFPUC estimates that the average single-family residential account in its service territory uses 12 units of water<sup>7</sup> in each two-month billing period. SFPUC estimates that the average household size for its single-family residential service accounts is 2.6 persons.<sup>8</sup> Thus, the estimated average water usage for single-family residential service accounts is 4.6 units per person in a billing period. The average water consumption for CAP households is approximately 14 units per billing period; however, the average CAP household size (3.8 persons) is larger than the typical single-family residential household (2.6 persons), resulting in average per-person consumption of 4.2 units per billing period, slightly less than the overall average consumption for single-family residential accounts.

Based on reported household size from the 49 households that submitted documentation showing their household qualified for CAP, 15 (31 percent) use 8 or more units of water per person per billing period, approximately 75 percent more than the average estimated per-person amount. Of these 15 households, 10 use 10 or more units per person (more than twice the average amount), and 4 use 20 or more units per person (more than 4 times the average amount). While it is possible that some of these households simply use an excessive amount of water, this data suggests that some household members may not have been reported. (See Chapter 2 for additional discussion of excessive water use by CAP participants.)

Similarly, based on reported household income from these 49 households, 10 (20 percent) had an annualized bill that was 10 percent or more of their reported annual income, with the most extreme example being a bill that was 73 percent of the household's reported income.

Although SFPUC does not have data on billed amounts as a percentage of customer income, the data analyzed for 49 CAP households shows examples of unrealistically high proportions of reported customer income spent on the household's water and sewer bill. This data suggests

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<sup>7</sup> A unit of water is 748 gallons.

<sup>8</sup> According to 2010 U.S. Census data, the average household size in San Francisco is 2.3 persons. However, this figure includes all residential households, while SFPUC's estimate of 2.6 persons excludes most multifamily residential units, which typically contain smaller households.

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that, in some cases, all sources of household income may not have been self-reported, or income may have been otherwise understated. For example, U.S. Bureau of Labor Statistics data indicates that San Franciscans spend approximately 5 percent of household income on all household utilities, fuels, and public services combined.<sup>9</sup>

**Recommendations**

The San Francisco Public Utilities Commission should:

1. Remove from the Community Assistance Program accounts tested by this assessment that:
  - a. Did not respond to an income verification request.
  - b. Did not provide proof of income.
  - c. Submitted documentation showing they do not qualify.
2. Recover the amount of the Community Assistance Program discounts provided in 2011 to households that do not qualify.

**Finding 1.2**

**Customer information is self-reported and is not verified by SFPUC.**

The CAP application form, which is also used for existing participants to renew their application, requires the applicant or renewing participant to indicate the number of household members, all sources of income, and total annual household income. SFPUC does not require that customers verify this information with supporting documentation, and only confirms that the reported income does not exceed the limits for the reported number of household members. In addition, SFPUC does not evaluate the reasonableness of information reported by customers.

Because SFPUC does not verify reported information, both applicants and renewing participants can easily falsify total household income or the number of household members to meet the income guidelines and

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<sup>9</sup> *Consumer Expenditures for the San Francisco-Oakland-Fremont Area: 2009-10*, obtained from <http://www.bls.gov/ro9/cexsanf.htm> on August 2, 2012.

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qualify for the CAP discounts. Verifying customer information and requiring that all household members must either provide proof of income or be listed as a dependent on another household member's tax return will reduce the opportunity for customers to overstate the number of household members or understate the total household income to qualify for the program.

CSA identified four low-income rate discount programs operated by other utilities that require customers to provide proof of income to receive the discounts. These utilities operate in the cities of:

- Los Angeles, California
- Adelanto, California
- Columbus, Ohio
- Eugene, Oregon

**Recommendations**

The San Francisco Public Utilities Commission should:

3. Implement a verification process that requires new applicants and renewing Community Assistance Program participants to verify income and household size to ensure that program participants meet the program's income and other criteria. This process should require applicants and renewing participants to provide:
  - a. The names of all household members for identification purposes.
  - b. The most recent federal tax return as proof of income for the applicant or renewing participant, and for each household member with income.
  - c. Proof of residence and lack of income for any household members listed as having no income, but not listed as a dependent on a household member's federal tax return.

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## CHAPTER 2 – SFPUC Does Not Analyze Customer Account Data to Identify Customers Who Abuse the Program or Use an Excessive Amount of Water

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### Summary

Of the 7,437 total CAP accounts, 6 percent had a service address that matches the home address of at least one city employee. Salaries of full-time city employees generally exceed the income guidelines for CAP eligibility. Although it is possible that some of these CAP households have more than five persons, it is also possible that they may not be self-reporting all income, which may mean that the account holder (who could be the property owner) is ineligible to receive the CAP discounts. Furthermore, some CAP accounts had a bill that was 10 percent or more of reported income, had a bill of \$450 or greater, or use an excessive amount of water per person.

### Finding 2.1

**10 percent of program accounts use an excessive amount of water per person.**

*Some CAP households have per-person water usage almost twice the program average although CAP households generally use less water per person than typical SFPUC residential customers.*

Although the average per-person water consumption of CAP households is lower than typical single-family residential water use, some CAP accounts use an excessive amount of water per person. For example, of the 7,314 CAP accounts with data for household size,<sup>10</sup> 10 percent used 8 or more units of water per person, almost twice the average per-person consumption for CAP accounts and 75 percent more than the per-person amount for a typical household. These households received a total of \$51,700 in CAP discounts during the February/March 2012 billing period, which annualizes to approximately \$310,000.

Based on self-reported household size from the 66 households that provided this data in their responses to the income verification letter, 15 (23 percent) use 8 or more units of water per person. Of these 15 households,

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<sup>10</sup> As discussed in Finding 3.2, the billing system shows 123 accounts with either zero household members or no data for the number of household members. Therefore, these accounts are excluded from the calculation of per-person water use.

10 use 10 or more units per person, and 4 use 20 or more units per person. While it is possible that some customers simply use an excessive amount of water, in these cases substantial water waste may be also occurring due to leaks, inefficient appliances, or customer negligence. Other potential causes are that SFPUC has incorrect data for household size, or that, to meet the program's income guidelines, customers are not reporting all household members with income.

The Conservation Division evaluates the overall efficiency of household water appliances during the water conservation inspections for CAP customers, but SFPUC does not have any procedure to monitor CAP household water usage for irregular patterns. This type of monitoring could potentially identify costly water leaks and abuse of the program.

**Recommendation**

4. The San Francisco Public Utilities Commission should analyze Community Assistance Program account data each billing period, and identify accounts with unusual water use for follow-up.

**Finding 2.2**

**3 percent of program accounts report 10 or more household members, resulting in a high allowable household income.**

*Customers can easily falsify the number of household members.*

Of the CAP accounts with data for household size, 3 percent report 10 or more household members, which is almost 3 times the average household size for the program.<sup>11</sup> These households received a total of \$17,900 in CAP discounts during the February/March 2012 billing period, which annualizes to approximately \$107,000.

The income limit to qualify for CAP is based on the total number of household members. This limit increases by \$7,700 for each household member over three. As described in Chapter 1, customers can easily falsify the number of household members to increase the maximum allowable household income, and thus have an incentive to overstate the number of household members.

While CAP is designed to provide discounts to low-

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<sup>11</sup> CAP households have an average of 3.8 members.

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income households, large households may qualify with very high incomes. For example:

- A household of 10 could earn up to \$91,300 annually and qualify for the program.
- Eleven accounts (0.2 percent) report 15 or more household members, with maximum allowable income of \$129,800.
- One account indicates 25 household members, with a maximum allowable income of \$206,800.

Although the CAP income limits are based on 200 percent of the federal poverty level adjusted for household size, this level of household income cannot reasonably be considered "low income."

Implementing a maximum allowable income, or limiting the number of household members that counts toward the income limit, would reduce the incentive for applicants and renewing participants to falsely report an excessive number of household members, and would effectively limit participation in the program to households determined by SFPUC to be "low income." While reporting an excessive number of household members is not typical, the current self-reporting system does not prevent households from doing so to meet the income guidelines and qualify for the program.

**Recommendations**

The San Francisco Public Utilities Commission should:

5. Analyze Community Assistance Program account data each billing period for household size, and request verification of household members and household income for existing program accounts exceeding a specified household size.
6. Limit the maximum household income for Community Assistance Program eligibility by restricting the number of household members that count toward the maximum allowable household income, unless special provisions or exemptions apply.

### Finding 2.3

#### **16 percent of program accounts have a bill that is an unrealistically high proportion of reported income.**

*Customers can easily omit income to qualify for the program.*

Based on the reported household income of all 64 households that provided this data in their responses to the income verification letter, 16 percent had a bill that was 10 percent or more of reported income, with one household at 73 percent of reported income. These households received a total of \$937 in CAP discounts during the February/March 2012 billing period, which annualizes to approximately \$5,600.

As discussed in Chapter 1, this data shows examples of an unrealistically high proportion of reported customer income spent on the household's water and sewer bill, and suggests that in some cases all sources of household income may not have been self-reported, or income may have been otherwise understated.

CSA could not analyze the more than 7,000 CAP accounts for bill amount as a percentage of household income because income data is not tracked for CAP participants. If income data reported on the application and renewal forms were recorded in the billing system, this analysis could be performed.

### Recommendations

The San Francisco Public Utilities Commission should:

7. Record household income reported for the Community Assistance Program in the Customer Care and Billing system.
8. Analyze Community Assistance Program customer data each billing period for the annualized amount of the bill as a percentage of reported income, and identify unusual accounts for follow-up.

### Finding 2.4

#### **4 percent of program accounts have different service and mailing addresses, indicating that some account holders may not pay their own bills.**

CAP is designed to provide discounts to qualifying residential single-family service accounts. Anecdotal evidence that SFPUC staff obtained during Water Wise Evaluations suggests that some property owners may be

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applying for the CAP discounts using a low-income tenant's information.

Of the 7,437 CAP accounts in March 2012, 4 percent show a different service address and mailing address. While there may be legitimate reasons for this in some cases, different service and mailing addresses could indicate abuse of the program. These households received a total of \$11,900 in CAP discounts during the February/March 2012 billing period, which annualizes to approximately \$71,000.

**Recommendation**

9. The San Francisco Public Utilities Commission should analyze Community Assistance Program customer data each billing period for different service and mailing addresses, and investigate these discrepancies.

**Finding 2.5**

**6 percent of program accounts have a service address matching the listed home address of at least one city employee, and these households may not be self-reporting all income.**

Of the 7,437 CAP service addresses, 473 (6 percent) match the listed home address of at least one city employee. Based on a comparison of a list of city employee home addresses<sup>12</sup> to the CAP service addresses provided by SFPUC, these CAP households may not be self-reporting all income, which may mean that the account holder (who could be the property owner) is ineligible to receive the CAP discounts.

A total of 537 city employees have a listed home address that matches a CAP service address. This figure is greater than the 473 accounts noted above because 53 of the accounts have 2 or more city employees listed as residing at the CAP service address. The total amount of CAP discounts provided to the 473 CAP accounts during the February/March 2012 billing period was \$27,168, which annualizes to approximately \$163,000.

Salaries for full-time city employees generally exceed the

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<sup>12</sup> Employee home addresses were obtained from the Office of the Controller's Payroll and Personnel Services Division (PPSD).

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income guidelines for CAP eligibility. For example, 193 (36 percent) of these 537 employees are in full-time job classifications with an average annual salary of more than \$52,800, which exceeds the income guidelines for a five-person household.<sup>13</sup> While it is possible that some of these households have more than five persons, as previously noted the typical household size for SFPUC single-family residential customers is 2.6 persons, and the average CAP household size is 3.8 persons.

Of the 90 accounts selected by CSA for income verification, 5 (6 percent) matched the listed home address of a city employee. Based on documentation provided by the customers, two of these accounts were ineligible and three were eligible. In all cases, however, the income of the city employee was not reported. For example, one match was for a temporary employee earning \$15.40 per hour, but the income verification worksheet submitted to CSA lists this person as having no income. Although this income by itself is insufficient to disqualify the household, if it were added to the self-reported income, the household would exceed the income limit.<sup>14</sup> The four other address matches were for employees with full-time salaries, with various responses that caused them to be categorized as ineligible.

Of the 40 accounts selected for renewal verification, 3 (8 percent) had service addresses matching the listed home address of a city employee. The responses from these 3 customers reported household income lower than the amount of the corresponding official salary for the city employee(s). One of these accounts underreported income by approximately \$60,000.

While some city employees may be recent hires and may not have earned the total amount of the salary indicated for their job classification in the year in question, the total earnings of each city employee in a given fiscal year is available to SFPUC, which can use this data to verify

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<sup>13</sup> For purposes of this analysis, only city employees in job classifications denoting full-time employment, and with minimum annual salary of \$37,154 or greater were counted. Job classifications for these employees were obtained from PPSD. Salary information was obtained from Department of Human Resources. Of the 537 matched employees, 468 (87 percent) are in full-time job classifications and 193 (36 percent) are in job classifications with average annual salary greater than \$52,800. The average salary was calculated by taking the average of the lowest and highest pay steps for each job classification.

<sup>14</sup> The self-reported household income was \$344 below the income limit.

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CAP eligibility. Furthermore, because all household income counts toward the CAP income limit, it is crucial that any amount of income of city employees who have a listed home address matching a CAP service address be reported to SFPUC so it can determine CAP eligibility.

**Recommendations**

The San Francisco Public Utilities Commission should:

10. Immediately require all 473 Community Assistance Program accounts identified as having a service address matching the listed home address of at least one city employee to provide verification of household income and household size to demonstrate that their household qualifies for the Community Assistance Program.
11. Remove from the Community Assistance Program any of the 473 accounts where at least one city employee has a listed home address matching the account service address that:
  - a. Do not respond to an income verification request.
  - b. Do not provide proof of household size and total household income.
  - c. Submit documentation showing their household does not qualify.
12. Recover the total amount of the Community Assistance Program discounts provided to any of the 473 accounts where at least one city employee has a listed home address matching the account service address that are removed from the program.
13. Work with Department of Human Resources to pursue disciplinary action against any city employee found to have fraudulently obtained Community Assistance Program discounts.

**Finding 2.6**

**3 percent of program accounts have a bill of \$450 or greater, resulting in excessive CAP discounts.**

*3 percent of CAP accounts had a bill of \$450 to \$1,115,*

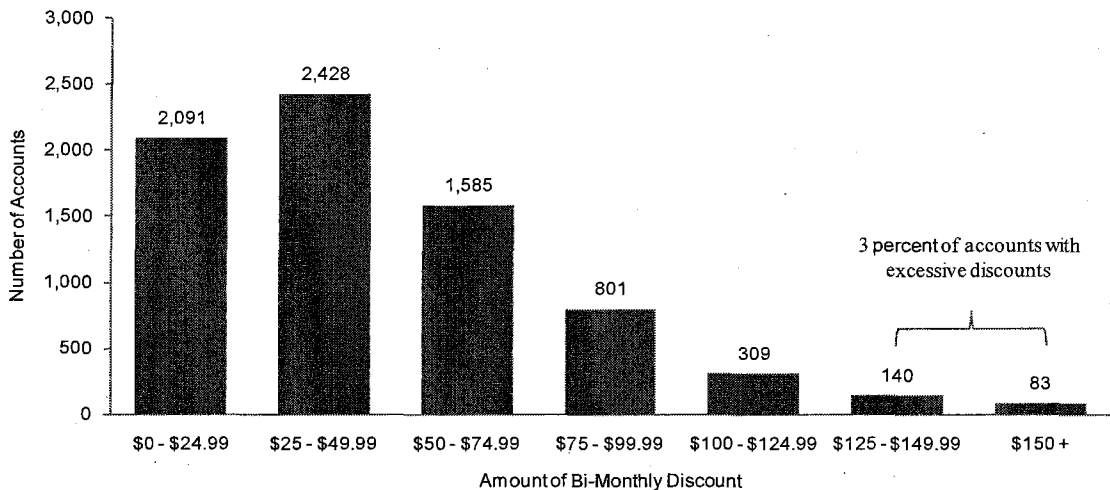
Of the 7,437 CAP accounts, 3 percent had a bill of \$450 or more, with the highest bill being \$1,115. These

and received discounts of \$125 to \$310.

accounts received discounts of \$125 to \$310, which annualizes to \$750 to \$1,860. The average bill for all CAP accounts in the February/March 2012 billing period was \$177 before the discounts, and the average discount was \$48. CAP customers can receive such large discounts because SFPUC has not established any maximum discount for the program. The total amount of CAP discounts provided to these accounts during the February/March 2012 billing period was \$34,000, which annualizes to approximately \$203,000.

While the 3 percent of CAP customers with large bills received excessive CAP discounts, 61 percent of CAP households received discounts at or below the overall average discount for the program of \$25 per month (or \$50 per billing period). Exhibit 4 shows the total discounts provided to all CAP households for the February/March 2012 billing period.

**EXHIBIT 4** Total Discounts Provided to CAP Households February/March 2012 Billing Period



Source: CSA analysis of CAP account data provided by SFPUC.

*Providing unlimited discounts to CAP participants does not promote water efficiency or conservation efforts.*

SFPUC requires CAP participants to receive a water conservation evaluation to improve their water efficiency. Findings from the on-site evaluation can help reduce water consumption and, therefore, lower the customer's bills and the amount of the CAP discounts. During the



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evaluation, SFPUC provides customers with information on water conservation, and provides free replacement of inefficient water fixtures through the High-Efficiency Toilet Direct Install and Water Conservation Program. Allowing CAP participants to receive an unlimited amount of discounts, however, does not promote water efficiency or conservation efforts.

Rather than barring high-usage customers from CAP who are legitimately income-eligible for the program, establishing a maximum total discount that can be received would allow these households to remain in the program and could also potentially promote water conservation. Customers, including low-income customers, who use less water benefit from reduced water charges. Encouraging water efficiency by limiting the total amount of the CAP discounts a customer can receive will also allow SFPUC to potentially expand the program to more customers.

**Recommendation**

14. The San Francisco Public Utilities Commission should limit the total amount of discounts a Community Assistance Program account can receive each billing period or annually, but provide for exemptions if needed.

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## CHAPTER 3 – Program Administration Is Weak and Needs Improvement

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### Summary

Several CAP administrative practices are incongruent with documented procedures. SFPUC's practice to require CAP participants to renew their application every two years is not documented in the program's written policies and procedures, and SFPUC does not consistently enforce this practice. Additionally, Customer Service Bureau staff does not update the billing system with the reported number of household members when a CAP application or renewal is processed. Although there is no longer a backlog of evaluation appointments, CAP applicants receive discounts before water conservation evaluations are completed. Last, observations from inspections where customers may not meet program guidelines are not formally reported to CSB for follow-up.

### Finding 3.1

#### **Written policies and procedures do not reflect staff practices.**

Several CAP administrative practices are incongruent with documented procedures, as explained below.

*The requirement for renewal of CAP applications every two years is neither documented nor followed.*

Although the CAP application requires participants to agree to renew their application when requested, and SFPUC has documented procedures for performing renewals, the frequency of renewals is not documented. CSB staff states that its practice is to require CAP participants to renew their application every two years. However, this is not documented in the program's written policies and procedures, and SFPUC does not consistently enforce it. For example, as of April 2012, the most recently completed renewals were for November 2011. Furthermore, SFPUC was unable to provide evidence to CSA of mailed renewal letters every two years for 36 (90 percent) of the 40 CAP accounts requested.

*Household size is updated inconsistently.*

As further discussed in Finding 3.2 below, CAP procedures state that CSB is supposed to update the billing system with the reported number of household

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members when a CAP application or renewal is processed. However, CSB is not consistently doing this. Renewal letters often serve as a record of the customer's eligibility, and can be referred to when responding to customer inquiries or complaints. Updated information provided on renewal letters should be recorded in the billing system.

*CSB's efforts are limited because only one full-time equivalent position administers and monitors the program.*

CSB has only one full-time equivalent position (shared by two personnel) is responsible for administering and monitoring the program, which now has nearly 7,500 participants, in addition to completing required customer service responsibilities for all of SFPUC's customers. Each CAP application and renewal form must be reviewed by staff to ensure that the customer qualifies for the program based on the information reported. In less than seven years the number of CAP participants increased 135 percent, from 3,162 in July 2005<sup>15</sup> to 7,437 in March 2012, resulting in many additional applications and renewal forms that must be reviewed each year. If SFPUC did require CAP participants to renew their applications every two years, more participants would result in more accounts that must be reviewed by CSB each month.

Having the staffing needed to properly administer and monitor the program would provide the resources necessary to ensure that CAP accounts are renewed every two years, and could ultimately help reduce the number of customers that improperly receive CAP discounts. Furthermore, the added cost of increased staffing may be at least partially offset by a reduction in discounts provided to unqualified CAP participants.

*No written procedures exist for handling customers who violate program guidelines.*

Although the CAP application states that anyone receiving the discounts and found to be in violation of program guidelines will be removed from the program and may be liable for repayment of the discounts, SFPUC has no written policies or procedures on how such instances should be handled. Without such guidance for SFPUC staff when customers violate the program's guidelines, the appropriate corrective actions are unlikely to consistently occur, if at all.

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<sup>15</sup> SFPUC began offering CAP to low-income customers in July 2004, but purged 2004 customer information consistent with its five-year records retention policy.

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*The policy to allow automatic enrollment of applicants who are in PG&E's CARE or Recology's Lifeline program is not followed and should be rescinded.*

SFPUC's written policies and procedures allow for applicants to be automatically eligible for CAP if they are already enrolled in the CARE program offered by Pacific Gas and Electric Company (PG&E), or Recology's Lifeline program, provided all other program criteria are also met. However, these policies do not reflect SFPUC practices, as staff reject applications of customers who state that they are enrolled in these programs but fail to provide the number of household members and annual household income on their applications.

Written policies and procedures that are understood and used by staff enhance both accountability and consistency in the administration of any program. Failure to establish relevant policies and procedures and adhere to them may result in customers receiving discounts for which they do not qualify.

Although PG&E audits 10 percent of its 1.5 million CARE accounts annually, few of them are likely also to be CAP customers. Under SFPUC policies, an unqualified CARE participant could be enrolled in CAP without being required to state household income. Therefore, relying solely on an applicant's enrollment in CARE as qualification for CAP is not a good practice.

**Recommendations**

The San Francisco Public Utilities Commission should:

15. Update its written policies and procedures on the Community Assistance Program application and renewal processes to reflect current practices.
16. Ensure that employees follow the policies and procedures on application and renewal processes for the Community Assistance Program.
17. Ensure that Community Assistance Program participants renew their eligibility status every two years, and that participants who do not renew are removed from the program.
18. Implement policies that require staff to retain or record customer information provided on application and renewal forms for the Community Assistance Program.

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19. Conduct research to determine whether additional staffing is necessary to effectively administer and monitor the Community Assistance Program.
20. Develop and document policies and procedures for handling accounts where a customer has violated Community Assistance Program rules or guidelines.
21. Update written policies and procedures so that proof of a customer's enrollment in another utility's low-income discount program no longer constitutes eligibility for the Community Assistance Program.

**Finding 3.2**

**SFPUC does not consistently update its billing system with the number of household members self-reported on program application or renewal forms.**

SFPUC's procedures state that CSB staff is to update the billing system with the reported number of household members when a CAP application or renewal is processed, but this is not consistently being done.

*Customer information in the billing system is sometimes incorrect, improperly updated, or missing.*

CSA analyzed application and renewal records for 30 CAP accounts enrolled for more than three years and 10 CAP accounts with no household members shown in the billing system. Of the 30 accounts for which the billing system record showed household members, 9 accounts (30 percent) had an application or renewal form that indicated a different number of household members than shown in the billing system.

Of all 7,437 CAP account records in the billing system, 123 (2 percent) show either zero household members or are missing data for the number of household members. Because the income guidelines are based on household size, an applicant that does not provide this information cannot be evaluated to determine if the household meets the income guidelines and, thus, should be enrolled (or not enrolled) in the program.

*The date of staff's review is not always indicated in the billing system.*

When the reported number of household members on the form matches that in the billing system, CSB staff does not update the "last review date" field in the system. This could cause uncertainty as to whether or not the

record has been updated.

### **Finding 3.3**

#### **New customer information entered into the billing system erases existing data.**

The billing system also has some inherent limitations, including that newly entered customer information overrides (erases) existing data. This makes it impossible to review a history of changes made to customer data. SFPUC agreed that adding additional functionality to the billing system would allow the retention of historical customer data, and should be explored.

SFPUC currently uses the number of household members listed in the billing system to track water usage for conservation purposes. As discussed in Chapter 1 and Chapter 2, per-person water consumption can be a useful measure in identifying excessive water use and potential abuse of the program. If the recorded number of household members is inaccurate, measures of per-person water consumption will also be inaccurate. Thus, having accurate household size data is important.

### **Recommendations**

The San Francisco Public Utilities Commission should:

22. Ensure that household size information provided by Community Assistance Program applicants and renewing participants is updated properly in the Customer Care and Billing system.
23. Require staff to update the last review date in the Customer Care and Billing system when processing a Community Assistance Program application or renewal, regardless of whether or not customer information has changed.
24. Enhance the functionality of the Customer Care and Billing system to allow for retaining a record of historical customer account data.

**Finding 3.4**

**Program applicants and renewing participants receive discounts before water conservation evaluations are completed.**

It is SFPUC's policy to allow new participants to begin receiving the CAP discounts upon scheduling a water conservation evaluation appointment, rather than upon the evaluation's completion. New participants receive the discounts while their evaluation appointments are pending. SFPUC established this policy early in the program's life when customers had to wait weeks or months before receiving an evaluation appointment due to the many inspections being requested in a short period. However, the backlog of inspections for existing participants is no longer an issue, so this policy is no longer necessary.

*CAP households must complete a free, one-time water conservation evaluation.*

In February 2010 SFPUC began requiring CAP participants — of which there were approximately 6,400 in 2010 — and new applicants to participate in a free, one-time water conservation assessment known as a Water Wise Evaluation. For each evaluation, a Conservation Division technician visits the customer's household and provides a comprehensive review of the account's water usage and provides the customer with an individualized report with recommendations for conserving water.

Per CAP policies and procedures, at the beginning of each month staff sends a renewal request letter and a copy of the CAP application form to all customers with a start or review date for a particular month. Customers enrolled in the program before the Water Wise Evaluation was required and who have not already completed one are also required to schedule an evaluation appointment to continue to receive the CAP discounts.

*Making the discounts contingent on a Water Wise Evaluation would provide an incentive to the customer to follow through and could improve the efficiency of the Water Wise program.*

Customers enrolled in the program before the Water Wise Evaluation requirement do not have an incentive to schedule and complete their evaluation because they already receive the CAP discounts. In particular, existing customers who schedule an evaluation appointment may be more likely than new customers to cancel or not honor it because doing so will not affect their discounts. The



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Conservation Division uses time and resources to schedule an appointment and send a technician to a customer's residence to perform the evaluation. When a customer cancels or misses an appointment those resources are wasted. For example, from January 2010 through June 2012, the Conservation Division experienced 317 cancelations and 308 missed or no-show appointments.

Requiring existing participants to schedule and complete an inspection within 60 days of receiving notice or risk being removed from the program may reduce appointments missed by customers, which would save SFPUC staff time.

*SFPUC did not remove some CAP participants who failed to submit renewal forms.*

It is SFPUC's policy not to enroll customers in CAP who do not meet its income guidelines or fail to schedule a Water Wise Evaluation appointment within 30 days of being notified to do so. However, SFPUC retains customers in the program although they do not submit renewal forms sent to them or do not meet the income guidelines. An analysis of renewal approvals and denials for October and November 2011 shows that they were based only on whether customers scheduled a Water Wise Evaluation appointment. As a result, for this two-month period, SFPUC inappropriately provided \$3,394 in discounts because it retained in CAP 71 accounts that should have been removed from the program based on the participants' failure to meet income guidelines or to submit their renewal form.

**Recommendations**

The San Francisco Public Utilities Commission should:

25. Revise its written policies to require that new applicants complete the Water Wise Evaluation before receiving the Community Assistance Program discounts, and require existing participants to complete the evaluation within 60 days of receiving notice or face removal from the program.
26. Ensure that participants that no longer meet the Community Assistance Program eligibility criteria or do not follow all program rules are removed from the program.

### Finding 3.5

*Water Conservation technicians have observed but not acted on potential program guidelines violations.*

#### **The Water Conservation Division does not report signs of potential abuse of the program for follow-up.**

As discussed above, CAP applicants are required to participate in an on-site Water Wise Evaluation. Through their interactions with customers, Conservation Division technicians have found cases where CAP participants do not appear to meet the program guidelines. According to technicians, examples of such cases that they have observed include:

- Landlords apply for CAP using a low-income tenant's income.
- The listed CAP participant is a relative, spouse, or tenant that no longer lives at the property.
- The number of persons living on the property does not match the number on the CAP application.
- A household member voluntarily admits that he or she is a city employee.

However, these incidents are not formally reported to CSB for follow-up. While the Conservation Division is not responsible for monitoring CAP for potential abuse, observations from inspections that are communicated to CSB for follow up can help SFPUC identify and resolve potential program abuse.

### Recommendation

27. The San Francisco Public Utilities Commission should revise its written policies and procedures to require that the Conservation Division report any potential abuse of the Community Assistance Program observed during onsite evaluations to the Customer Services Bureau for investigation and resolution.

## CHAPTER 4 – SFPUC Could Improve Program Participation in Some Low-Income Areas of San Francisco

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### Summary

The number of single-family residential households enrolled in the program increased 135 percent from 2005 to March 2012. However, a pattern of disparity between neighborhoods with similar poverty levels and the number of CAP accounts is apparent. Census data suggests that additional San Francisco residents may be eligible.

### Finding 4.1

#### **SFPUC's current outreach methods overlook low-income areas in the program's jurisdiction.**

*Approximately 14 percent of San Francisco residents were living at or below the federal poverty level in 2010.*

The need for low-income assistance programs has been well established. In 2010 over 46 million people in the United States (15 percent) were living in poverty, and in San Francisco, approximately 110,000 residents (14 percent) were considered to be living at or below the federal poverty level.<sup>16</sup> Furthermore, U.S. Census Bureau (Census) data shows a strong association between poverty and difficulty meeting basic needs.<sup>17</sup> Such basic needs include food, shelter, utilities (including water and sewer), and health care.

CAP accounts comprise approximately 7 percent of SFPUC's residential single-family service accounts. Based on the household size data reported to SFPUC, approximately 28,000 San Francisco residents reside in CAP households.

Although CAP household income guidelines are based on 200 percent of the federal poverty level, CSA examined the percentage of people living at or below 100 percent of the federal poverty level because Census data does not provide detail on the percent of residents living at 200 percent of or below the federal poverty level

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<sup>16</sup> Income, Poverty, and Health Insurance Coverage in the United States: 2010, U.S. Census Bureau Report, Issued September 2011.

<sup>17</sup> Income Poverty and Material Hardship: How Strong Is the Association? U.S. Census Bureau, December 2004.

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by San Francisco zip code. Additionally, using the federal poverty level itself, as opposed to twice that amount, captures the population of San Francisco residents that may be in serious need of low-income assistance programs.

Exhibit 5 shows, by neighborhood and zip code, the percentage of CAP accounts and the percentage of San Francisco residents living at or below the federal poverty level.

<b>EXHIBIT 5</b>		<b>Comparison of CAP Account Distribution to Residents Living at or Below the Federal Poverty Level by Zip Code and Neighborhood</b>	
Zip Code	Neighborhood	Percent of CAP Accounts	Percent of Residents in Poverty
94109	Polk/Russian Hill/Nob Hill	0.3%	9.4%
94110	Inner Mission/Bernal Heights	4.2%	8.4%
94112	Ingleside/Excelsior/Crocker-Amazon	26.3%	6.9%
94124	Bayview/Hunters Point	10.2%	6.6%
94103	South of Market	0.2%	6.5%
94122	Sunset	12.2%	6.4%
94117	Haight-Ashbury	0.3%	6.2%
94121	Outer Richmond	5.7%	6.2%
94134	Visitacion Valley/Sunnydale	15.7%	5.6%
94133	North Beach/Chinatown	1.1%	5.5%
94118	Inner Richmond	1.6%	5.3%
94115	Western Addition/Japantown	0.3%	4.6%
94132	Lake Merced	4.7%	4.3%
94116	Parkside/Forest Hill	11.9%	4.1%
94108	Chinatown	0.1%	3.0%
94114	Castro/Noe Valley	0.7%	2.7%
94107	Potrero Hill	0.5%	2.4%
94131	Twin Peaks/Glen Park	1.7%	1.9%
94123	Marina	0.1%	1.7%
94127	St. Francis Wood/Miraloma/West Portal	2.1%	1.1%
94102	Hayes Valley/Tenderloin/North of Market	0.1%	0.6%
94111	Embarcadero, Barbary Coast	0.0%	0.6%
<b>Total</b>		<b>100.0%</b>	<b>100.0%</b>

Sources: SFPUC Customer Care and Billing System as of March 2012 and [www.city-data.com](http://www.city-data.com) as of 2010.

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*The geographic distribution of CAP accounts does not match the geographic distribution of poverty in San Francisco.*

The number of single-family residential households enrolled in the program increased 135 percent from 2005 to March 2012. However, Census data suggests that additional city residents may be eligible. Since CAP is only available to qualifying low-income single-family residences, CSA's analysis excludes data for multi-family, duplex, and triplex residences. However a pattern of disparity between neighborhoods with similar poverty levels and the number of CAP accounts is apparent. For example, while the Ingleside/Excelsior/Crocker-Amazon and the Bayview/Hunters Point neighborhoods have comparable percentages of city residents living below the federal poverty level and total number of single-family dwellings, Ingleside/Excelsior/Crocker-Amazon has almost three times as many CAP participants as Bayview/Hunters Point.

*54 percent all CAP accounts reside in only three city zip codes.*

The Inner Mission/Bernal Heights neighborhood has the second highest percentage of San Francisco's population living below the federal poverty level (8.4 percent). However, as of March 2012 only 4.2 percent of CAP accounts resided in the Inner Mission/Bernal Heights neighborhood. Additionally, the Outer Richmond and Haight-Ashbury neighborhoods each have 6.2 percent of the City's residents below the federal poverty level (for a total of more than 12 percent), but these neighborhoods are home to a combined total of only 6 percent of all CAP participants. Furthermore, as of March 2012, 54.2 percent of CAP accounts reside in only three San Francisco zip codes:

- Ingleside/Excelsior/Crocker-Amazon (26.3 percent)
- Visitacion Valley/Sunnydale (15.7 percent)
- Sunset (12.2 percent)

By implementing income verification requirements, as discussed in Chapter 1, and targeting outreach to San Francisco neighborhoods where the majority of residents living below the federal poverty level reside, SFPUC may be able to better ensure that the CAP discounts go to help residents in the greatest need, thereby further stretching scarce resources for the neediest households.

*SFPUC could improve CAP outreach efforts in low-income areas of San*

One component of SFPUC's Strategic Sustainability Framework is to advance outreach efforts in SFPUC communities, including possible new community

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*Francisco*

partnerships. SFPUC conducts various CAP outreach efforts, such as posting information about the program on the SFPUC website, providing all SFPUC customers a notice of the break down in rate increases, and directing customers to CAP and water conservation programs. However, SFPUC could do more to target outreach efforts specifically to low-income areas of San Francisco.

SFPUC can work with local community-based organizations to ensure that residents are aware of the available assistance programs offered by both SFPUC and other local utilities. If customers are eligible and take advantage of the other programs as well as CAP, this will provide additional assistance that will help low-income customers pay their water and sewer bills.

**Recommendation**

28. The San Francisco Public Utilities Commission should explore cost-effective outreach methods for the Community Assistance Program tailored to reach customers residing in low-income neighborhoods, including coordinating outreach efforts with local community-based organizations.

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## APPENDIX: DEPARTMENT RESPONSE

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

525 Golden Gate Avenue, 13th Floor  
San Francisco, CA 94102  
T: 415.554.3155  
F: 415.554.3151  
TTY: 415.554.3488

August 24, 2012

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

Subject: Management's Responses to The Community Assistance Program's  
Significant Operational Weaknesses Make It Susceptible to Customer Abuse.

Dear Ms. Lediju,

Thank you for providing us the opportunity to review the results of The  
Community Assistance Program's Significant Operational Weaknesses Make It  
Susceptible to Customer Abuse report, prepared by the Controller's Office, City  
Services Auditor.

Attached for your review and consideration are SFPUC Management's  
responses to the recommendations detailed in the audit report.

If you have any questions or need additional information, please do not hesitate  
to contact me at (415) 554-1600.

Sincerely,

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

ED HARRINGTON  
General Manager

cc: Michael Carlin, Deputy General Manager  
Todd L. Rydstrom, AGM Business Services & Chief Financial Officer  
Marge Vizcarra, Director, Customer Services Bureau  
Nancy L. Hom, Director, Assurance & Internal Controls

Edwin M. Lee  
Mayor

Anson Moran  
President

Art Torres  
Vice President

Ann Moller Caen  
Commissioner

Francesca Vietor  
Commissioner

Vince Courney  
Commissioner

Ed Harrington  
General Manager



## RECOMMENDATIONS AND RESPONSES

Recommendation	Responsible Agency	Response
<p>The San Francisco Public Utilities Commission should:</p> <ol style="list-style-type: none"> <li>1. Remove from the Community Assistance Program accounts tested by this assessment that:               <ol style="list-style-type: none"> <li>a. Did not respond to an income verification request.</li> <li>b. Did not provide proof of income.</li> <li>c. Submitted documentation showing they do not qualify.</li> </ol> </li> </ol>	<p>San Francisco Public Utilities Commission</p>	<p><b>Concur.</b></p> <ol style="list-style-type: none"> <li>1. The 41 accounts identified by the auditors have already been removed from CAP.</li> <li>2. The Billing Unit has calculated the discount amounts applied to these accounts since January 2011, and have processed billing adjustments.</li> <li>3. Letters have been sent to the 41 customers notifying them that they do not qualify for the CAP discounts due to a failure to provide qualifying information or because they do not meet the program guidelines. In addition, these customers have been notified that they are liable for the repayment of the CAP discounts that they received, and have 15 days from the bill date to make payment in full.</li> </ol>
<ol style="list-style-type: none"> <li>2. Recover the amount of the Community Assistance Program discounts provided in 2011 to households that submitted documentation showing they do not qualify.</li> </ol>	<p>San Francisco Public Utilities Commission</p>	<p><b>Concur.</b> Refer to response (1) above. These customers will be given 15 days from the date of the bill to repay ineligible CAP discounts received. If unpaid, the standard severance or lien process will be initiated.</p>
<ol style="list-style-type: none"> <li>3. Implement a verification process that requires new applicants and existing Community Assistance Program</li> </ol>	<p>San Francisco Public Utilities Commission</p>	<p><b>Concur.</b> The CAP application as well as the policies and procedures on admission and renewal for CAP are in the process of being revised to include the three eligibility criteria noted in the</p>



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Recommendation	Responsible Agency	Response
<p>participants to verify income and household size to ensure that program participants meet the program's income and eligibility criteria. This process should require applicants and renewing participants to provide:</p> <ul style="list-style-type: none"> <li>a. The names of all household members for identification purposes.</li> <li>b. The most recent federal tax return as proof of income for the applicant or renewing participant, and for each household member with income.</li> <li>c. Proof of residence and lack of income for any household members listed as having no income, but not listed as a dependent on a household member's federal tax return.</li> </ul>		<p>recommendation. Additional qualifying criteria will include the following:</p> <ul style="list-style-type: none"> <li>1. Water wise Evaluation confirms that the premise is leak free.</li> <li>2. Prior water consumption is consistent with the number of occupants stated in the application, and is within an acceptable range of the SFPUC's estimated average retail residential GPCD (Gallons Per Capita Per Day) for the year.</li> </ul> <p>In addition, the new application will not contain the option of automatic eligibility based on enrollment in the PG&amp;E CARE program or the Recology Lifeline program (refer to recommendation 21).</p> <p>Once finalized, all pending new applications and renewals scheduled for July 2012 will be processed based on the revised CAP program guidelines and eligibility requirements. These changes will be communicated on the sfwater.org website as well.</p> <p>This task should be completed in Q1/FY12-13.</p>
<p>4. Analyze Community Assistance Program account data each billing period, and identify accounts with unusual water use for follow-up.</p>	<p>San Francisco Public Utilities Commission</p>	<p><b>Concur.</b> Refer to response (4). Monthly audit reports will be requested from IT to identify accounts that have consumption that is not consistent with the number of occupants of record and the SFPUC's estimated average retail residential GPCD (Gallons Per Capita Per Day) for the year. CSB staff will audit these accounts and will require the customer to provide current qualifying information in order to continue to receive the</p>

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Recommendation	Responsible Agency	Response
		<p>discounts. If consumption information is still not in synch with the number of occupants, customers will be offered a High Bill Inspection performed by CSB Field Inspectors to determine if high usage is caused by undetected leaks. If leaks are found and repairs are not made by the customer in a timely manner, the CAP discount will be suspended until an inspection determines that the premise is leak free. Further, CSB will refer customer to Water Conservation staff for an additional Water Wise Evaluation.</p> <p>The new CAP policy will require that CSB staff who review applications and renewals deny or investigate further before approving those that reflect a per household occupant per day water use – referred to as Gallons Per Capita Per Day or GPCD – that varies significantly (either higher or lower) from the SFPUC's estimated average residential GPCD for the year. GPCD can vary from home to home depending on many factors, including the presence, type and extent of outdoor landscaping that requires watering. The SFPUC's estimated average residential GPCD varies from year to year and the average referred to by CSB should be checked and adjusted, as necessary, on a yearly basis. For FY 10-11, for example, the SFPUC's estimated average residential GPCD for retail customers was about 50.</p>
<p>5. Analyze Community Assistance Program account data each billing period for household size, and request verification of household members and household income for existing program accounts</p>	<p>San Francisco Public Utilities Commission</p>	<p><b>Concur.</b> Effective immediately, at the time of application or renewal, all customers will be required to provide proof of residence and income for all occupants stated on the CAP application.</p>

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Recommendation	Responsible Agency	Response
<p>exceeding a specified household size.</p>		<p>Based on information provided by the auditors that according to the 2010 U.S. Census the average family size in San Francisco is 3.1 persons, CSB will determine a threshold figure to establish what is considered to be an excessive number of occupants. These accounts will be audited by CSB staff and customers will be required to provide additional proof of residency for each occupant, including recent copies of phone, cable, gas or electric bills, school transcripts, medical bills and other documents that substantiate that the occupant actually resides at the residence. Customers that are unable to provide such verification will have their income limit recalculated against the number of verified occupants.</p>
<p>6. Limit the maximum household income for Community Assistance Program eligibility by restricting the number of household members that count towards the maximum allowable household income, unless special provisions or exemptions apply.</p>	<p>San Francisco Public Utilities Commission</p>	<p><b>Do Not Concur.</b> At this time CSB prefers not to set limit on the maximum household income for CAP eligibility by restricting the number of household members that counts towards the maximum household income. As stated in response (5), customers will be required to provide additional proof of residency for each occupant, including recent copies of phone, cable, gas or electric bills, school transcripts, medical bills and other documents that substantiate that the occupant actually resides at the residence. Customers that are unable to provide such verification will have their income limit recalculated against the number of verified occupants.</p>
<p>7. Record household income reported for the Community Assistance Program in the Customer Care and Billing system.</p>	<p>San Francisco Public Utilities Commission</p>	<p><b>Concur.</b> In consultation with ITS, CSB will implement changes to the billing system to allow income information provided on CAP applications and renewals to be entered in the billing system with effective dating, so that prior information is saved for historical review.</p>

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<p>8. Analyze Community Assistance Program customer data each billing period for the annualized amount of the water bill as a percentage of reported income, and identify unusual accounts for follow-up.</p>	<p>San Francisco Public Utilities Commission</p>	<p><b>Concur.</b> Monthly audit reports will be requested from ITS to compare annual household income to annual bill amounts. Accounts that are billed an unrealistic proportion of their income will be subject to audit by CSB staff, and will be required to provide substantiating income and occupancy information.</p>
<p>9. Analyze Community Assistance Program customer data each billing period for different service and mailing addresses, and investigate these discrepancies.</p>	<p>San Francisco Public Utilities Commission</p>	<p><b>Concur.</b> It is the current review process to verify that the service address matches the mailing address. If not, we contact customer to verify the mismatch and requires them to resubmit proof of mailing address. For example, applicant is using a PO Box mailing address or the account is signed up to the third party notification program. If unable to provide proof, application is denied.</p> <p>Moving forward, monthly audit reports will be requested from ITS to identify CAP accounts that have different service and mailing addresses to ensure that any mismatch has been validated. If any is found, the customer will be required to provide additional proof of residency documentation (refer to response 5) to validate that the CAP applicant actually resides at the property.</p>
<p>10. Immediately require all 473 Community Assistance Program accounts identified as having a service address matching the listed home address of at least one city employee provide verification of household income and household size to demonstrate that their household qualifies</p>	<p>San Francisco Public Utilities Commission</p>	<p><b>Concur.</b> No different than the process of verification for service addresses that may or may not include city employees, letters will be sent to all 473 customers identified as having one or more city employee residing at the service address. The letter will request that the CAP applicant provide all qualifying information for renewal, including completion of a new application, income verification documentation, and proof of occupancy for all household members,</p>

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for the Community Assistance Program.		If the renewal does not indicate a record of the city employee residing at the address, the employee is listed as an occupant but the income is misrepresented, and/or CSB determines that the customer is ineligible based on the new policies and procedures, CSB will report accordingly for further action.
<p>11. Remove from the Community Assistance Program any of the 473 accounts where at least one city employee has a listed home address matching the account service address that:</p> <ul style="list-style-type: none"> <li>a. Do not respond to an income verification request.</li> <li>b. Do not provide proof of household size and total household income.</li> <li>c. Submit documentation showing their household does not qualify.</li> </ul>	San Francisco Public Utilities Commission	<b>Concur.</b> Refer to response (1), as this is essentially the same recommendation regarding ineligible accounts.
12. Recover the total amount of the Community Assistance Program discounts provided to any of the 473 accounts where at least one city employee has a listed home address matching the account service address that are removed from the program.	San Francisco Public Utilities Commission	<b>Concur.</b> SFPUC will undertake efforts to validate that these account holders are either eligible or ineligible, and once results can be concluded on, will follow up accordingly.
13. Work with Department of Human	San Francisco	<b>Concur.</b> SFPUC will undertake efforts to validate that these

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Resources to pursue disciplinary action against any city employee found to have fraudulently obtained Community Assistance Program discounts.	Public Utilities Commission	account holders are either eligible or ineligible, and once results can be concluded on, will follow up accordingly.
14. Limit the total amount of discounts a Community Assistance Program account can receive each billing period or annually, but provide for exemptions if needed.	San Francisco Public Utilities Commission	<b>Partially Concur.</b> CSB will consider including in its CAP policy a requirement that CSB staff deny or further investigate before approving new applicants and renewing participants whose per occupant per day water use – referred to as Gallons Per Capita Per Day or GPCD – varies significantly from the SFPUC's estimated average residential GPCD for the year, and for the premise to be leak free to be eligible to the program. With these requirements as well as close monitoring of accounts with excessive use of water, setting a limit on discount amount will not be necessary.
15. Update its written policies and procedures on the Community Assistance Program's application and renewal processes to reflect current practices.	San Francisco Public Utilities Commission	<b>Concur.</b> Billing Unit Manager and staff are in the process of updating the written policies and procedures of CAP, to include the revised eligibility requirements, procedures for renewal, denial of applicants, recovery of ineligible discounts, and business-level audit procedures.
16. Ensure that employees follow the policies and procedures on application and renewal processes for the Community Assistance Program.	San Francisco Public Utilities Commission	<b>Concur.</b> Billing Unit managers will develop a multi-level audit procedure in which the Principal Water Service Clerk will review a reasonable sample of applications and renewals processed the previous month to verify adherence to the established policies and eligibility guidelines. Concurrently, the Billing Unit Assistant Manager will also perform a review of a reasonable sample of applications and renewals processed the previous month. The results of these audits will be reported on a monthly basis to the

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		Billing Unit Manager and Customer Services Director. This task is to be implemented before end of Q1/FY12-13.
<p>17. Ensure that Community Assistance Program participants renew their eligibility status every two years, and that participants who do not renew are removed from the program.</p>	<p>San Francisco Public Utilities Commission</p>	<p><b>Concur.</b> Currently, a report is produced every month that identifies CAP accounts that are due for renewal based on their "effective date of discount". This report is month-based; i.e. the report is run in July 2012 for all accounts that had an "effective date of discount" in July 2010. After the account is renewed, staff updates the last review date in the billing system.</p> <p>Because there is a possibility that an account due for renewal could be missed by staff using this report, an additional report will be developed that will serve as a second audit check. This more comprehensive monthly report will include information on all CAP accounts that either do not have a last review date in the system, or the last review date is more than 2 years old. Any account that has not been renewed will continue to appear on this report every month until the last review date has been updated.</p> <p>In addition, as an immediate clean-up effort, a request will be made to ITS to produce a report of all CAP accounts that do not currently have a last review date populated. Billing Unit staff will attempt to locate the most recent application and update that date in the billing system accordingly. Any accounts that do not have an application dated within the last two years and have no last review date in the system will be subject to immediate renewal, regardless of their "effective date of discount."</p>
<p>18. Implement policies that require staff to retain or record customer information</p>	<p>San Francisco Public Utilities</p>	<p><b>Concur.</b> Effective immediately, all CAP applications and renewals will be scanned in Hummingbird and the PDF image</p>

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<p>provided on application and renewal forms for the Community Assistance Program.</p>	<p>Commission</p>	<p>linked to the account in CC&amp;B. The original application or renewal and all supporting documentation will be filed and retained onsite.</p> <p>In addition, information regarding number of occupants and household income will be entered in CC&amp;B as characteristics on the account and service agreement respectively, and will be updated upon renewal.</p>
<p>19. Conduct research to determine whether additional staffing is necessary to effectively administer and monitor the Community Assistance Program.</p>	<p>San Francisco Public Utilities Commission</p>	<p><b>Concur.</b> CSB will be assigning and training additional staff in order to follow through with CSA's recommendations immediately. Once major clean-up is completed with the tightened eligibility requirements, it is expected that the number of current CAP accounts as well as incoming new applicants will be significantly reduced. CSB management will then reevaluate adequate staffing to ensure that CAP is managed effectively, efficiently and in accordance with the new policies and procedures.</p>
<p>20. Develop and document policies and procedures for handling accounts where a customer has violated Community Assistance Program rules or guidelines.</p>	<p>San Francisco Public Utilities Commission</p>	<p><b>Concur.</b> Current policies and procedures documentation will be updated to include more detailed procedures for denial of CAP applications and renewals, and for recovery of CAP discounts received by customers fraudulently. This task is to be implemented by end of Q1/FY12-13.</p>
<p>21. Update written policies and procedures so that proof of a customer's enrollment in another utility's low-income discount program no longer constitutes eligibility for</p>	<p>San Francisco Public Utilities Commission</p>	<p><b>Concur.</b> Refer to response (3). The CAP application and the program details displayed on the SFPUC website will be updated to delete reference to automatic eligibility based on enrollment in the PG&amp;E CARE program or the Recology Lifeline program. This task is to be implemented by end of Q1/FY12-13.</p>



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the Community Assistance Program.		
22. Ensure that household size information provided by Community Assistance Program applicants and renewing participants is updated properly in the Customer Care and Billing system.	San Francisco Public Utilities Commission	<p><b>Concur.</b> CSB staff recently began consistently updating the number of occupants in CC&amp;B based on information received on CAP applications and renewals. The billing system is configured to allow multiple entries of this data element, with each entry effective dated. Admittedly, a new employee was overwriting the number of occupants rather than entering each record separately, as is department policy. In October 2011, this employee has been reinstructed to follow the established procedure when updating this data.</p> <p>Information regarding changes to occupant information is received by other sources than the CAP application, i.e. high bill inspections, customer phone calls, other field activities, etc. A new business process will require staff to enter a note in Customer Contacts on the billing system to identify the source of the data change; sample: "number of occupants was changed from "x" to "x" on "date" from information received in a CAP application."</p> <p>As a new audit measure, a report will be run periodically that will identify all accounts that have had multiple changes in the number of occupants within a specified period of time, and these account will be subject to an audit by Billing staff.</p>
23. Require staff to update the last review date in the Customer Care and Billing system when processing a Community Assistance	San Francisco Public Utilities Commission	<p><b>Concur.</b> It has always been the policy of CSB to update the "last review date in the CC&amp;B when processing a CAP application or renewal regardless of whether or not customer information has</p>

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<p>Program application or renewal, regardless of whether or not customer information has changed.</p>		<p>changed. However, CSB acknowledges that staff has failed to follow through on this process consistently. Thus, effective December 2011, CSB staff was reinstructed and began updating the "last review date" in CCB when a CAP application or renewal was processed.</p> <p>As an immediate clean-up effort, a request will be made to ITS to produce a report of all CAP accounts that do not currently have a last review date populated. Billing staff will attempt to locate the most recent application and update that date in the billing system accordingly. Any accounts that do not have application dated within the last two years and have no last review date in the system will be subject to immediate renewal, regardless of their "effective date of discount."</p>
<p>24. Enhance the functionality of the Customer Care and Billing system to allow for retaining a record of historical customer account data.</p>	<p>San Francisco Public Utilities Commission</p>	<p><b>Do Not Concur.</b> Refer to response (22). No change is required. CC&amp;B is currently configured to allow multiple data elements with effective dates to be entered on many characteristics within the billing system. For instance, the "Number of Occupants" characteristic allows changes to the data to be retained in the system with the effective date of the change displayed.</p>
<p>25. Revise its written policies to require that new applicants complete the Water Wise Evaluation before receiving the Community Assistance Program discounts, and require existing participants to complete the evaluation within 60 days of receiving notice or face removal from</p>	<p>San Francisco Public Utilities Commission</p>	<p><b>Concur.</b> Effective 2010, it has always been the policy to require applicants to complete the Water Wise Evaluation before receiving the CAP discount and to complete the evaluation within 60 days of receiving notice; if not, the applicant is denied or remove from the program. CSB acknowledges that there was one instance when 133 customers were granted the CAP discount after completing the Water Wise Evaluation but without submitting the required renewal. Upon discovery of this error,</p>

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the program.		<p>corrective measures were taken. On April 19, 2012, the 133 customers were required to renew; after CSB's review, 71 customers were denied and removed from the CAP program on May 7, 2012. Since then, no CAP discounts have been granted without review of the application renewal, and until customers have scheduled and completed the Water Wise Evaluation and confirmation has been received from Water Conservation Department.</p> <p>To ensure complete compliance of this policy, CSB's written procedures will be updated to reflect this policy. Further, CSB will confer with Water Conservation to strategize on how to reduce the waiting time for customers to be scheduled for the Water Wise Evaluations, so that applications and renewals can be processed in a timely manner. In addition, Customer Services will work with Water Conservation to improve the information sharing protocol between the two departments.</p>
26. Ensure that participants that no longer meet the Community Assistance Program eligibility criteria or do not follow all program rules are removed from the program.	San Francisco Public Utilities Commission	<b>Concur.</b> Effective immediately, any customers found to be ineligible for CAP will be notified by letter and removed from the program.
27. Revise its written policies and procedures to require that the Conservation Division report any potential abuse of the Community Assistance Program observed during onsite evaluations to the Customer	San Francisco Public Utilities Commission	<b>Concur.</b> Customer Services will work with Water Conservation to develop a more formal procedure of reporting potential abuse instances that are observed by Water Conservation staff during onsite inspections. A spreadsheet will be created to record these notifications and the follow up actions taken by CSB staff.

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<p>Services Bureau for investigation and resolution.</p>		<p>Upon receipt of such notification from Water Conservation inspectors, CSB staff will be required to perform an audit of the customer's eligibility, which could include requiring the customer to provide additional supporting documentation to verify eligibility. All follow up actions will be documented in the billing system as a customer contact, and on the notification spreadsheet. These procedures will be added to the CAP policy and procedure documentation.</p> <p>This task is to be implemented by end of Q1/FY12-13.</p>
<p>28. Explore cost-effective outreach methods for the Community Assistance Program tailored to reach customers residing in low-income neighborhoods, including coordinating outreach efforts with local community-based organizations.</p>	<p>San Francisco Public Utilities Commission</p>	<p><b>Concur.</b> Customer Service will work with Water Conservation and Communications staff in developing more marketing of CAP to San Francisco neighborhoods with a high percentage of households living at 100 percent of the federal poverty level to build upon what has been done to date. In 2008 the Conservation Section implemented a grass roots effort to encourage low-income residents to participate in water conservation services and CAP through a contract with a community-based organization. The Conservation Section is currently marketing enrollment in CAP through partnership in the San Francisco Department of the Environment's Green Home Assessment program, which focuses on low-income neighborhoods.</p> <p>Residential populations in some of the low-income areas noted in the report live primarily in multi-family housing, and enrollment in CAP is currently limited to single family accounts. To provide more water efficiency programs and services to low-income</p>

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Recommendation	Responsible Agency	Response
		<p>residents in multi-family housing, the SFPUC launched a pilot program in 2010 to provide audits and free replacement of toilets and installation of efficient water fixtures to multi-family housing properties that receive financial subsidies from the City. The program is currently being marketed to low-income housing developers that are supported by the San Francisco Mayor's Office of Housing, Human Services Agency, Department of Public Health, and former Redevelopment Agency. In FY 2012-13 the SFPUC is considering expanding this program other low-income housing properties including those with Federal Project Based Section 8 subsidies and California Tax Credit Allocations.</p>





To: BOS Constituent Mail Distribution,  
Cc:  
Bcc:  
Subject: Political Activity by City Officers and Employees

From: Tara Collins/CTYATT@CTYATT  
To: Mayor Edwin Lee/MAYOR/SFGOV@SFGOV, Board of Supervisors/BOS/SFGOV@SFGOV, Jose.Cisneros@sfgov.microsoftonline.com, Phil Ting/ASRREC/SFGOV@SFGOV, George Gascon/DA/SFGOV@SFGOV, Jeff Adachi/PUBDEF/SFGOV@SFGOV, Vicki Hennessy/SFSD/SFGOV@SFGOV, Department Heads/MAYOR/SFGOV@SFGOV, LaShaun Williams/DHS/CCSF@CCSF, Jean.Caramatti@fllysfo.com, Sharon.Page\_Ritchie@sfgov.microsoftonline.com, jhathhorn@asianart.org, Victor.Pacheco@sfgov.microsoftonline.com, Sonya.Harris@sfgov.microsoftonline.com, Eric Nelson/ADMSVC/SFGOV@SFGOV, Tachina Alexander/ELECTIONS/SFGOV@SFGOV, Crystal Stewart/ADMSVC/SFGOV@SFGOV, Monica.Fish@sfgov.microsoftonline.com, Janet Austin/MAYOR/SFGOV@SFGOV, Monica.L.Quattrin@sfgov.microsoftonline.com, Dan.Mauer@sfgov.microsoftonline.com, Mark Morewitz/DPH/SFGOV@SFGOV, laini.scott@sfgov.microsoftonline.com, Linda.Avery@sfgov1.onmicrosoft.com, martinl@sfha.org, sheryl.cowan@sfgov.microsoftonline.com, Louise Rainey/DHS/CCSF@CCSF, Pauline Silva-Re/JUV/SFGOV@SFGOV, sblackman@sfpl.info, Roberta.Boomer@sfmta.com, Natasha Jones/REDEV/SFGOV@SFGOV, John Monroe/SFPD/SFGOV@SFGOV, Amy Quesada/SFPORT/SFGOV@SFGOV, DHood@sfgwater.org, Margaret.McArthur@sfgov.microsoftonline.com, Eugene Flannery/OCDHH/MAYOR/SFGOV@SFGOV, Norm.Nickens@sfgov.microsoftonline.com, cvaughn@sfgwater.org, Cynthia.Vasquez@sfgov.microsoftonline.com, Asja Steeves/ADMSVC/SFGOV@SFGOV, Wallace Levin/CTYATT@CTYATT, Jennifer.Norris@sfgov.microsoftonline.com, Mario Yedidia/BOS/SFGOV@SFGOV,  
Date: 09/04/2012 04:41 PM  
Subject: Political Activity by City Officers and Employees

2012

Please find attached the updated Political Activity Memorandum, which describes the rules governing political activities by City employees and officers. The memo can also be found on the City Attorney's website, under the Legal Opinions tab at <http://www.sfcityattorney.org/index.aspx?page=4>

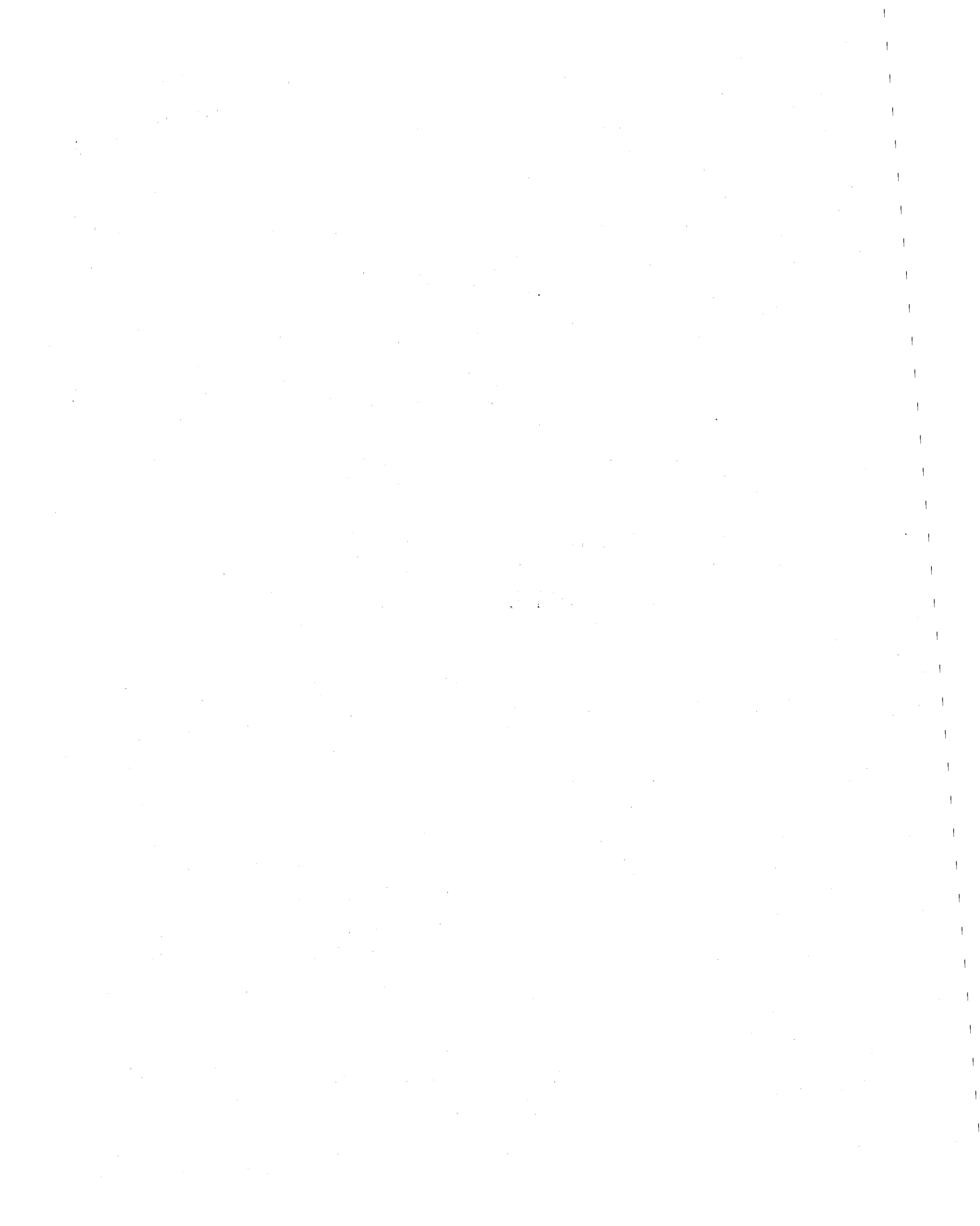
Best,  
Tara Collins  
Confidential Assistant to the City Attorney

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2012 Political Activities Memo.pdf







DENNIS J. HERRERA  
City Attorney

## MEMORANDUM

TO: ALL ELECTED CITY OFFICIALS  
ALL CITY BOARD AND COMMISSION MEMBERS  
ALL CITY DEPARTMENT HEADS

FROM: DENNIS J. HERRERA, City Attorney *DJH*

DATE: September 4, 2012

RE: Political Activity By City Officers and Employees

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As we typically do every year in advance of the November election, the City Attorney's Office is providing this memorandum to outline the basic legal rules restricting political activities by City commissions, departments, officers and employees ("City officers and employees"). Please note that this memorandum updates and replaces previous memoranda that we have issued on this topic. A further overview of political activity restrictions and other laws governing the conduct of City officers and employees is available in the Good Government Guide posted on the Resources page of our website, [www.sfcityattorney.org](http://www.sfcityattorney.org).

This memorandum is a general guide to the rules regarding political activity and is not a substitute for legal advice. Please contact the City Attorney's Office with any questions related to participation in political activities.

### SUMMARY

In this memorandum we address the most common legal issues that usually arise before elections. The discussion below provides answers to frequently asked questions in five areas:

**1. Use of City Resources:** No one—including City officers and employees and City volunteers and contractors—may use City resources to advocate for or against candidates or ballot measures. City resources include, without limitation, City employees' work time, City computers, City e-mail systems and City property. Also, City commissions, departments, and City advisory committees may not endorse or take a position measures or candidates. But they may use City resources to analyze the effects of proposed ballot measures on City operations, as long as the analysis is objective and avoids campaign slogans and other suggestive language typically associated with campaign literature.

**2. Off Duty Political Activity:** As a general rule, City officers and employees may support or oppose candidates and ballot measures in their personal capacities, while off duty and outside of City-owned or controlled property. City officers and employees may reference their City titles in campaign materials as long as it is clear that they are using the titles only for identification purposes. But City officers and employees may not solicit political contributions from other City officers and employees, even while off duty.

**3. Mass Mailings Using City Funds:** With limited exceptions, the City may not prepare or send more than 200 pieces of similar mail containing the name or image of a City elected officer.

**4. Campaign Contributions To Elected Officials From City Contractors:** City elected officials may not solicit or accept campaign contributions from any person or entity



**Memorandum**

TO: ALL ELECTED CITY OFFICIALS  
ALL CITY BOARD AND COMMISSION MEMBERS  
ALL CITY DEPARTMENT HEADS

DATE: September 4, 2012

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RE: Political Activity By City Officers and Employees

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seeking to enter a contract or grant worth \$50,000 or more with the City, if the contract or grant is subject to the elected officials' approval or the approval of one of their appointees to the board of a state agency. This restriction applies during contract negotiations and for six months after the date of contract or grant approval. The restriction also extends to contributions from the party seeking the contract or grant and that party's directors, executives and owners, as well as any subcontractors listed in the contract or bid.

**5. Campaign Contributions Solicited Or Accepted By Appointed Officials:**

Appointed City officials, including department heads and members of boards and commissions, may not solicit political contributions over \$250 from anyone appearing before them in pending proceedings. Such proceedings include conditional use permits, rezoning of property parcels, zoning variances, tentative subdivision and parcel maps, building and development permits, and some contract approvals. Also, appointed officials who are running for office are disqualified from participating in proceedings where the parties or participants have directly contributed over \$250 to the officials within 12 months of the proceeding.

**DISCUSSION**

**I. Misuse of City Resources**

State law prohibits City officers, employees and anyone else from using City resources to support or oppose a ballot measure or the election or defeat of a candidate at the federal, state, or local level. Local law also prohibits City officers and employees from engaging in political activity during work time or on City-owned or controlled premises.

• **What is a misuse of City resources?**

Any use of City resources or City personnel for political activity is prohibited. This ban prohibits any use of City e-mail, telephones, copiers, fax machines, computers, office supplies or any other City resources for political purposes. City personnel's time and attention may not be diverted from their City duties for political purposes. Activities that would fall within the scope of this ban include addressing envelopes for campaign mailers; circulating ballot petitions; making campaign telephone calls; attending campaign events; or engaging in similar types of campaign activity on City time or on City property that the City does not make available to the general public to use for political purposes (such as a public plaza or sidewalk).

*Example:* On his lunch hour, a City employee uses his City computer to send invitations to a fundraiser for a candidate. The employee has misused City resources by using his City computer for political activity. The fact that he was on his lunch hour does not excuse this improper use of City resources.



**Memorandum**

TO: ALL ELECTED CITY OFFICIALS  
ALL CITY BOARD AND COMMISSION MEMBERS  
ALL CITY DEPARTMENT HEADS

DATE: September 4, 2012

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RE: Political Activity By City Officers and Employees

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- **May a City board, commission or advisory committee take a position on a ballot measure?**

The prohibition on use of City resources for political activity also means members of City boards, commissions, and advisory committees may not use their meetings to influence elections. As a result, appointed boards, commissions, and advisory committees may not vote to endorse a measure or a candidate. The courts have allowed an exception to this rule for legislative bodies like the Board of Supervisors ("Board"). The Board, acting as a body, may take a position on behalf of the City on a ballot measure, and the Mayor may take a public position on a measure. But no City officials, including the Mayor and members of the Board, may distribute campaign literature at City events or include campaign literature in official mailings to employees or members of the public.

*Example:* Members of a City commission feel strongly about the merits of a measure appearing on the ballot that relates to matters within their jurisdiction. The commission may not vote on a resolution to support or oppose the ballot measure. The commission may ask staff for information about the impact of the ballot measure on the City, and individual commissioners may support or oppose the measure on their own time using their own resources.

- **May City officers and employees analyze a ballot measure's effects?**

City officers and employees may lawfully use City resources (where budgeted for such a purpose and otherwise authorized to do so) to investigate and evaluate objectively the potential impact of a ballot measure on City operations. The analysis must be made available to the public.

*Example:* A City department wants to inform its commission about the potential impacts on the department if a ballot measure passes. If the department has money budgeted for the purpose, the department may research the potential impact of the measure and present objective information to the commission. The analysis must also be made available to the public.

*Example:* To assist with the preparation of ballot digests, the Department of Elections asks a City department to analyze a measure for the City's Ballot Simplification Committee. The department's written analysis must present objective information and must be made available to the public. Employees of the department may also appear at the Committee's meetings to explain the effect of the measure or to answer the Committee's questions, but their presentation must remain objective and impartial.

- **May City officers and employees respond to inquiries about a measure?**

City officers and employees may respond to public requests for information, including requests to participate in public discussions about ballot measures, if the officers' or employees'



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ALL CITY BOARD AND COMMISSION MEMBERS  
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RE: Political Activity By City Officers and Employees

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statements are limited to an *objective and impartial* presentation of relevant facts to aid the voters in reaching an informed judgment regarding the effects of the measure on the City. All statements must be accurate and fair. But City officers and employees should not participate in any campaign event on City time, even to provide an impartial informational presentation, if the purpose of the event is to support or oppose ballot measures or candidates.

*Example:* A community organization asks a department head to attend the organization's meeting to provide information about a pending ballot measure. As long as the department head provides impartial and objective information, she can attend the meeting on City time. But if a candidate asks the department head to provide the same information at a campaign fundraiser, the department head cannot attend on City time.

- **May a City department publicize its analysis of a ballot measure?**

If a department analyzes a ballot measure, the department should make its analysis public and distribute or publicize it consistent with the department's regular practice. But the department should not use special methods—such as methods associated with political campaigns—to distribute its analysis.

City officers and employees who are considering providing the public with an informational presentation regarding a ballot measure should consult in advance with the City Attorney's Office.

*Example:* If a department regularly issues a newsletter to interested City residents, it may include an objective and impartial analysis of a pending ballot measure, but the department should not create a special, one-time-only newsletter to distribute its analysis.

- **What is an objective and impartial presentation?**

Courts evaluate materials prepared or distributed by a public entity in terms of whether they make a balanced presentation of facts designed to enhance the ability of the voters intelligently to exercise their right to vote, or whether the communications resemble campaign materials for or against a ballot measure. In its analysis of the effect of a proposed measure, a department should present factual information, avoid one-sided rhetoric or campaign slogans, and not urge a vote in one way or another.

*Example:* A City department wants to prepare a PowerPoint presentation about a ballot measure explaining the department's view that the measure could have a significant negative impact on the department's operations. Any such presentation must be limited to an accurate, fair, and objective presentation of the relevant facts. It should not urge a Yes or No vote, and it should not use campaign slogans or rhetoric.





**Memorandum**

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ALL CITY BOARD AND COMMISSION MEMBERS  
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RE: Political Activity By City Officers and Employees

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- **When do these rules apply?**

These rules prohibit using City resources when a matter is pending before the voters, but not when the matter is pending before the Board of Supervisors. City measures may be placed on the ballot in three different ways: (1) by the Board of Supervisors acting as a body through majority vote by all of its members at a public meeting, (2) by the Mayor or four or more individual Board members submitting the measure directly to the Department of Elections, or (3) by the voters submitting an initiative petition with the sufficient number of valid signatures.

- When the Board of Supervisors as a body is considering placing a measure on the ballot, City officers and employees may use City resources to influence the Board's decision on whether to place the measure before the voters. After the Board has taken its final vote to place the measure on the ballot, no additional City resources may be used to advocate for or against the measure.
- When the Mayor or four or more individual members of the Board have submitted a measure, the Charter requires the Board to hold a public hearing on the measure. City officers and employees may use City resources at this hearing to explain the effects, advantages or disadvantages of the measure, and to urge the Mayor or individual Board members to withdraw the measure from the ballot, but not to urge voters to vote for or against the measure. Other than at this hearing, no City resources may be used to advocate for or against the measure once the Mayor or four Supervisors have proposed it.
- A voter may begin circulating a proposed ballot measure for signature after having obtained a title and summary from the Department of Elections and City Attorney's Office. Once the initiative petition begins circulating for signatures, no City resources may be used to advocate for or against it.

## **II. Off-Duty Political Activities By City Officers and Employees**

City officers and employees have a First Amendment right to engage in political activities while off duty and outside of City-owned or controlled property. As a general rule, City officers and employees may take public positions, as private citizens, on electoral races or ballot measures. Federal law restricts the political activities of local employees whose principal employment involves a federally-funded activity. The City also restricts the off-duty political activities of certain officers and employees, including the Ethics and Election Commissions and their employees, and the City Attorney. Finally, local law imposes some off-duty restrictions on all City officers and employees.

- **May City officers and employees use their official titles in campaign communications?**

As long as they are not otherwise using City resources to do so, City officers and employees may use their official titles in campaign communications. But it must be clear that the City officer or employee is making the communication in his or her personal capacity and is using the title for identification purposes only.

- **May City officers and employees solicit campaign contributions from other City officers and employees?**



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TO: ALL ELECTED CITY OFFICIALS  
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No. City officers and employees may not directly or indirectly solicit campaign contributions from other City officers or employees or from persons on City employment lists. A City officer or employee can request campaign contributions from other City officers or employees only if the request is part of a solicitation made to a significant segment of the public that may include officers or employees of the City. If the City officer or employee is aware that a distribution list includes other City officers or employees, the officer or employee should make reasonable efforts to remove those individuals from that distribution list. In no event can the requestor use City resources in making any solicitation.

*Example:* After work, a City employee sends an email to her coworkers—from her personal email account to the coworkers' personal email accounts—soliciting contributions to a candidate for local office. Even though the employee used no City resources, the solicitation is improper because she solicited political contributions from other City employees.

*Example:* The same City employee sends an invitation to a fundraiser to a list of all graduates from the local college she attended. A number of City employees, who also happened to attend that college, receive invitations. Although the officer sent the solicitation to some City employees, the solicitation is lawful because it was made to a significant segment of the public that included some City employees.

- **May City officers and employees engage in political activities on City premises?**

City officers and employees may not participate in political activities of any kind while on City-owned or controlled property, other than property that the City makes available to the general public to use for political purposes (such as a public plaza or sidewalk).

*Example:* A City employee seeks endorsements for the employee's candidacy for a political party's central committee in the hallway of her City department's office. This activity violates the ban on political activity on City premises because it is being done inside City property that is not available to the general public for political purposes.

- **May City officers and employees engage in political activities while in uniform?**

No. City officers and employees may not participate in political activities of any kind while in uniform. City officers or employees are in uniform any time they are wearing all or any part of a uniform that they are required or authorized to wear when engaged in official duties.

### **III. Mass Mailings at Public Expense**

In addition to the general prohibition against using public resources or personnel to engage in political activity, the City cannot use public money to print or send non-political newsletters or mass mailings that feature or make reference to an elected official. A non-political newsletter or mass mailing is prohibited if all of the following four requirements are met:



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RE: Political Activity By City Officers and Employees

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- **Sent or delivered.** The item is sent or delivered by any means to the recipient at a residence, place of employment or business, or post office box.
- **Features an elected official.** The item either features a City elected officer, or includes the name, office, photograph, or other reference to a City elected officer.
- **Paid for with public funds.** Any public money is used to pay for distribution, or more than \$50 of public money is used to pay for design, production and printing.
- **More than 200 items in a single month.** More than 200 substantially similar items are sent in a single calendar month.

Certain types of mailings are exempt from the mass mailing prohibition. For example, the prohibition does not apply to e-mails or text messages. It also does not apply to press releases, meeting agendas and intra-office communications. Please check with the City Attorney's Office in advance if you have any questions about the mass mailing rule.

**IV. Campaign Contributions to Elected Officials and Candidates**

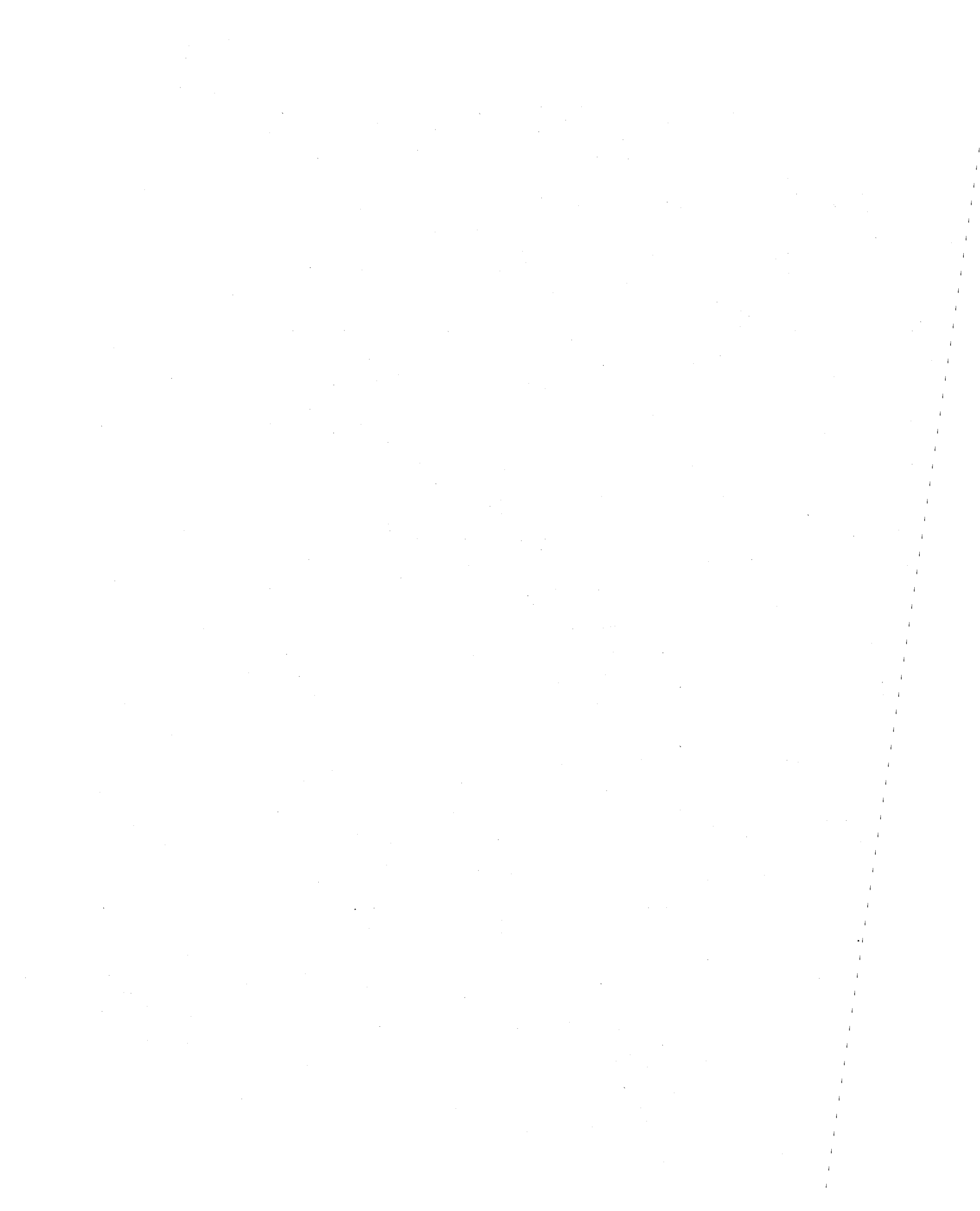
Local law prohibits City elected officials from soliciting or accepting contributions from any person or entity seeking to enter into a contract or grant worth \$50,000 or more with the City, if the contract or grant requires their approval or the approval of their appointees to the board of a state agency. This restriction applies to the party seeking the contract or grant, the party's board of directors, chairperson, chief executive officer, chief financial officer, chief operating officer, any person with an ownership interest greater than twenty percent, and any political committees controlled or sponsored by the party, as well as any subcontractors listed in the contract or bid. The law both prohibits the donor from giving contributions *and* prohibits the elected official from soliciting or accepting them.

- **May a City contractor give a campaign contribution to a public official who approves the contract?**

A person or entity that contracts with the City may not make a campaign contribution to an elected official if the contract would require approval by that official, a board on which the official serves, or a board of a state agency on which an appointee of the official sits. The people and entities listed in the preceding paragraph may not make a campaign contribution to the elected official at any time from the commencement of negotiations for the contract until either: (1) negotiations are terminated and no contract is awarded; or (2) six months have elapsed since the award of the contract.

- **May an elected City official solicit or accept a campaign contribution from a City contractor?**

An elected official may not solicit or accept a campaign contribution from a business or entity seeking a contract with the City, including all of the associated people and entities listed above in the first paragraph of this Section IV, if that elected official, a board on which the official serves, or a board of a state agency on which an appointee of the official sits must approve the contract. This prohibition applies to the official at any time from the formal submission of the contract to that official until either: (1) negotiations are terminated and no contract is awarded; or (2) six months have elapsed since the award of the contract.



**Memorandum**

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RE: Political Activity By City Officers and Employees

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**V. Campaign Contributions Solicited or Accepted By Appointed Officials**

Section 84308 of the California Government Code prohibits appointed officials from soliciting contributions of more than \$250—for any candidate or campaign—from any party or participant in a proceeding pending before the appointed official or from anyone with a pending contract subject to the appointed official's approval. It also disqualifies appointed officials from participating in decisions that involve persons who have contributed \$250 or more directly to them within the past 12 months.

- **May appointed officials solicit contributions from persons in a proceeding pending before them?**

Appointed officials may not solicit, accept or direct campaign contributions of more than \$250 from any party to or participant in certain proceedings pending before the official. This prohibition applies during the proceeding and for three months after the final decision is rendered in the proceeding.

This rule applies whether the contributions are sought for the official or for someone else, and whether the contributions come directly from the party or participant, or are made by an agent acting on behalf of the party or participant. The prohibition applies to contributions for candidates or ballot measures in federal, state, or local elections.

An official does not violate this rule if the official makes a request for contributions in a mass mailing sent to members of the public, to a public gathering, in a newspaper, on radio or television, or in any other mass medium, provided the solicitation is not targeted to persons who appear before the board or commission. An official does not engage in a solicitation solely because the official's name is printed with other names on stationery or letterhead used to ask for contributions.

- **Who is an "appointed official" prohibited from soliciting or accepting contributions?**

An appointed official is an appointed member of board or commission, or an appointed department head. Although the Board of Supervisors is an elected body, the prohibitions of Section 84308 apply to members of the Board when they sit as members of an appointed body.

- **What proceedings are covered by this prohibition?**

Section 84308 applies to "use entitlement proceedings," which are actions to grant, deny, revoke, restrict or modify certain contracts or business, professional, trade or land use licenses, permits, or other entitlements to use property or engage in business. Examples of the types of decisions covered by the law include decisions on professional license revocations, conditional use permits, rezoning of property parcels, zoning variances, tentative subdivision and parcel maps, cable television franchises, building and development permits and private development plans. It also includes all contracts other than labor or personal employment contracts and competitively bid contracts where the City is required to select the highest or lowest qualified bidder.

The law does not cover proceedings where general policy decisions or rules are made or where the interests affected are many and diverse, such as general building or development standards and other rules of general application.





**Memorandum**

TO: ALL ELECTED CITY OFFICIALS  
ALL CITY BOARD AND COMMISSION MEMBERS  
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RE: Political Activity By City Officers and Employees

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- **Who is a "party," "participant," or "agent"?**

A "party" is a person, including a business entity, who files an application for, or is the subject of a use entitlement proceeding. A "participant" is any person who is not a party to a proceeding but who: (1) actively supports or opposes a particular decision (*e.g.*, lobbies the officers or employees of the agency, testifies in person before the agency, or otherwise acts to influence the decision of the officers of the agency); and (2) has a financial interest in the decision. An "agent" is an individual or entity that represents a party or participant in a proceeding.

- **When is an appointed official disqualified from proceedings involving a contributor?**

An appointed official may not participate in any use entitlement proceeding involving a party or participant (or the party's or participant's agent) from whom the official received contributions totaling more than \$250 in the 12 months before the proceeding. Disqualification is required only if the official received a contribution to the official's own campaign. Soliciting contributions before a proceeding begins does not, by itself, require disqualification, if the official has not directly received contributions as a result of the solicitation.

An appointed official may avoid disqualification if the official returns the contribution (or the portion exceeding \$250) within 30 days of learning of the contribution and the proceeding involving the contributor.

Whether the appointed official is disqualified as a result of the contribution, the official always must disclose on the record all campaign contributions totaling more than \$250 received in the preceding 12 months from parties to or participants in the proceeding.

## **VI. Penalties**

State and local enforcement agencies and the courts may impose considerable penalties for violating the laws discussed in this memorandum. Individuals who violate these rules could face criminal fines or imprisonment, orders to repay the City for the misused funds, or civil and administrative penalties of up to \$5,000 per violation. Misappropriation of City funds for political activities also may be official misconduct under the City's Charter that justifies removing a public officer (other than the Mayor) and restricting that person's ability to hold public office in the future, and it may also be cause to discipline or fire a public employee.

The conduct of City officers and employees also could result in fines or liability for the City. For example, the California Fair Political Practices Commission has fined local government agencies as much as \$10,000 for failing to report the use of public funds to prepare and distribute pamphlets on pending ballot measures.

## **ADDITIONAL INFORMATION**

Again, for more information about these rules, see the City Attorney's Good Government Guide, which you may find on the Resources page of the City Attorney's website ([www.sfcityattorney.org](http://www.sfcityattorney.org)). If you have any questions, please contact the City Attorney's Office.





BOS-11  
City Attny - J.G  
Budget Analyst  
Cpage

Ben Rosenfield  
Controller  
Monique Zmuda  
Deputy Controller

8

September 4, 2012

The Honorable Edwin Lee  
Mayor, City and County of San Francisco  
City Hall, Room 200

The Honorable Board of Supervisors  
Room 244, City Hall  
San Francisco, CA 94103

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2012 SEP -5 AM 10:17  
MLL

Re: Fiscal Years 2012-2013 and 2013-2014 Budget Certification

Dear Ladies and Gentlemen:

Charter Section 9.115 and Administrative Code Section 3.14 require that each department head certify that the funding provided in the budget as adopted by the Board of Supervisors is adequate for their department to meet the service levels and operations proposed for the fiscal year. This certification takes the form of a letter addressed to the Mayor, Board of Supervisors, and Controller, and must be issued within 30 days of the Board's adoption of the budget.


At this time, all departments but those listed below have submitted budget certification letters for both fiscal years.

- Academy of Sciences has expressed concerns that their funding may not be adequate in Fiscal Year 2013-2014 and has declined to certify the budget for that year.
- Department of Public Health has certified Fiscal Year 2012-2013 only.
- Sheriff has qualified certification of Fiscal Year 2013-2014 based upon population and/or violence increase.
- Arts Commission has not certified Fiscal Year 2013-2014, expressing a belief that funding is adequate but wishes to revisit as part Fiscal Years 2013-2014 and 2014-2015 budget cycle.

All departmental budget certifications assume the release of appropriated reserves placed by the Controller's Office, the Mayor's Office, and the Board of Supervisors.

If you have any questions about this material, please contact me at (415) 554-7500.

Sincerely,

  
Ben Rosenfield  
Controller

cc: Mayor's Budget Director  
Budget Analyst



9



Controller's Office Government Barometer – June 2012  
Reports, Controller

to:

Calvillo, Angela, Nevin, Peggy, BOS-Supervisors, BOS-Legislative Aides, Kawa, Steve, Howard, Kate, Falvey, Christine, Elliott, Jason, Campbell, Severin, Newman, Debra, CON-Media Contact, Con, Performance, CON-PERF DEPT CONTACTS, Robertson, Bruce, millsapsmel@yahoo.com, CON-EVERYONE, CON-CCSF Dept Heads, CON-Finance Officers

09/05/2012 01:50 PM

Sent by:

"Kurylo, Richard" <richard.kurylo@sfgov.org>

Hide Details

From: "Reports, Controller" <controller.reports@sfgov.org> Sort List...

To: "Calvillo, Angela" <angela.calvillo@sfgov.org>, "Nevin, Peggy"

<peggy.nevin@sfgov.org>, BOS-Supervisors <bos-supervisors.bp2ln@sfgov.microsoftonline.com>, BOS-Legislative Aides <bos-legislativeaides.bp2ln@sfgov.microsoftonline.com>, "Kawa, Steve" <steve.kawa@sfgov.org>, "Howard, Kate" <kate.howard@sfgov.org>, "Falvey, Christine" <christine.falvey@sfgov.org>, "Elliott, Jason" <jason.elliott@sfgov.org>, "Campbell, Severin" <severin.campbell@sfgov.org>, "Newman, Debra" <debra.newman@sfgov.org>, CON-Media Contact <con-mediacontact.bp2ln@sfgov.microsoftonline.com>, "Con, Performance" <performance.con@sfgov.org>, CON-PERF DEPT CONTACTS <con-perfdeptcontacts.bp2ln@sfgov.microsoftonline.com>, "Robertson, Bruce" <bruce.robertson@flysfso.com>, "millsapsmel@yahoo.com" <millsapsmel@yahoo.com>, CON-EVERYONE <con-everyone.bp2ln@sfgov.microsoftonline.com>, CON-CCSF Dept Heads <con-ccsfdeptheads.bp2ln@sfgov.microsoftonline.com>, CON-Finance Officers <confinanceofficers.bp2ln@sfgov.microsoftonline.com>, Sent by: "Kurylo, Richard" <richard.kurylo@sfgov.org>

The Office of the Controller has issued the Government Barometer June 2012 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 September 2012 report is scheduled to be issued in late October 2012.

To view the full report, please visit our website at: <http://co.sfgov.org/webreports/details.aspx?id=1475>

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](http://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](mailto:CSA.ProjectManager@sfgov.org)

This is a send-only email address.

Thank you.



# City and County of San Francisco

Office of the Controller – City Services Auditor

## GOVERNMENT BAROMETER

June 2012



September 5, 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 August 2012 report is scheduled to be issued in late September 2012.

For more information, please contact the Office of the Controller, City Services Auditor Division.

Phone: 415-554-7463

Email: [CSA.ProjectManager@sfgov.org](mailto:CSA.ProjectManager@sfgov.org)

Internet: [www.sfgov.org/controller/performance](http://www.sfgov.org/controller/performance)

**Program Team:**

Peg Stevenson, Director

Sherman Luk, Project Manager

Kyle Burns, Performance Analyst

Department Performance Measurement Staff



# Government Barometer – June 2012

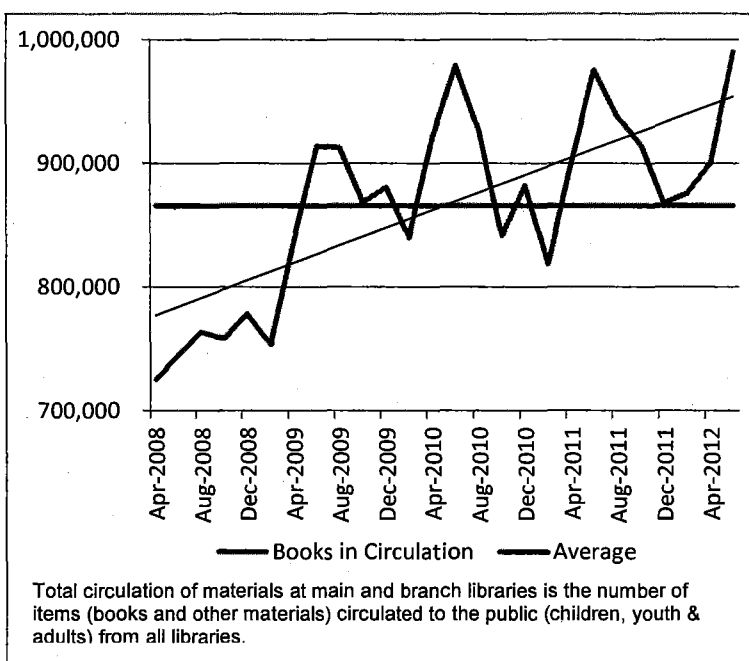
## Summary

The Office of the Controller has issued the Government Barometer June 2012. Significant changes reported in June 2012 include the following:

- Value (estimated cost, in millions) of construction projects for which new building permits were issued increased by 11.2 percent since April 2012. The total value increased to over \$216 million for the current period, including a single project valued at \$85 million.
- Drinking water reservoirs storage as a percentage of normal for this month are 9.7 percent lower than April 2012. The San Francisco Public Utilities Commission report the lower percentage is due to the combination of a below median snow year with an early snow melt.
- The percentage of all building permits involving new construction and major alterations review that are approved or disapproved within 90 days declined from 72 percent in April to 64 percent in June 2012. Planning attributes the decline to the increasing volume of building permits that involve new construction and major alteration. In addition to the overall increase in the number of permits, permits are more complex and require design review, coordinated environmental analysis, and public realm review.
- The average daily number of 311 contacts, decreased for the fifth consecutive month. Since April 2012 the average daily number of contacts decreased by 12.5 percent in June 2012. As highlighted in the April Report the decrease is an intended consequence of improving the method that 311 user departments transfer information to the public, including website improvements and outreach.
- The percentage of Muni buses and trains that adhere to posted schedules exhibits a percentage change decline of 19.7 percent between June 2011 and June 2012. SFMTA recently updated the methodology for calculating the measure to accurately track schedule adherence. The June 2011 figure represents the previous methodology.
- The total number of Healthy San Francisco participants decreased by 13.9 percent from June 2011 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. The current barometer will be final report where the year to year comparison accounts for this transition.

## Measure Highlight – Total circulation of materials at main and branch libraries

The total circulation of materials at main and branch libraries reached a high of over 990 thousand materials for June 2012. The 990 thousand is the highest reported level since the beginning of the Government Barometer<sup>1</sup>. Voters passed a \$105.9 million bond package in November 2000 for improvement of 16 of the 27 branch libraries. Of the 16 Branch Library Improvement Program projects only two are yet to be completed. Materials circulation should continue to be at higher levels with the branch upgrades completed. The chart to the right shows the increasing trend of library book circulation since April 2008. Seasonality of materials circulation is represented in the dramatic dips in the chart that are a result of low circulation in the holiday months and higher circulation in summer months.



<sup>1</sup> Total circulation of materials at main and branch libraries was first reported as part of the bimonthly barometer in April 2008.



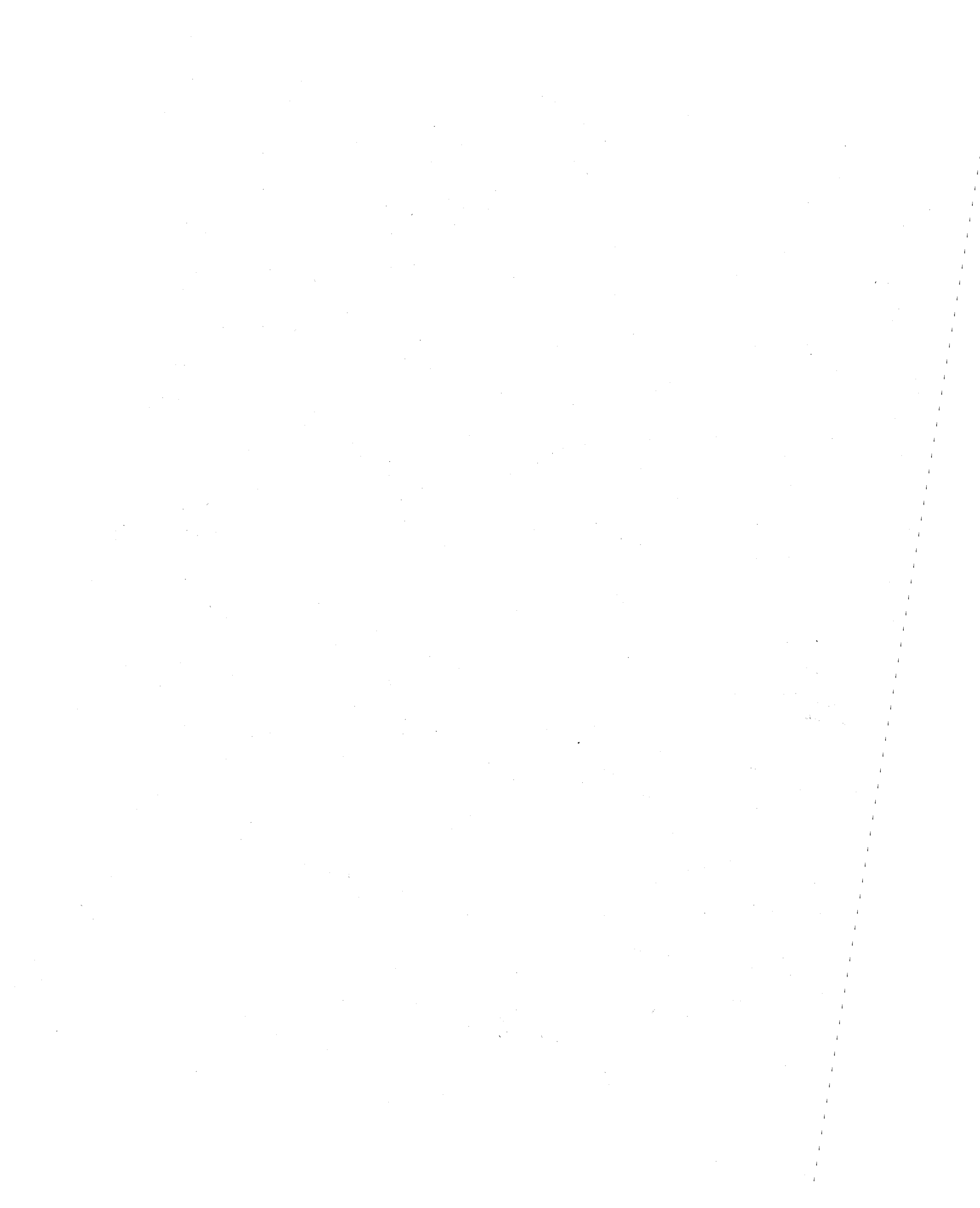
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City and County of San Francisco  
 Controller's Office  
 Government Barometer (June 2012)



Activity or Performance Measure	Prior Year	Prior Period	Current Period	Period-to-Period		Year-to-Year	
	Jun-2011	Apr-2012	Jun-2012	% Change	Trend	% Change	Trend
<b>Public Safety</b>							
Total number of serious violent crimes reported (homicide, forcible rape, robbery, and aggravated assault, per 100,000 population)	69.6	65.3	<b>66.3</b>	1.5%	Negative	-4.7%	Positive
Total number of serious property crimes reported (burglary, larceny-theft, motor vehicle theft, and arson, per 100,000 population)	324.6	360.1	<b>358.8</b>	-0.4%	Neutral	10.5%	Negative
Percentage of fire/medical emergency calls responded to within 5 minutes	92.4%	86.8%	<b>91.2%</b>	5.1%	Positive	-1.3%	Neutral
Average daily county jail population	1,538	1,575	<b>1,530</b>	-2.9%	Positive	-0.5%	Neutral
Percentage of 9-1-1 calls answered within 10 seconds	90.0%	87.0%	<b>87.0%</b>	0.0%	Neutral	-3.3%	Negative
Average 9-1-1 daily call volume	1,436	1,506	<b>1,512</b>	0.4%	Neutral	5.3%	Negative
<b>Health and Human Services</b>							
Average daily population of San Francisco General Hospital	395	408	<b>391</b>	-4.2%	Positive	-1.0%	Neutral
Average daily population of Laguna Honda Hospital	747	754	<b>758</b>	0.5%	Neutral	1.5%	Neutral
Total number of Healthy San Francisco participants	54,401	46,564	<b>46,822</b>	0.6%	Neutral	-13.9%	Negative
New patient wait time in days for an appointment at a DPH primary care clinic	33	27	<b>25</b>	-7.4%	Positive	-24.2%	Positive
Current active CalWORKs caseload	5,077	4,594	<b>4,526</b>	-1.5%	Positive	-10.9%	Positive
Current active County Adult Assistance Program (CAAP) caseload	7,485	7,176	<b>6,996</b>	-2.5%	Positive	-6.5%	Positive
Current active Non-Assistance Food Stamps (NAFS) caseload	27,253	27,698	<b>28,057</b>	1.3%	Neutral	3.0%	Neutral
Percentage of all available homeless shelter beds used	89.0%	97.0%	<b>97.0%</b>	0.0%	Neutral	9.0%	Positive
Average nightly homeless shelter bed use	1,013	1,096	<b>1,099</b>	0.3%	Neutral	8.5%	Negative
Total number of children in foster care	1,215	1,081	<b>1,090</b>	0.8%	Neutral	-10.3%	Positive
<b>Streets and Public Works</b>							
Average score of streets inspected using street maintenance litter standards (1 = acceptably clean to 3 = very dirty)	N/A	0.00	<b>0.00</b>	N/A	N/A	N/A	N/A
Percentage of street cleaning requests responded to within 48 hours	90.8%	95.0%	<b>90.0%</b>	-5.3%	Negative	-0.9%	Neutral
Percentage of graffiti requests on public property responded to within 48 hours	46.9%	98.0%	<b>86.0%</b>	-12.2%	Negative	83.4%	Positive
Percentage of pothole requests repaired within 72 hours	81.5%	90.0%	<b>89.0%</b>	-1.1%	Negative	9.2%	Positive





City and County of San Francisco  
 Controller's Office  
 Government Barometer (June 2012)



Activity or Performance Measure	Prior Year	Prior Period	Current Period	Period-to-Period		Year-to-Year	
	Jun-2011	Apr-2012	Jun-2012	% Change	Trend	% Change	Trend
<b>Public Transit</b>							
Percentage of Muni buses and trains that adhere to posted schedules	74.6%	62.1%	<b>59.9%</b>	-3.5%	Negative	-19.7%	Negative
Average daily number of Muni customer complaints regarding safety, negligence, discourtesy, and service delivery	46.2	43.5	<b>42.5</b>	-2.3%	Positive	-8.0%	Positive
<b>Recreation, Arts, and Culture</b>							
Average score of parks inspected using park maintenance standards	91.7%	89.1%	<b>89.1%</b>	0.0%	Negative	-2.8%	Neutral
Total number of individuals currently registered in recreation courses	14,989	9,408	<b>13,782</b>	46.5%	Positive	-8.1%	Negative
Total number of park facility (picnic tables, sites, recreation facilities, fields, etc.) bookings	4,076	8,543	<b>5,081</b>	-40.5%	Negative	24.7%	Positive
Total number of visitors at public fine art museums (Asian Art Museum, Legion of Honor, and de Young)	177,515	151,562	<b>151,052</b>	-0.3%	Neutral	-14.9%	Negative
Total circulation of materials at main and branch libraries	975,612	900,437	<b>990,045</b>	10.0%	Positive	1.5%	Neutral
<b>Environment, Energy, and Utilities</b>							
Drinking water reservoirs storage as a percentage of normal for this month	99.4%	118.4%	<b>106.9%</b>	-9.7%	Negative	7.5%	Positive
Average monthly water use by City departments (in millions of gallons)	123.2	121.3	<b>124.0</b>	2.2%	Negative	0.6%	Neutral
Average daily residential per capita water usage (in gallons)	50.2	47.7	<b>47.7</b>	0.1%	Neutral	-4.8%	Positive
Average monthly energy usage by City departments (in million kilowatt hours)	72.3	72.7	<b>71.4</b>	-1.7%	Positive	-1.2%	Neutral
Average workday tons of trash going to primary landfill	1393.3	1393.9	<b>1392.5</b>	-0.1%	Neutral	-0.1%	Neutral
Percentage of curbside refuse diverted from landfill	59.1%	59.9%	<b>60.5%</b>	1.0%	Positive	2.4%	Neutral
<b>Permitting and Inspection</b>							
Value (estimated cost, in millions) of construction projects for which new building permits were issued	\$195.0	\$194.3	<b>\$216.1</b>	11.2%	Positive	10.8%	Positive
Percentage of all building permits involving new construction and major alterations review that are approved or disapproved within 90 days	57.0%	72.0%	<b>64.0%</b>	-11.1%	Negative	12.3%	Positive
Percentage of all applications for variance from the Planning Code decided within 120 days	40.0%	N/A	<b>N/A</b>	N/A	N/A	N/A	N/A
Percentage of life hazard or lack of heat complaints responded to within one business day	95.0%	87.0%	<b>100.0%</b>	14.9%	Positive	5.3%	Positive
Percentage of customer-requested construction permit inspections completed within two business days of requested date	98.0%	98.0%	<b>99.0%</b>	1.0%	Positive	1.0%	Neutral



City and County of San Francisco  
 Controller's Office  
 Government Barometer (June 2012)



Activity or Performance Measure	Prior Year	Prior Period	Current Period	Period-to-Period		Year-to-Year	
	Jun-2011	Apr-2012	Jun-2012	% Change	Trend	% Change	Trend
<b>Customer Service</b>							
Average daily number of 311 contacts, across all contact channels	8,449	6,720	<b>5,878</b>	-12.5%	<b>Neutral</b>	-30.4%	<b>Neutral</b>
Percentage of 311 calls answered by call takers within 60 seconds	66.4%	73.8%	<b>77.5%</b>	5.0%	<b>Positive</b>	16.7%	<b>Positive</b>

**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 June 2012, change since April 2012).

The year-to-year change reflects the change since the same month last year (e.g., for June 2012, change since June 2011).

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."

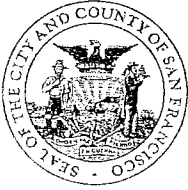
Data reported for the most recent month is either data for that month or the most recent data available, please see the attached Government Barometer Measure Details for more information.

For additional detail on measure definitions and department information, please see the attached Government Barometer Measure Details.

Values for prior periods (e.g. April 2012 or June 2011) 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.*





**SAN FRANCISCO  
PLANNING DEPARTMENT**

RECEIVED  
CLERK OF SUPERVISORS  
SAN FRANCISCO

BOS-11  
Cpage

10

2012 SEP -5 PM 3:00

**Notice of Preparation of an Environmental Impact Report**

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

*Date:* September 5, 2012  
*Case No.:* 2012.0176E  
*Project Title:* Transportation Sustainability Program  
*Project Sponsor:* City and County of San Francisco  
*Lead Agency:* San Francisco Planning Department  
*Staff Contact:* Rachel Schuett – (415) 575-9030  
rachel.schuett@sfgov.org

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

**PROJECT DESCRIPTION**

The City and County of San Francisco (City) is proposing the implementation of a Transportation Sustainability Program (TSP), which consists of two interrelated policy initiatives. The first concerns a funding program, referred to as the Transportation Sustainability Fee (TSF), which would include the collection of a new fee on new development and the allocation of the revenue to a program of improvements designed to allow the transportation system to accommodate the increased transit demand associated with new development. The second initiative would be implementation of a new methodology for assessing the impact of new development on the transportation system, the Transportation Significance Standard (TSS). The TSS would eliminate the use of Level of Service (LOS) methodology, which assesses the extent of delay in vehicle travel at intersections from new development, and instead would focus on assessing whether a new development would conflict with the implementation of San Francisco's General Plan policies emphasizing multi-modal transportation system performance, principally using performance standards related to transit crowding and transit delay, as well as standards for pedestrian and bicycle facilities.

**FINDING**

**This project may have a significant effect on the environment and an Environmental Impact Report is required.** This determination is based upon the criteria of the State CEQA Guidelines, Sections 15063 (Initial Study), 15064 (Determining Significant Effect), and 15065 (Mandatory Findings of Significance), and for the reasons documented in the Environmental Evaluation (Initial Study) for the project, which is attached.

**PUBLIC SCOPING PROCESS**

Pursuant to the State of California Public Resources Code Section 21083.9 and California Environmental Quality Act Guidelines Section 15206, a public scoping meeting will be held to receive oral comments concerning the scope of the EIR. The meeting will be held on **September 20, 2012 at 5:30 PM** at the **San Planning Department offices, located at 1650 Mission Street, Suite 400, San Francisco, CA 94103.** Written comments will also be accepted at this meeting and until 5:00 p.m. on October 5, 2012. Written comments should be sent to Bill Wycko, San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103.

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

If you work for a responsible State agency, we need to know the views of your agency regarding the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency may need to use the EIR when considering a permit or other approval for this project. Please include the name of a contact person in your agency.

August 30, 2012  
Date

  
Bill Wycko  
Environmental Review Officer

File 120271

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

10

MEMORANDUM

Date: September 5, 2012  
To: John Arntz, Director, Department of Elections  
From: *acc* Angela Calvillo, Clerk of the Board  
Subject: Board Decision on Referendum Petition:  
Ordinance No. 104-12 - 8 Washington Street Project - Zoning Map  
Amendment

Please be advised that the Board of Supervisors reconsidered Ordinance No. 104-12 (File No. 120271) relating to 8 Washington Street Project - Zoning Map Amendment on September 4, 2012, pursuant to the Referendum Petition, and has determined that their decision shall be reaffirmed and the Ordinance was **NOT REPEALED** by the following vote:

Ayes: 3 - Avalos, Campos, Chiu  
Noes: 8 - Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague, Wiener

Therefore, this Ordinance should be included in the next general municipal or statewide election, pursuant to Charter Section 14.102. Please process accordingly.

SAN FRANCISCO  
FILED  
2012 SEP -5 PM 3:59  
DEPARTMENT OF ELECTIONS





(12)



File # 120847 Sunshine TaskForce Appointment  
NorthofMarket BusinessAssociation  
09/06/2012 08:43 AM

To:  
Jane.Kim, Mark.Farrell, David.Campos  
Cc:  
Board.of.Supervisors, Linda.Wong  
Hide Details  
From: NorthofMarket BusinessAssociation <nomba@att.net>  
To: Jane.Kim@sfgov.org, Mark.Farrell@sfgov.org, David.Campos@sfgov.org,

Cc: Board.of.Supervisors@sfgov.org, Linda.Wong@sfgov.org

1 Attachment



9-5-12\_SunshineTaskForce\_KaiForsley 001.jpg

Clerk of the Board of Supervisors and Rule Committee members:

**Please ad this letter to File No. 120847, Appointment to the Sunshine Taskforce.**

*North of Market Business Association*

*(415) 937-1289-phone*

*(415) 820-1565-Fax*

*NOMBA is organizing to improve the commercial environment within North of Market*

*<http://nomba.cfsites.org/>*



# North of Market Business Association

P.O. Box 846; San Francisco, CA 94101-0846  
(415) 937-1289 Phone (415) 820-1565-Fax  
nomba@att.net

Clerk of the Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, Ca. 94102-4689

September 5, 2012

Rules Committee, Board of Supervisors:

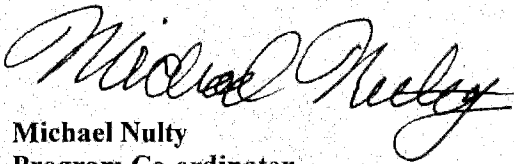
"MLKjr said, "life's most persistent and urgent question is, 'What are you doing for others?'" Kia takes that question to heart from dawn to daybreak and then back to dawn - tirelessly striving for the community, caring and creating opportunities for people in the community to rise, stand up, & be heard.

She is an enabler where people march in collaboration, her voice is heard by the community. And like MLKjr, she has learned to use her time creatively, by creating programs where none existed.

And, finally "the ultimate measure of a person is not where she stands in moments of comfort and convenience, but where she stands at times of challenge and controversy." Kia (Wilson) Forsley have stood in adversity, in controversy, and challenged the system head on, and won more comfort and convenience for all. We, as nation, a state, a county, a city, a district, a neighborhood, need more people like the Kia (Wilson) Forsley who inspire people like me.. to stand and watch, but to participate... Thank you for being who you are and I love the amazing accomplishment of how things transpire, s it as affected me directly, "all indirectly.

Please consider Kia (Wilson) Forsley for a term on the Sunshine Taskforce.

Sincerely,



Michael Nulty  
Program Co-ordinator





Issued: The \$78 Million Citywide Western States Oil Company Contract Should Be Better Administered  
Reports, Controller

to:

Calvillo, Angela, Nevin, Peggy, BOS-Supervisors, BOS-Legislative Aides, Kawa, Steve, Howard, Kate, Falvey, Christine, Elliott, Jason, Campbell, Severin, Newman, Debra, CON-Media Contact, CON-EVERYONE, CON-CCSF Dept Heads, CON-Finance Officers, Fong, Jaci, ed.reiskin@sfmta.com, Kelly, Naomi, Boomer, Roberta, Browne, Jennifer, Bose, Sonali, Sakelaris, Kathleen, Meller, Marty, Yeung, Linda, Fung, Tom

09/06/2012 12:23 PM

Sent by:

"Kurylo, Richard" <richard.kurylo@sfgov.org>

Hide Details

From: "Reports, Controller" <controller.reports@sfgov.org> Sort List...

To: "Calvillo, Angela" <angela.calvillo@sfgov.org>, "Nevin, Peggy"

<peggy.nevin@sfgov.org>, BOS-Supervisors <bos-

supervisors.bp2ln@sfgov.microsoftonline.com>, BOS-Legislative Aides <bos-legislativeaides.bp2ln@sfgov.microsoftonline.com>, "Kawa, Steve"

<steve.kawa@sfgov.org>, "Howard, Kate" <kate.howard@sfgov.org>, "Falvey, Christine"

<christine.falvey@sfgov.org>, "Elliott, Jason" <jason.elliott@sfgov.org>, "Campbell,

Severin" <severin.campbell@sfgov.org>, "Newman, Debra" <debra.newman@sfgov.org>,

CON-Media Contact <con-mediacontact.bp2ln@sfgov.microsoftonline.com>, CON-

EVERYONE <con-everyone.bp2ln@sfgov.microsoftonline.com>, CON-CCSF Dept Heads

<con-ccsfdeptheads.bp2ln@sfgov.microsoftonline.com>, CON-Finance Officers

<confinanceofficers.bp2ln@sfgov.microsoftonline.com>, "Fong, Jaci"

<jaci.fong@sfgov.org>, "ed.reiskin@sfmta.com" <ed.reiskin@sfmta.com>, "Kelly, Naomi"

<naomi.kelly@sfgov.org>, "Boomer, Roberta" <roberta.boomer@sfmta.com>, "Browne,

Jennifer" <jennifer.browne@sfgov.org>, "Bose, Sonali" <sonali.bose@sfmta.com>,

"Sakelaris, Kathleen" <kathleen.sakelaris@sfmta.com>, "Meller, Marty"

<marty.meller@sfgov.org>, "Yeung, Linda" <linda.yeung@sfgov.org>, "Fung, Tom"

<tom.fung@sfgov.org>,

Sent by: "Kurylo, Richard" <richard.kurylo@sfgov.org>

The Office of the Controller's City Services Auditor Division today issued a memorandum on *The \$78 Million Citywide Western States Oil Company Contract Should Be Better Administered*. The audit found that the Office of Contract Administration must develop and implement overall contract monitoring procedures to ensure that the amounts and prices of fuel delivered for city vehicles are reasonable based on the contract's provisions and departmental requirements. Further, the San Francisco Municipal Transportation Agency and Central Shops Department of the General Services Agency must better administer the contract, for example, by developing comprehensive, written procedures for reviewing, approving, and paying invoices from Western States.

To view the full memorandum, please visit our website at: <http://co.sfgov.org/webreports/details.aspx?id=1477>

This is a send-only email address.

For questions regarding the memorandum, please contact Tonia Lediju, Director of City Audits, at Tonia.Lediju@sfgov.org or 415-554-5393, or the Controller's Office, Audits unit, at 415-554-7469.





**CITY AND COUNTY OF SAN FRANCISCO**  
**OFFICE OF THE CONTROLLER**

---

**Ben Rosenfield**  
Controller

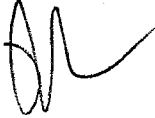
**Monique Zmuda**  
Deputy Controller

**MEMORANDUM**

**TO:** Jaci Fong, Purchaser and Director  
Office of Contract Administration

Naomi M. Kelly, City Administrator  
General Services Agency-Office of the City Administrator

Edward D. Reiskin, Director of Transportation  
San Francisco Municipal Transportation Agency

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

**DATE:** September 6, 2012

**SUBJECT:** The \$78 Million Citywide Western States Oil Company Contract Should  
Be Better Administered

---

**EXECUTIVE SUMMARY**

The Office of Contract Administration (OCA) must develop and implement overall contract monitoring procedures to ensure that the amounts and prices of fuel delivered are reasonable based on the contract's provisions and departmental requirements. Further, the General Services Agency (GSA) and San Francisco Municipal Transportation Agency (SFMTA) must better administer the Western States Oil Company (Western States) contract, under which fuel is provided for city vehicles. Both GSA and SFMTA need to develop comprehensive, written procedures for reviewing, approving and paying invoices for fuel deliveries by Western States. Although GSA and SFMTA correctly paid tested invoices, GSA needs to ensure that all invoiced amounts are verified using tank reading reports generated with each fuel delivery.

OCA, GSA, and SFMTA agree with the audit's four findings and agree to implement all seven recommendations.





## **BACKGROUND, OBJECTIVES & METHODOLOGY**

### **Background**

The City and County of San Francisco (City) spends more than \$2 billion annually on the procurement of goods and services from vendors, much of it through contracts. To identify vulnerabilities in existing contracts, the Office of the Controller's (Controller's) City Services Auditor Division (CSA) implemented a contract compliance monitoring program (program) in fiscal year 2011-12 to track contract adherence and accuracy. Under its annual audit plan, CSA systematically audits city contracts. The program consists of an ongoing, comprehensive audit process in which CSA selects and audits up to eight contracts each year using a risk-based approach. CSA selected the Western States contract to include in its fiscal year 2011-12 process.

On August 26, 2009, OCA established a \$25 million contract with Western States for furnishing and delivering gasoline, diesel, biodiesel, and propane fuel for the City's trucks, cars, equipment and SFMTA coaches. The original term of the contract was September 1, 2009, through August 31, 2010. However, the contract was extended to five years, which has increased the contract's amount to approximately \$78 million.

Under this citywide term contract, departments have the authority to make purchases up to the approved amount. The amount is the maximum that can be spent under the contract, as approved by OCA. Fuel prices are based on a fuel price index called the Oil Price Information Service (OPIS), which includes daily prices for various types of fuel for San Francisco or Stockton, depending on delivery location. The OPIS price used is the "daily average rack" price from the previous day's OPIS price list. The published prices are subject to markups or markdowns, depending on the types of fuel and the quantities delivered.

The contract lists the numerous locations to which Western States must deliver fuel for various city departments in the quantities and frequencies requested, and within the time required to avoid interrupting city services and operations. However, the majority of fuel expenditures are for the GSA's Central Shops Department (Central Shops) and SFMTA's diesel buses. Central Shops maintains and provides fuel for much of the City's vehicle fleet, and supplies fuel to certain other city departments. Because SFMTA and Central Shops are the major consumers of fuel under the contract, this audit focused on purchases made by these agencies.

The exhibit shows the payments made to Western States by SFMTA and Central Shops during the audit period.



<b>EXHIBIT</b>		<b>Payments to Western States Oil Company by Department July 1, 2010, Through June 30, 2011</b>	
<b>Department</b>		<b>Amount</b>	
Municipal Transportation Agency		\$15,337,980	
Central Shops Department		6,677,930	
Fire Department		1,053,424	
Public Utilities Commission		980,872	
Airport Commission		586,302	
Other		216,195	
<b>Total</b>		<b>\$24,852,703</b>	

Source: City's accounting system.

Western States bills SFMTA and Central shops for each fuel delivery it makes. This audit focused on fuel deliveries made to SFMTA's Woods, Flynn, and Kirkland yards, where fuel tanks are located that supply diesel fuels for buses, and to the Central Shops locations at Cesar Chavez Street, Bryant Street, and in Golden Gate Park on Martin Luther King, Jr. Drive. The accounting units of SFMTA and Central Shops are responsible for reviewing invoices and ensuring that the amounts of fuel delivered, fuel prices, applicable markups or markdowns, and taxes applied are correct. These accounting units enter information to a log or spreadsheet to track invoice receipt dates and payment due dates to help them comply with the Controller's policy that calls for payments to be made within 30 days of invoice receipt.

### Objectives

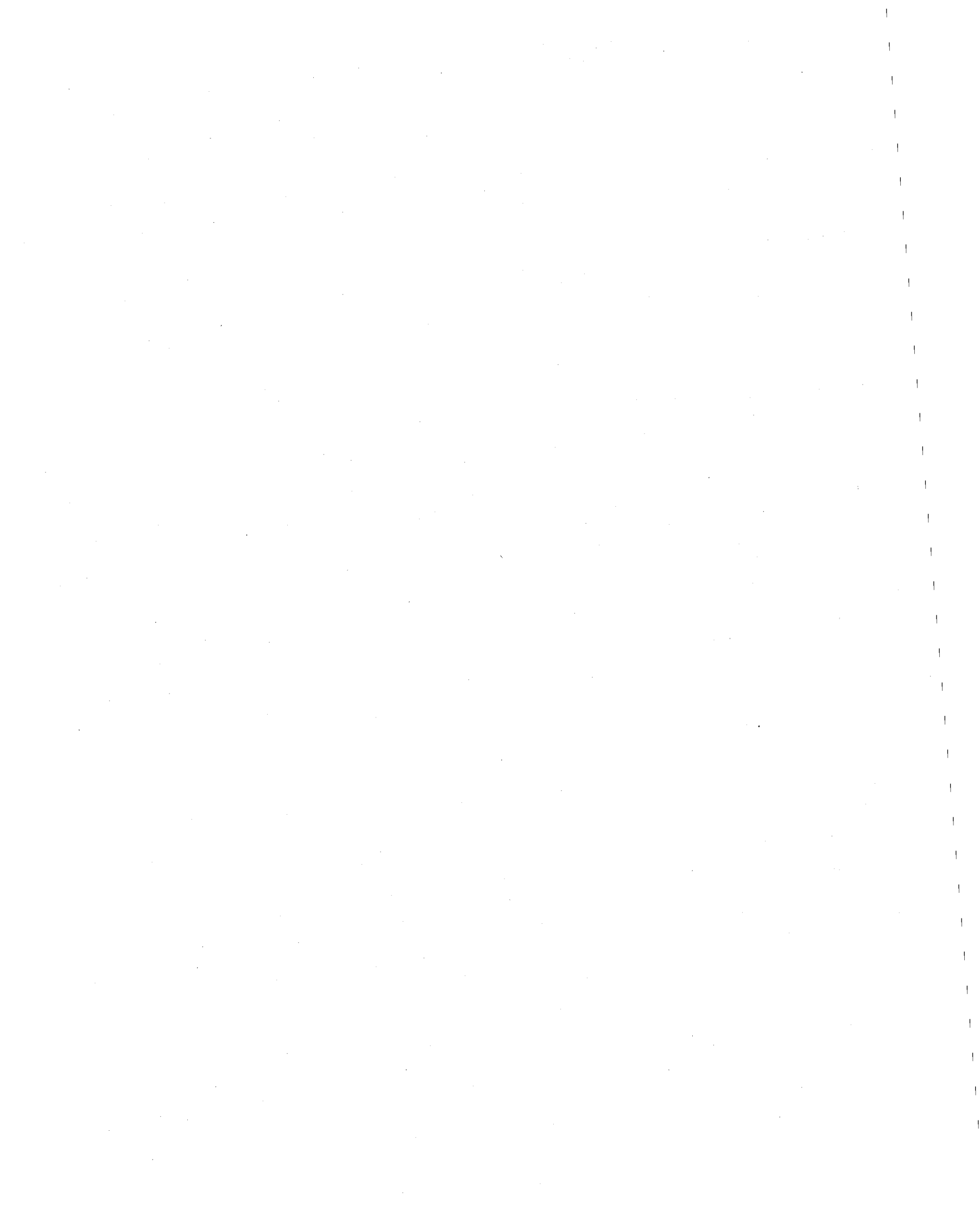
The purpose of this audit was to determine whether:

- SFMTA and Central Shops have adequate policies and procedures and internal controls to correctly pay Western States for fuel delivered pursuant to the contract.
- OCA effectively administered and monitored the Western States contract.

### Methodology

To conduct this audit, CSA:

- Reviewed and gained an understanding of the contract terms and conditions.
- Interviewed Central Shops, OCA, and SFMTA personnel to understand billing, payment, and contract monitoring procedures.
- Extracted payment information from the City's accounting system to identify a sample for testing.
- Purposefully selected three SFMTA payments and seven Central Shops payments made for fuel deliveries for testing.
- Traced the billing data on the sample invoices to approved contract rates, recalculated the invoices, and ensured that the correct amounts were paid.



During the audit period, SFMTA authorized and remitted to Western States 891 payments totaling \$15,338,346 and ranging from \$366 to \$39,969. Central Shops authorized 244 payments totaling \$6,677,564 and ranging from \$11,056 to \$97,861.

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

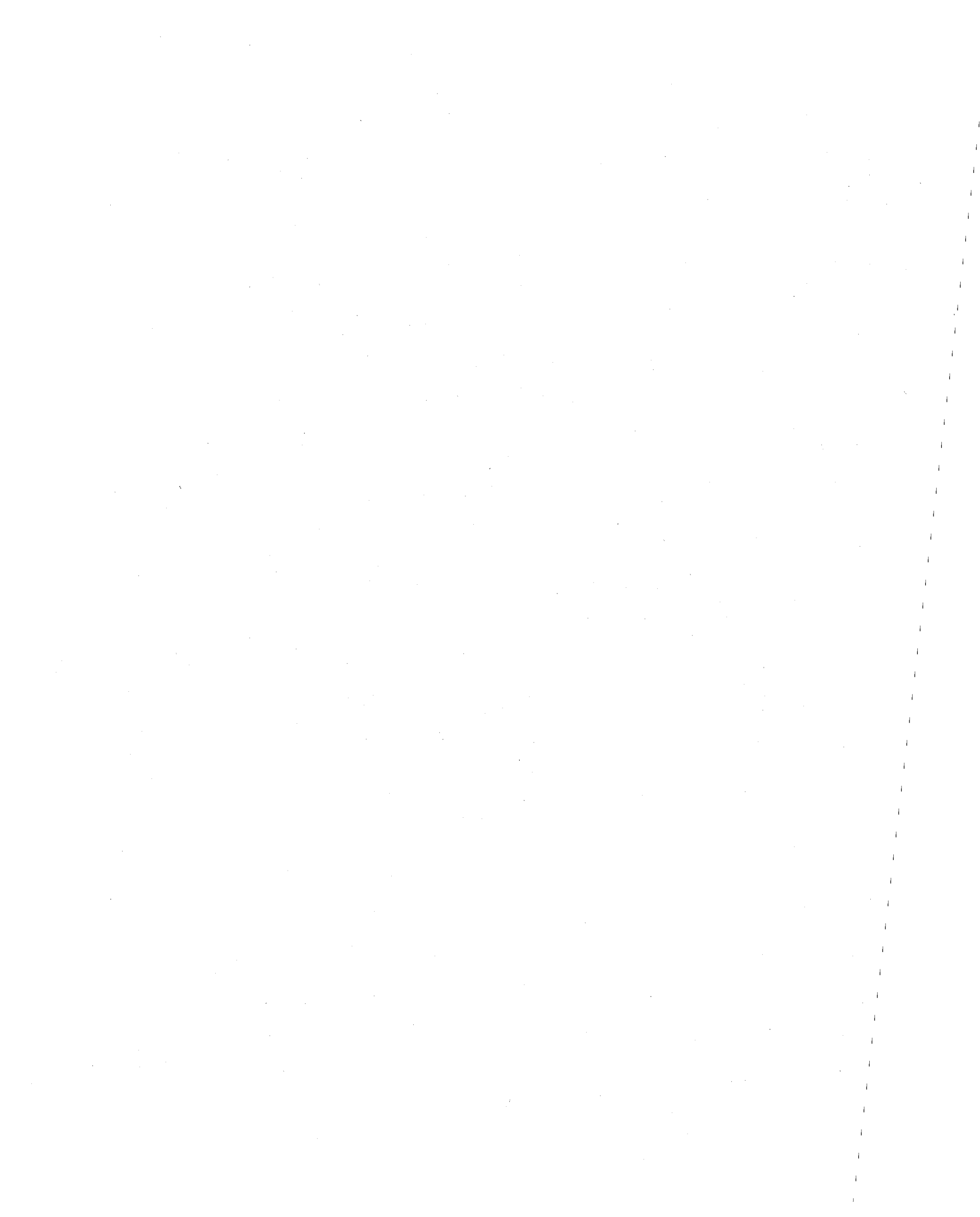
## RESULTS

### **Finding 1 – OCA does not track or reconcile fuel usage, and lacks overall contract monitoring procedures.**

OCA does not track or reconcile fuel usage across departments under the Western States contract. According to OCA, it had attempted to reconcile Western States' fuel delivery reports against the City's purchasing system, but was unsuccessful due to incorrect fuel commodity codes entered by departmental accountants processing invoice payments. Moreover, the City's purchasing system cannot track the quantity of fuel delivered, which is also needed to track usage. According to the Controller's Accounting Operations and Systems Division (AOSD), it is nearly impossible for user departments to set up the documents in the City's purchasing system to accommodate this request because the system can accommodate only fixed prices for the various types of fuel. However, Western States sells its fuel to the City at OPIS prices, which change daily and are subject to markups and markdowns depending on the type and quantity of fuel delivered. Departments cannot be expected to enter every possible price for each type of fuel to enable them to then enter the number of gallons of each type.

Tracking and reconciling fuel usage would provide OCA with better and more detailed information than payment totals alone, and is part of a larger contract monitoring system. A contract monitoring system consists of the structure, policies, and procedures used to ensure that the objectives of a contract are accomplished, that payment is made only for goods and services allowed by the contract, and that vendors meet their responsibilities. An effective contract monitoring system seeks to reasonably mitigate risk. Inadequate contract monitoring can have financial and programmatic consequences. For example, a vendor may be overpaid for work performed or paid for work not performed. A well-written contract has limited value if the City does not adequately monitor usage trends to ensure that amounts billed are correct.

OCA advised that contract monitoring would be best performed by a dedicated employee or team that could purchase fuel each day at the best price from a pool of vendors, although it does not have the resources to implement such a contract administration plan. In a separate meeting, SFMTA staff expressed support for such a plan, and noted that the City is working toward developing a new, improved fuel contract.



### **Recommendation**

1. The Office of Contract Administration (OCA) should decide on a cost-effective method to implement and document its contract monitoring process that provides OCA with sufficient data to appropriately track and monitor departments' fuel purchase quantities and costs by fuel type and fuel usage quantities by fuel type under the Western States contract.

### **Finding 2 – SFMTA and Central Shops need to develop or improve procedures to review, verify, and approve for payment Western States invoices.**

For the three sample Western States invoices tested, the invoiced amounts were properly supported and calculated, and SFMTA correctly paid the amounts due. However, SFMTA lacks written procedures for exactly how this task should be performed. Specifically, the review of invoices requires retrieval of OPIS fuel prices to verify that the amount charged is correct, verification that applicable markups or markdowns have been applied, and verification that appropriate taxes have been included in the invoiced total.

According to SFMTA's Finance Division, SFMTA accountants follow the City's Payment Processing Guidelines, issued by the Controller, which require that invoices be reviewed for completeness and accuracy. However, as the guidelines state, they are general, and can be used by city departments to create more specific and detailed policies and procedures required for departmental operations. Similarly, Central Shops has a one-page document which outlines its steps to review and approve invoices from Western States. This summary is insufficiently detailed, and erroneously states that the maximum markup or markdown should be applied without consideration to the amount of fuel delivered. Specific instructions will help ensure that any employee who reviews and processes invoices does so thoroughly and consistently, which will reduce the likelihood of error.

### **Recommendations**

2. The San Francisco Municipal Transportation Agency's Finance Division should develop written procedures specifically for the review of invoices from Western States Oil Company.
3. The Central Shops Department should revise its written procedures for reviewing and approving invoices of Western States Oil Company so that all steps necessary to ensure the accuracy of invoiced information are described in detail.

### **Finding 3 – SFMTA and Central Shops lack signature cards for employees authorized to approve vendor invoices.**

Neither SFMTA nor Central Shops have a record of the signatures of their employees who are authorized to approve invoices from vendors. The Controller's Payment Processing Guidelines





for departments state that invoices must be reviewed and approved for payment by an authorized employee and departmental policies must identify those who can approve a particular item. Generally, persons are authorized to review and approve invoices by use of signature cards that are kept on file by the department. According to the SFMTA's controller, a recent Controller's post-audit made the same finding and, as a result, the department is working to create signature cards for all staff authorized to approve (by signing) invoices for payment, including Western States invoices. In addition, signature cards for the audit period were not on file for Central Shops employees who approve invoices. Only when auditors inquired did GSA obtain a signature card for Central Shops staff.

### **Recommendations**

4. The San Francisco Municipal Transportation Agency should, as soon as practical, obtain and place on file signature cards for all department staff authorized to approve vendor invoices for payment, including invoices from Western States Oil Company.
5. The General Services Agency should ensure that signature cards for its authorized approvers of vendor invoices, including those in the Central Shops Department, are kept current.

### **Finding 4 – Central Shops does not always obtain tank reading reports to verify the amount of fuel delivered, which increases the risk that it is buying undelivered fuel.**

Central Shops increases the likelihood that it pays for fuel it did not receive because it does not always obtain tank reading reports when fuel is delivered. Tank reading reports, generated at each fuel delivery location, record the amount of fuel in a tank before and after a delivery so the quantity delivered can be determined. To verify that the amount of fuel billed matches the amount of fuel delivered, the employee who reviews and approves Western States invoices must compare the number of gallons delivered per the invoice to the tank reading report generated during each fuel delivery. However, according to Central Shops, not all invoices include the tank reading reports. As a result, Central Shops pays some invoices without assurance that the amount of fuel billed was actually delivered.

### **Recommendations**

The Central Shops Department should ensure that:

6. It generates tank reading reports with each fuel delivery and that they are forwarded to its accounting unit so the amounts of fuel delivered can be compared to that shown on the invoices of Western States Oil Company.
7. Its accounting unit retains in its files each tank reading report with the related invoice of Western States Oil Company.



Responses from OCA, SFMTA, and GSA to the audit are attached. CSA will work with the departments to follow up on the status of the recommendations made in this memorandum. CSA extends its appreciation to you and your staff who assisted with this audit. For questions about this memorandum, please contact me at (415) 554-5393 or [tonia.lediju@sfgov.org](mailto:tonia.lediju@sfgov.org).

cc: OCA  
Jennifer Browne

SFMTA  
Roberta Boomer  
Sonali Bose  
Kathleen Sakelaris  
Marty Mellara

GSA  
Linda S. Yeung  
Tom Fung

Controller  
Ben Rosenfield  
Irella Blackwood  
Elisa Sullivan



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## ATTACHMENT A: OFFICE OF CONTRACT ADMINISTRATION RESPONSE

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City and County of San Francisco



Edwin M. Lee  
Mayor

Office of Contract Administration

Jaci Fong  
Director  
Purchaser

August 7, 2012

To: Elisa Sullivan, City Services Auditor

From: Jaci Fong, Purchaser and Director of the Office of Contract Administration *JCF*

Subject: Response to Recommendations from Western States TC70882 Audit

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The Office of Contract Administration (OCA) would like to thank the Controller's City Services Auditor (CSA) team for conducting a thorough audit of the current fuel contract with Western States (TC70882). OCA has reviewed the findings and concurs with the recommendations.

Attached, please find OCA's formal response to CSA's recommendations.





## ATTACHMENT B: SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY RESPONSE

**MTA** Municipal Transportation Agency

Edwin M. Lee | Mayor  
Tom Nolsn | Chairman  
Cheryl Brinkman | Vice-Chairman  
Leona Bridges | Director  
Malcolm Heinicke | Director  
Jerry Lee | Director  
Joel Ramos | Director  
Cristina Rubke | Director  
Edward D. Reiskin | Director of Transportation

August 10, 2012

**Tonia Lediju, Audit Director**  
Office of the Controller, City Services Auditor Division  
1 Dr. Carlton B. Goodlett Pl., Rm. 476  
San Francisco, CA 94102

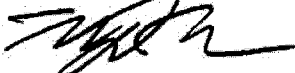
**Subject: San Francisco Municipal Transportation Agency Responses to the Audit  
of the \$78 Million Citywide Western States Oil Company Contract**

**Dear Ms. Lediju:**

Please find attached the San Francisco Municipal Transportation Agency's responses to the recommendations made by the audit team that recently conducted an audit of the \$78 Million Citywide Western States Oil Company Contract. We appreciate the time and effort that you and your staff dedicated to the completion of this audit.

If you have any questions or need additional information, please do not hesitate to contact Kathleen Sakelaris at (415) 701-4339.

Very truly yours,



**Edward D. Reiskin**  
Director of Transportation

Enclosure





## ATTACHMENT C: GENERAL SERVICES AGENCY'S CENTRAL SHOPS DEPARTMENT RESPONSE

---

City and County of San Francisco



Edwin M. Lee  
Mayor

Naomi M. Kelly  
City Administrator

General Services Agency

Fleet Management - Central Shops

August 7, 2012

Tonia Lediju, Director of Audits  
City Hall, Room 477  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Re: Audit of the \$78 Million Western States Oil Contract

Enclosed is Central Shops' response to the findings of the audit of the \$78 million Western States oil contract.

Fleet Management and Central Shops would like to thank the members of the audit team for their diligent work, and for their recommendations.

Sincerely,

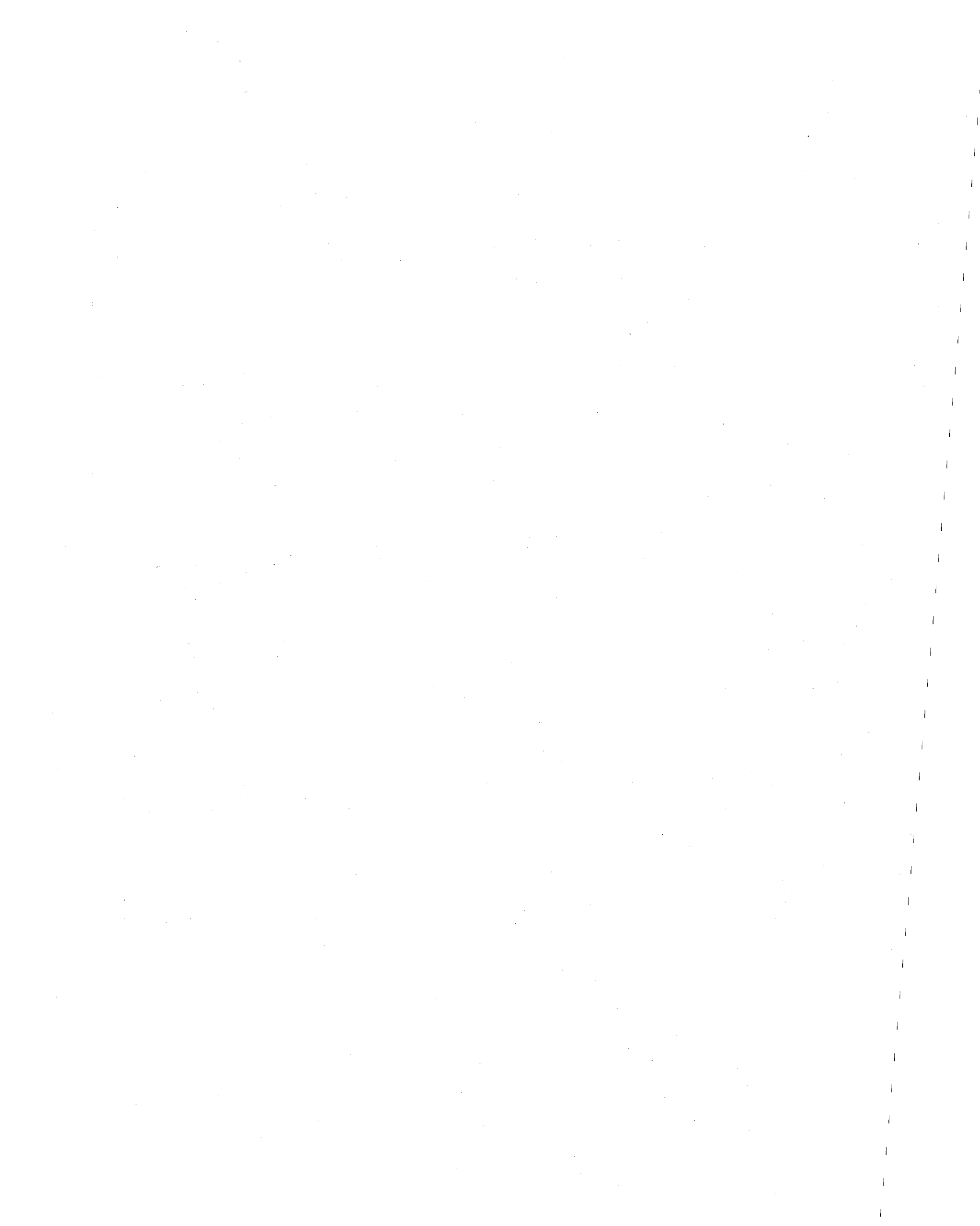
  
Tom Fung  
Director of Fleet Management

encl: Audit Response



**AUDIT RECOMMENDATIONS AND RESPONSES**

Recommendation	Responsible Agency	Response
<p>1. The Office of Contract Administration (OCA) should decide on a cost-effective method to implement and document its contract monitoring process that provides OCA with sufficient data to appropriately track and monitor departments' fuel purchase quantities and costs by fuel type and fuel usage quantities by fuel type under the Western States contract.</p>	<p>Office of Contract Administration</p>	<p>OCA will work with the primary end-user Departments (SFMTA and Central Shops) to develop reporting tools outside of the current ADPICS/FAMIS system which track fuel purchases by fuel type at the gallon level.</p> <p>Additionally, OCA will conduct quarterly audits of a random selection of invoices and tank receipts to ensure that invoiced prices align with contract prices.</p>
<p>2. The San Francisco Municipal Transportation Agency's Finance Division should develop written procedures specifically for the review of invoices from Western States Oil Company.</p>	<p>San Francisco Municipal Transportation Agency</p>	<p>Concur. The written procedures specifically for the review of invoices from Western States Oil company will be developed and issued by August 30, 2012.</p>
<p>3. The Central Shops Department should revise its written procedures for reviewing and approving invoices of Western States Oil Company so that all steps necessary to ensure the accuracy of invoiced information are described in detail.</p>	<p>Central Shops Department</p>	<p>Central Shops has revised its written procedures for reviewing and approving Western States invoices, addressing in detail all the line items on a typical fuel invoice, including the quantity, the base price, and various taxes and fees.</p>

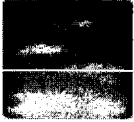


Recommendation	Responsible Agency	Response
<p>4. The San Francisco Municipal Transportation Agency should, as soon as practical, obtain and place on file signature cards for all department staff authorized to approve vendor invoices for payment, including invoices from Western States Oil Company.</p>	<p>San Francisco Municipal Transportation Agency</p>	<p>Concur. SFMTA is already in process of creating a database of authorized approvers of invoices and their facsimile signatures even before this audit. Scheduled to complete the database by August 30, 2012.</p>
<p>5. The General Services Agency should ensure that signature cards for its authorized approvers of vendors' invoices, including those in the Central Shops Department, are kept current.</p>	<p>General Services Agency</p>	<p>GSA has created signature cards for all individuals with authority to sign and approve for payment Western States Oil invoices. The signature cards are retained at the Controller's Office, Room 300.</p>
<p>6. The Central Shops Department should ensure that it generates tank reading reports with each fuel delivery and that they are forwarded to its accounting unit so the amounts of fuel delivered can be compared to that shown on the invoices of Western States Oil Company.</p>	<p>Central Shops Department</p>	<p>Central Shops has revised the procedure for off hours deliveries to include the retrieval by fuel station staff of Inventory Increase tapes from the tape spooler when the delivery driver has been locked out of the office or is otherwise unable to access the tape report. The Inventory Increase tapes will be attached to the delivery receipts and forwarded to the Central Shops account clerk.</p>
<p>7. The Central Shops Department should ensure that its accounting unit retains in its files each tank reading report with the related invoice of Western States Oil Company.</p>	<p>Central Shops Department</p>	<p>Central Shops has revised its written procedures for reviewing and approving Western States Oil invoices to require an Inventory Increase report for each delivery. The Inventory Increase report is to be filed with its related invoice.</p>





(14)



To: BOS Constituent Mail Distribution,  
Cc:  
Bcc:  
Subject: Adopted Resolution from Board of Education to Board of Supervisors

From: Esther Casco <CascoE@sfusd.edu>  
To: "Board.of.Supervisors@sfgov.org" <Board.of.Supervisors@sfgov.org>,  
Cc: "peggy.nevin@sfgov.org" <peggy.nevin@sfgov.org>, Kim-Shree Maufas  
<Kim-ShreeMaufas@sfusd.edu>  
Date: 09/06/2012 03:21 PM  
Subject: Adopted Resolution from Board of Education to Board of Supervisors

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Good afternoon,

Attached please find Resolution No. 128-28A3, **In Support of the "Consideration of Deferred Deportation for Childhood Arrivals" Program and Encouraging SFUSD to Volunteer to Assist All Our Students at the Mission High School's Deferred Action Forum**, which was adopted by the Board of Education of the SFUSD on August 28, 2012.

Commissioner Kim-Shree Maufas, primary author of the resolution, requests that a copy be given to each Member of the Board of Supervisors.

Thank you for your attention to this matter.

Best regards,

Esther

---

**Esther V. Casco**  
Executive Assistant to the Board of Education - SFUSD  
555 Franklin Street, Room 106  
San Francisco, CA 94102  
(415) 241-6493 Fax: (415) 241-6429  
cascoe@sfusd.edu



Maufas Deferred Action MHS 8 28 12\_final clean copy.doc



Subject: Resolution No. 128-28A3

**In Support of the "Consideration of Deferred Deportation for Childhood Arrivals" Program and Encouraging SFUSD to Volunteer to Assist All Our Students at the Mission High School's Deferred Action Forum**

- Commissioners Kim-Shree Maufas, Sandra Lee Fewer, Hydra B. Mendoza, Emily M. Murase, Ph.D., Rachel Norton, Jill Wynns, Norman Yee and Student Delegates Megan Wong and Jaedon Brassil

WHEREAS: On September 22, 2009, the San Francisco Unified School District's Board of Education, in Board Resolution No. 99-22A2<sup>1</sup>, urged the City and County of San Francisco to "*Remember its status as a 'City and County of Refuge'*" as set forth in San Francisco Administrative Code Chapter 12H via adopted Ordinance No. 375-89<sup>2</sup> on October 24, 1989; and

WHEREAS: In Board Resolution No. 99-22A2, the final "whereas clause," the Board noted that "*The denial of access to an SFUSD education to undocumented students would impose a lifetime hardship on a discrete class of children not accountable for their disabling status. The stigma of illiteracy will mark them for the rest of their lives. By denying these children a basic education, we deny them the ability to live within the structure of our civic institutions, and foreclose any realistic possibility that they will contribute in even the smallest way to the progress of our Nation, as recognized by the Supreme Court in Plyer, 457 U.S. 202, 223<sup>3</sup>;*" and

WHEREAS: The Board of Education (past and present) has repeatedly expressed its support for all of our students and their ability to learn, grow and thrive in every available facet of the San Francisco Unified School District, regardless of their land of origin, their parentage, and/or their documentation status; and

WHEREAS: On June 15, 2012, Department of Homeland Security (DHS) Secretary, Janet Napolitano, issued a Memorandum to U.S. Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services (USCIS), and U.S. Immigration and Customs Enforcement (ICE)<sup>4</sup> in accord with that same philosophy, announcing the *Consideration of Deferred Action for Childhood Arrivals*<sup>5</sup> program which offers "deferred action" to immigrants who were brought to the United States as children and who meet other specific requirements<sup>6</sup>; and

<sup>1</sup> <http://www.sfusd.edu/assets/sfusd-staff/board-archive/memberreso/kimmaufasREFUGE093.pdf>

<sup>2</sup> <http://www.sfcityattorney.org/Modules/ShowDocument.aspx?documentid=485>

<sup>3</sup> <http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=us&vol=457&invol=202>

<sup>4</sup> [http://www.legalactioncenter.org/sites/default/files/practice\\_advisory\\_dreamers\\_8-13-12\\_fin\\_0.pdf](http://www.legalactioncenter.org/sites/default/files/practice_advisory_dreamers_8-13-12_fin_0.pdf)

<sup>5</sup> [www.uscis.gov/childhoodarrivals](http://www.uscis.gov/childhoodarrivals)

<sup>6</sup> [http://www.legalactioncenter.org/sites/default/files/practice\\_advisory\\_dreamers\\_8-13-12\\_fin\\_0.pdf](http://www.legalactioncenter.org/sites/default/files/practice_advisory_dreamers_8-13-12_fin_0.pdf)



**In Support of the "Consideration of Deferred Deportation for Childhood Arrivals" Program and Encouraging SFUSD to Volunteer to Assist All Our Students at the Mission High School's Deferred Action Forum**

-Commissioners Kim-Shree Maufas, Sandra Lee Fewer, Hydra B. Mendoza, Emily M. Murase, Ph.D., Rachel Norton, Jill Wynns, Norman Yee and Student Delegates Megan Wong and Jaedon Brassil

**Page 2**

WHEREAS: Mission High School community members came before the Board of Education on August 14, 2012, to announce their leadership efforts in making this national opportunity a reality for not just Mission High School students but all eligible students in SFUSD as rapidly as possible, recognizing that this program has no accompanying federal funding nor state allocated resources to assist eligible students and their families to understand the guidelines, apply for "consideration" and ward off fraudulent prospectors in this arena.

THEREFORE BE IT RESOLVED: That the Board of Education of the San Francisco Unified School District hereby encourages the Superintendent of Schools and staff to volunteer their free time and expertise to assist Mission High School with its 2-Day Deferred Action Forum Friday, September 7th (5-8pm) and Saturday, September 8th (9am -12pm), including but not limited to the translation of materials and provision of interpreters to assist with the provision of information to families; and

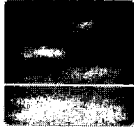
FURTHER BE IT RESOLVED: That the Board of Education encourages the Superintendent to represent the Board of Education's support for the full implementation of the "Consideration of Deferred Deportation for Childhood Arrivals" Program whenever and wherever possible; and

FURTHER BE IT RESOLVED: That the Board of Education recognizes and applauds the efforts of our community partners (e.g. Chinese for Affirmative Action, Asian Law Caucus, PODER, SFOP, San Francisco Immigrant Legal and Education Network, Asian Pacific Islander Legal Outreach, Dolores Street Community Services, CARECEN Central American Resource Center, La Raza Centro Legal, and a host of community experts) in making this national opportunity a dream come true, locally, for our students and their families.

8/28/12



15



To:  
 Cc:  
 Bcc:  
 Subject: Fw: CEQA Notice of availability of DEIR for proposed amendments to BAAQMD New Source Review and Title V Permitting Regulations

From: Brenda Cabral <BCabral@baaqmd.gov>  
 To: Brenda Cabral <BCabral@baaqmd.gov>  
 Date: 09/06/2012 03:22 PM  
 Subject: CEQA Notice of availability of DEIR for proposed amendments to BAAQMD New Source Review and Title V Permitting Regulations

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BAY AREA  
 AIR QUALITY  
 MANAGEMENT  
 DISTRICT

**California Environmental Quality Act  
 NOTICE OF AVAILABILITY OF  
 DRAFT ENVIRONMENTAL IMPACT REPORT  
 FOR PROPOSED AMENDMENTS TO BAAQMD NEW SOURCE REVIEW AND TITLE  
 V PERMITTING REGULATIONS  
 BAAQMD Regulation 2, Rule 1: General Requirements  
 BAAQMD Regulation 2, Rule 2: New Source Review  
 BAAQMD Regulation 2, Rule 4: Emissions Banking  
 BAAQMD Regulation 2, Rule 6: Major Facility Review**

Interested Agencies, Organizations and Individuals:

**Subject:** Notice is hereby given pursuant to California Public Resources Code §§ 21091, 21092, 21092.2, and 21092.3, and CEQA Guidelines §§ 15086 and 15087, that the Bay Area Air Quality Management District (BAAQMD or District), as lead agency, has prepared a Draft Environmental Impact Report (EIR) in connection with the project described in this notice.

**Project Title:** Proposed Amendments to BAAQMD New Source Review (NSR) and Title V Permitting Regulations.

**Project Location:** The proposed amendments will apply within the jurisdiction of the BAAQMD, which includes all of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara counties, and the southern portions of Solano and Sonoma counties.

**Project Description:** The BAAQMD is proposing to amend its New Source Review and Title V permitting regulations. The proposed amendments will update the District's current NSR and Title V permitting regulations to reflect recent regulatory developments, among other changes. The principal changes that would be made by the proposed amendments include:

- Adding new NSR and Title V permitting requirements for fine particulate matter (specifically, particulate matter with an aerodynamic diameter of less than 2.5 microns, or "PM<sub>2.5</sub>") and for greenhouse gases (GHGs).





- Revising the "Prevention of Significant Deterioration" (PSD) permitting program – an important sub-element of the NSR program – in District regulations for approval by the U.S. Environmental Protection Agency (EPA).
- Expanding the applicability provisions for NSR permitting to satisfy current EPA requirements.
- Expanding the requirements for NSR permit applicants to demonstrate that their projects will not contribute to violations of national ambient air quality standards.
- Expanding the public notice and comment provisions for NSR permitting.
- Non-substantive revisions to reorganize and clarify the regulatory language to make it easier to understand and implement.
- Other miscellaneous revisions and updates to various regulatory provisions.

**Probable Environmental Impacts:** The proposed amendments to the District's NSR and Title V permitting programs in Regulation 2 are intended to and expected to benefit public health and the environment. In particular, the proposed amendments will add new permitting requirements for PM<sub>2.5</sub> and GHGs, which will help implement regulatory efforts to reduce emissions of these important air pollutants. The District has evaluated the potential for the proposed amendments to result in any significant adverse environmental impacts in the Draft EIR. The Draft EIR concludes that the project will not cause any significant adverse environmental impacts.

**Public Hearing:** A public hearing to consider adoption of the proposed amendments and to consider certification of the Environmental Impact Report will be scheduled for November 7, 2012, at 9:45 a.m., in the 7<sup>th</sup> floor Board room at District headquarters, 939 Ellis Street, San Francisco, California.

**DRAFT EIR AND SUPPORTING DOCUMENTATION ARE AVAILABLE AT:**

Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109

Or by Calling:  
415-749-4689

And electronically at: [www.baaqmd.gov/Divisions/Engineering/Proposed-Reg-2-Changes.aspx](http://www.baaqmd.gov/Divisions/Engineering/Proposed-Reg-2-Changes.aspx).

**Public Review and Comment Period:** The District requests comments on the Draft Environmental Impact Report. Comments should be addressed to Ms. Carol Lee, Bay Area Air Quality Management District, 939 Ellis Street, San Francisco CA, 94109. Comments may also be sent via fax to 415-749-5030 or by e-mail to [clee@baaqmd.gov](mailto:clee@baaqmd.gov). Comments must be received during the comment period from September 7, 2012 until 5:00 pm on October 22, 2012.



image005.emz





The 2012 Hardly Strictly Bluegrass Festival - a safe, successful event is still possible

Anmarie Mabbutt

to:

board.of.supervisors@sfgov.org

09/07/2012 01:26 PM

Cc:

"david.campos@sfgov.org", "david.chiu@sfgov.org", "jane.kim@sfgov.org",  
 "john.avalos@sfgov.org", "eric.l.mar@sfgov.org", "mark.farrell@sfgov.org",  
 "scott.wiener@sfgov.org", "carmen.chu@sfgov.org", "sean.elsbernd@sfgov.org",  
 "christina.olague@sfgov.org"

Hide Details

From: Anmarie Mabbutt <tenniselement@yahoo.com> Sort List...

To: "board.of.supervisors@sfgov.org" <board.of.supervisors@sfgov.org>,

Cc: "david.campos@sfgov.org" <david.campos@sfgov.org>, "david.chiu@sfgov.org"

<david.chiu@sfgov.org>, "jane.kim@sfgov.org" <jane.kim@sfgov.org>,

"john.avalos@sfgov.org" <john.avalos@sfgov.org>, "eric.l.mar@sfgov.org"

<eric.l.mar@sfgov.org>, "mark.farrell@sfgov.org" <mark.farrell@sfgov.org>,

"scott.wiener@sfgov.org" <scott.wiener@sfgov.org>, "carmen.chu@sfgov.org"

<carmen.chu@sfgov.org>, "sean.elsbernd@sfgov.org" <sean.elsbernd@sfgov.org>,

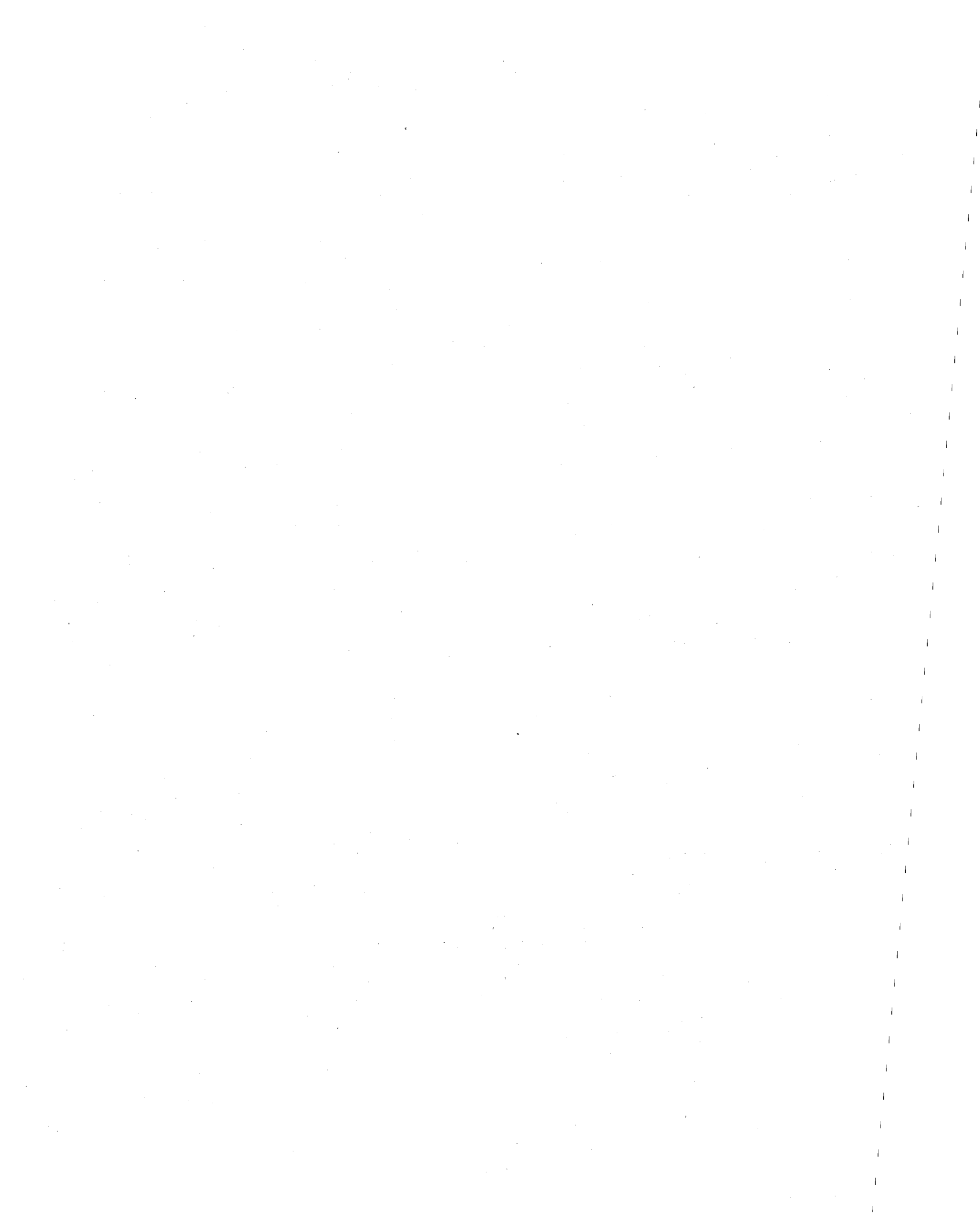
"christina.olague@sfgov.org" <christina.olague@sfgov.org>

Please respond to Anmarie Mabbutt <tenniselement@yahoo.com>

Dear Board President Chiu, Supervisor Eric Mar and the rest of the members of the Board of Supervisors,

For at least the past eight years, Recreation and Parks Department has issued permits for the annual Hardly Strictly Bluegrass Festival in violation of numerous portions of the Recreation and Park Commission Permits and Reservations Policy, the Administrative Code, the Park Code and the City Charter. The Recreation and Parks Department may administratively approve previously held multi-day events that have been held "without incident" but if these multi day events include exceptions to the amplified sound policy and/or outside food sales, the amplified sound exceptions and the food sales must be approved annually by the Recreation and Park Commission. The 2012 HSBF website reports more than 50 food vendors will be available for the three days of HSBF. The 2012 HSBF website and the 2012 RPD Master Permits List indicate a three day event, Friday - Sunday, in the Western meadows which is also a clear violation of the RPC Permits and Reservations Policy. **The Permits and Reservations Policy, Resolution #9705-073, prohibits amplified sound events for two consecutive weekend or weekend holiday days in the Western Meadows in any given week of the year! This is the rule. It has never been repealed or amended yet the RPD continues to issue permits for HSBF which clearly violate this policy.**

**The RPC Permits and Reservations Policy also states that staff may not issue permits for events that are expected to exceed the capacity limits for the venue. As I mentioned in this Westside Observer article I wrote this past February - <http://westsideobserver.com/news/anmarie.html#feb12> , the maximum capacity limits for the Western Meadows are as follows: 18,600 for Speedway Meadow, 4,000 for Marx Meadow and 9,300 for Lindley Meadow, yielding a total daily maximum of 31,900. Yet, dozens of newspaper articles, a 2007 Board Resolution and annual police estimates of the HSBF crowds over the last five years indicate average daily attendance of 175,000 - 260,000 for the HSBF. These figures are 5-8 times higher than the capacities allowed and represent an obvious threat to public health and safety. At a local Police Advisory Board meeting after the 2011 HSBF, police officers admitted to members of the public that HSBF can not be policed. It has gotten too large. If a fire, health emergency or any violence broke out during HSBF, there is no way the police or firefighters could properly handle**



it. Of course, everyone hopes for a safe event but safeguards must be in place in case an emergency occurs. It seems, just as in years past, no such precautions are being taken for the 2012 HSBF. Knowingly exceeding the maximum capacity limits for these Meadows is a disaster waiting to happen.

**The City is lucky to not be facing massive liability after the 2012 Outside Lands. I read a music review blog by a 2012 Outside Lands attendee that mentioned during the Metallica set, pyrotechnics were allowed. Here are links to some of the reports on the flames shooting up over the Polo Fields during the Metallica set -**  
[http://blogs.sfweekly.com/shookdown/2012/08/metallica\\_outside\\_lands\\_san\\_fr.php](http://blogs.sfweekly.com/shookdown/2012/08/metallica_outside_lands_san_fr.php),  
<http://www.noisecreep.com/2012/08/13/metallica-outside-lands-review/>. Note the reporter writes that flames were shooting up under a partially tented area! Had that tent or anything else caught fire during the Metallica set, dozens, if not hundreds of people could have been hurt. And for the HSBF, police and firefighters will be facing crowds approximately 4 times larger than during Outside Lands.

**To ensure a safe and successful 2012 HSBF, the Recreation and Park Commission, the Recreation and Parks Department and the Board of Supervisors should and must do the following:** first, ensure that daily attendance is kept within the allowable maximum capacities for the Western Meadows. The capacity limits for each area were set using a very specific equation based on the Fire Department's crowd metric of seven square feet/person. The methodology used in setting the maximum capacities for the Western Meadows and other RPD properties is discussed at length in the legislative digest for File #080880 that most recently amended the special event permit fees.

**Any expected overflows for the 2012 HSBF could be directed to live streaming video of the festival on screens located throughout the city. The dispersion of HSBF fans at multiple locations would not only help to ensure a safe and manageable festival, it would also more evenly distribute the supposed economic benefits of the festival throughout the City. *There is no reason each and every District in the City should not partake in the joy and the supposed financial benefits of the HSBF.*** Second, honor the pastoral nature of the Western end of the Park and the clear prohibitions of the Permits and Reservations Policy by limiting the event to just one weekend day and limiting the amplified sound hours to no more than that allowed under the current Permits and Reservations Policy. If exceptions to the amplified sound policy and/or outdoor food sales are going to be allowed at HSBF, then at least have these exceptions discussed and approved by the Recreation and Park Commission as required by the Permits and Reservations Policy and the Park Code. Third, insist that the RPD and the Recreation and Park Commission begin to comply with the lease and permit reporting requirements of Administrative Code Section 23.34 and the rules and regulations filing requirement of Section 4.104 of the City Charter.

Finally, the HSBF is supposed to be a "gift" to the City but this so-called "gift" has never been discussed or approved by the Recreation and Park Commission or the Board of Supervisors in violation of Recreation and Park Commission gift acceptance policies and the Administrative Code. **Please provide the public the notice and opportunity for discussion they are legally entitled to and make sure the gift of the 2012 HSBF is approved by both the Recreation and Park Commission and the Board of Supervisors.**

I hope that you and the rest of the Board of Supervisors, RPD General Manager Phil Ginsburg and the Recreation and Park Commissioners all honor your obligations under local laws and regulations to ensure that the 2012 HSBF is a safe and successful event. Please include this letter as part of the correspondence for the next full meeting of the Board of Supervisors.

Sincerely,



Anmarie Mabbutt





BOS-11  
cpages



San Francisco International Airport



September 4, 2012

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

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2012 SEP -7 PM 3:10  
BY AK

Re: Report of TEFRA Hearing Held on June 22, 2012 Regarding the Proposed Issuance of Tax-Exempt Airport Revenue Bonds

Dear Ms. Calvillo:

This is to confirm that at 10:00 a.m. on June 22, 2012, acting in my capacity as Assistant Deputy Airport Director, Capital Finance, I conducted a hearing on behalf of and as authorized by the Airport Commission of the City and County of San Francisco. The hearing was held pursuant to Section 147(f) of the Internal Revenue Code of 1986 with respect to the proposed issuance by the Commission of tax-exempt revenue bonds, notes and other obligations in an aggregate principal amount not to exceed \$2.149 billion, as described in the Notice of Public Hearing that was published in The Examiner and The Chronicle on June 6, 2012.

The hearing was held at the San Francisco International Airport in Conference Room 1R of the Administration Offices on the Fifth Floor of the North Shoulder Building in the International Terminal. Interested persons wishing to express their views on the issuance of the bonds were given the opportunity to do so at the public hearing. Interested persons were also invited in the Notice of Public Hearing to submit written comments to my attention prior to the time of the hearing.

No interested persons attended the hearing and no written comments or questions were received by the Airport Commission regarding the proposed Airport bonds or projects.

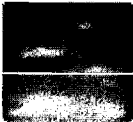
Very truly yours,

Kevin Kone  
Assistant Deputy Airport Director  
Capital Finance

AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE MAYOR    LARRY MAZZOLA PRESIDENT    LINDA S. CRAYTON VICE PRESIDENT    ELEANOR JOHNS    RICHARD J. GUGGENHIME    PETER A. STERN    JOHN L. MARTIN AIRPORT DIRECTOR





To:  
Cc:  
Bcc:  
Subject: Support for Bag Ban Expansion

From: Stacey Ballard <basicelements2fireclay@yahoo.com>  
To: angela.calvillo@sfgov.org  
Date: 09/10/2012 11:49 AM  
Subject: Support for Bag Ban Expansion

---

Dear Ms. Calvillo,

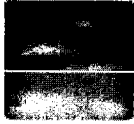
I write to express my strong support of an ordinance that would expand San Francisco's existing ban on plastic checkout bags at large supermarkets and pharmacies. The inclusion of all retailers and the addition of a charge on paper bags will be much more effective than the existing legislation in encouraging behavior change. I am extremely concerned with the economic and natural resource impacts of single-use bag pollution in our coastal community.

Here in the Bay Area, numerous cities and counties are taking similar steps to ban plastic bags at all retailers, and require a charge for recycled content paper bags. The City of San Jose, the County of Santa Clara, and the County of Marin will all be implementing single-use bag ordinances on Jan 1st, 2012. San Francisco, once a leader, is now behind in implementing a more comprehensive ordinance. I hope you will be a leader on this issue and vote yes.

Stacey Ballard  
po box 2564  
South Lake Tahoe, CA 96158



19



To:  
Cc:  
Bcc:  
Subject: SF HRC BYLAWS

The attached copy of the HRC Bylaws were legally changed as of May 10, 2012. The only change made in May, 2012 was a new meeting start time of 5:30 p.m. to allow the public greater access to attendance. These Bylaws have already posted with SF Public Library and on the HRC website.

If you have any questions, please do not hesitate to contact me.

Sheryl E. Cowan  
Commission Secretary  
SF Human Rights Commission  
25 Van Ness Avenue, Suite 800  
San Francisco, CA 94102  
Tel: (415) 252-2506  
Fax: (415) 431-5764  
Email: [Sheryl.Cowan@sfgov.org](mailto:Sheryl.Cowan@sfgov.org)



Commission Bylaws - 5-10-2012 current.pdf



**BYLAWS  
OF THE  
HUMAN RIGHTS COMMISSION  
OF THE CITY AND COUNTY OF SAN FRANCISCO**

Article I -- Identification and Purpose

Section 1. Name

The name of this commission shall be the Human Rights Commission of the City and County of San Francisco ("Commission.")

Section 2. Office

The principal office for the for the transaction of the activities and affairs of the Commission shall be fixed and located at 25 Van Ness Avenue, San Francisco, CA 94102 6033.

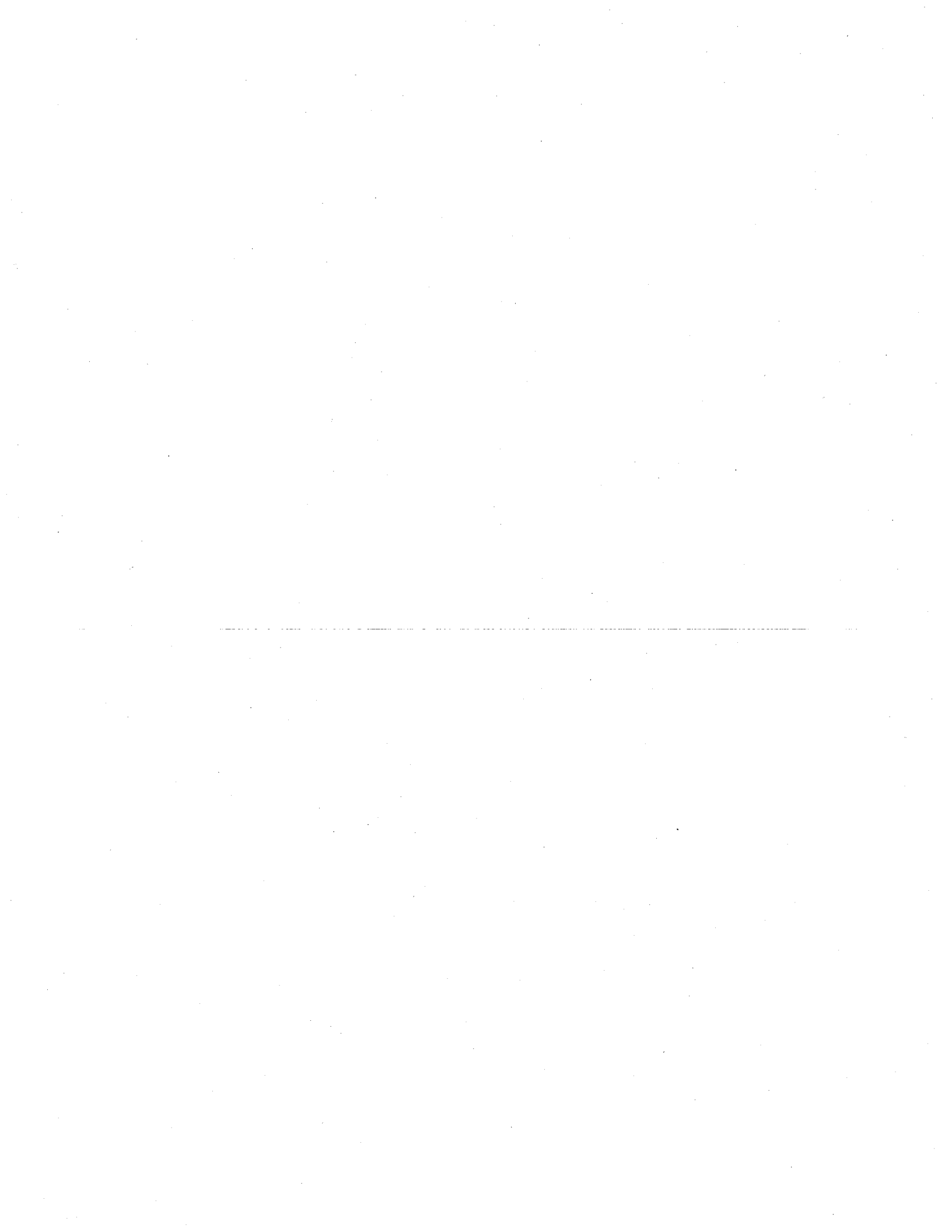
Any change of location of the principal office shall be noted by the secretary on these Bylaws opposite this section without amendment.

Section 3. Purpose

The purpose of the Commission is to give effect to the rights of every inhabitant of the City and County to equal economic, political and educational opportunity, to equal accommodations in all business establishments in the City and County and to equal service and protection by public agencies; to eliminate prejudice and discrimination because of race, color, creed, religion, national origin, ancestry, place of birth, age, sex, sexual orientation, gender identity, domestic partner status, marital status, disability or Acquired Immune Deficiency Syndrome, HIV status, weight, height, or association with members of such classes; to inform the inhabitants of the City and County of developments in human relations; to provide expert advice and assistance to the officers, agencies, boards, departments, and employees of the City and County in undertaking ameliorative practices to keep peace and good order; and to officially encourage private persons and groups to promote and provide equal opportunity for and good will toward all people.

Section 4. Authority

The Commission shall exercise its authority, functions, powers, and duties in accordance with the Charter for the City and County of San Francisco ("Charter") Section 4.100-4.104 and 4.107 and all rules, regulations, orders, and laws of the City and County of San Francisco, including, without limitation thereto, the applicable provisions of the San Francisco Administrative Code and Police Code and in accordance with these Commission Bylaws.





## Article II – Members of the Commission

### Section 1. Membership

The Commission is part of the executive branch of the City and County of San Francisco and it shall have eleven (11) members appointed by the Mayor . (S.F. Charter § 4.107.)

### Section 2. Term of Appointment

Except as otherwise provided by law, the term of office of Commissioners shall be four (4) years terms. Commissioners may be removed by the Mayor. (S.F. Charter § 4.107.)

### Section 3. Limitation on Hold Over Service

Commissioners may not serve on the Commission as hold-overs for more than sixty (60) days after the end of their terms. (S.F. Charter § 4.101.5.)

### Section 4. Oath of Public Office

Swearing to the Oath of Public Office constitutes the Commissioner's sworn responsibility to the public trust.

## Article III – Officers

### Section 1. Officers

The Officers of the Commission shall be a Chairperson of the Commission ("Chair"), a Vice Chairperson ("Vice-Chair"), and such other officers with such titles and duties as shall be stated in these bylaws or determined by the Commission in accordance with applicable law.

### Section 2: Officer's Term of Appointment

The term of each office is one (1) year. The elections of the Chair and Vice-Chair shall occur at the completion of the one (1)-year term (or as needed in the event of the officer's resignation or the expiration of the officer's mayoral appointment), at the first regular meeting of the Commission held after the first day of January of each year, or at a subsequent meeting, the date of which shall be fixed by the Commission at the first regular meeting held after the first day of January of each year.

### Section 3. General Duties and Responsibilities of the Chair

The Chair shall preside at all meetings of the Commission. The Chair shall perform all duties incident to the office of Chair such other duties as may be prescribed elsewhere in the Commission Bylaws or as may be assigned by the Commission or which are otherwise necessary or incidental to the office.



#### Section 4. General Duties and Responsibilities of the Vice-Chair

In the absence or disability of the Chair, the Vice-Chair shall perform temporarily all duties of the Chair, and when so acting shall have all the powers, of, and be subject to all restrictions upon, the Chair. In the event of the Chair's inability to act, the Commission shall elect a new Chair at the next regular or special meeting to serve until the expiration of the term of the succeeded Chair. If the office of Vice-Chair is vacated before the expiration of a term, it shall remain vacant until the next regular meeting, at which time the Commission shall elect a new Vice-Chair to serve until the expiration of the term of the succeeded Vice-Chair.

### Article IV – Meetings

#### Section 1. Regular Meetings

The Commission shall hold its regular meetings in City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416, San Francisco, California, at 5:30 p.m. every second and fourth Thursday of each month, except for the months of July and August there shall be only one meeting on the second Thursday of the month. Additional meetings for the months of July or August, if any, shall be noticed as special meetings.

The Commission shall annually designate a meeting for planning its goals and objectives and reviewing its prior year performance.

#### Section 2. Special Meetings

The Chair or a majority of the members of the Commission may call special meetings to address specific matters. Special meetings shall be noticed in accordance with Section 67.6(f) of the San Francisco Sunshine Ordinance (S.F. Admin. Code, ch. 67, § 67.6(f).)

#### Section 3. Noticing Meetings

The agenda of all regular meetings and notices and agendas of all special meetings shall be posted on the Commission website, at the meeting site, the San Francisco Main Library Government Information Center and the Commission Office at least seventy-two (72) hours in advance of each meeting. Agendas and notices shall be provided to each Commissioner and any person who files a written request for such notice.

#### Section 4. Cancellation of Meetings

The Chair may cancel a regular or special meeting if she or he is aware that a quorum of the body will not be present or if the meeting date conflicts with other responsibilities of the Commissioners. The Chair may cancel a meeting if after roll call a quorum fails to attend or during a scheduled meeting the Commission loses a quorum. Notices of continued, rescheduled, or cancelled meetings shall be posted as provided in Section 3 of Article IV. If time permits, notices of continued, rescheduled, or cancelled meetings shall be mailed to any person who files a written request to receive notices and agendas as provided in Section 3 of this Article.



## Section 5. Quorum

The presence of a majority of Commissioners (six members) is required to conduct a meeting and shall constitute a quorum for all purposes. When a quorum fails to attend a scheduled meeting or the Commission loses a quorum because of the departure of some members, the only official actions the Commission may take are: (1) fix the time to which to adjourn; (2) adjourn the meeting; (3) recess the meeting; or (4) take measures to secure quorum. Any other action taken by the Commission while it does not have a quorum is void.

## Section 6. Conduct of Meetings

- A. **Public Participation.** All Commission meetings and all committee meetings shall be open and public, and all persons shall be permitted to attend any meeting of the Commission. The Commission may meet in closed session at regular or special meetings as permitted by law. All meetings shall be conducted in compliance with all applicable laws, including, but not limited to Charter Section 4.104(2), the Ralph M. Brown Act (Government Code Section 54950 et. Seq.), the San Francisco Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) and these Commission Bylaws.
- B. **Public Comment.** Members of the public are entitled to comment on any matter on the calendar prior to action being taken by the Commission on that item or prior to calling the next item on the agenda. In addition, the agenda shall provide an opportunity for members of the public to address the Commission on items within the subject matter jurisdiction of the Commission and have not been the subject of public comment on other items on the agenda.

Upon the specific findings of the Commission and support thereof, the Chair may set a reasonable time limit for each speaker, based on such factors as the complexity and nature of the agenda item, the number of anticipated speakers for that item, and the number and anticipated duration of other agenda items.

Individual Commissioners and Commission staff should refrain from entering into any debates or discussion with speakers during public comment.

- C. **Registration to Comment.** The Chair may request speakers who wish to address the Commission to submit a speaker card before or during the Commission agenda item upon which they wish to comment. The Chair shall use speaker cards only as an aid to meeting management. The public has a right to address the Commission anonymously
- D. **Translation of Comments or Testimony.** Where a speaker with limited English proficiency requires translation to comment or testify, the time used for repeating comments or testimony in English shall not count against the applicable time limit for public comment.
- E. **Parliamentary Procedures.** All meetings shall be conducted according to the most recent edition of *Roberts Rules of Order* (Revised) unless provided otherwise herein.



## Section 7. Agenda

Chair and Commission staff shall prepare the agenda. The agenda shall consist of items requested by the Chair, the Director, or Commissioners. The Commission Secretary shall maintain an e-mail list of community members and organizations that request electronic copies of the Commission agenda.

## Section 8. Voting and Abstention

The affirmative vote of a majority of Commissioners (six votes) shall be required for the approval of all matters. The Commission shall take action on items on the agenda by roll call vote, voice vote, or by a show of hands. Each Commissioner present at a Commission meeting shall vote "yes" or "no" when each question is put forth unless; (1) excused from voting by motion and adopted by majority of members; or (2) the member has a conflict of interest that legally precludes participation in the discussion and vote. In consultation with the City Attorney's Office, the individual Commissioner shall determine whether he or she has a conflict of interest, which precludes participation in a vote.

A roll call shall not be interrupted, but a Commissioner may, prior to calling the roll, explain his or her vote, or file in writing an explanation thereof after the result of the roll call has been announced and recorded. The minutes shall reflect how each Commissioner voted on each item.

## Section 9. Commissioner's Code of Ethics

Commissioners agree to maintain the highest standards of professional and personal conduct. Each Commissioner shall adhere to the highest standards of ethical conduct and support the Commission's mission, goals and objectives and instill in the public a sense of confidence in the Commission's operations. The standard of conduct for the Commission includes, but is not limited to:

1. Being accountable for its rules of procedures and decisions, and promoting accountability of all members of the Commission and Commission staff;
2. Treating all Commission staff, members of the public and colleagues with courtesy, respect, objectivity, and fairness;
3. Conducting all Commission business in a timely manner and in public meetings with full disclosure of policies and procedures; and engaging in the decision-making process, except for those matters authorized under the Brown Act and the San Francisco Sunshine Ordinance to be considered in closed session; and
4. Reviewing its actions, recommendations, and procedures periodically to determine whether the Commission has adhered to its Code of Ethics and mission in all respects.

## Article V – Commission Records

### Section 1. Minutes

Minutes shall be taken at every regular and special Commission and committee meeting and shall comply with the provisions of the San Francisco Sunshine Ordinance. (S.F. Admin. Code, ch. 67, § 67.16.)





## Section 2. Public Review File

The Commission shall maintain a public review file in compliance with the San Francisco Sunshine Ordinance. (*See* S.F. Admin. Code, ch. 67, § 67.23.)

## Section 3. Records Retention Policy

The Commission shall create and maintain a record retention and destruction policy. (S.F. Admin. Code, ch. 8, § 8.3.)

## Section 4. Tape Recordings

The Commission shall audio record all regular and special meetings, and all closed sessions. The audio recordings shall be maintained and released to the public in accordance with the San Francisco Sunshine Ordinance. (*See*, S.F. Admin. Code, ch. 67, § Section 67.14(b) and 67.8-1.)

## Section 5. Commission Mail

The Commission Secretary shall promptly notify Commissioners of all correspondences.

# Article VI – Advisory Committees

## Section 1. Creation of Commission Advisory Committees

The Chair of the Commission may establish Advisory Committees as deemed necessary to meet the goals or mission of the Commission. Advisory Committees are an integral and vitally important component of the Commission, providing for community involvement and opportunity for in-depth study and exploration of issues.

## Section 2: Function and Operation of the Advisory Committees

The role of the Advisory Committees is to provide advice and assistance to the Commission by developing and examining ideas and issues within the jurisdiction of the Commission. The Advisory Committees may also hold public hearings and make recommendations of positions for the Commission to take on legislation.

## Section 3: Advisory Committee Guidelines

The Commission shall adopt and revise from time to time guidelines governing the function and operation of each Advisory Committee, the responsibilities of Community Members, Commissioners, and Department Staff.

## Section 4: Recruitment, Appointments, Terms and Removal

The Commission Chair assigns Commissioners to each Advisory Committee and appoints members from the Community in accordance with the Advisory Committee Guidelines, to participate in these Advisory Committees.

Every first meeting in September, each Advisory Committee shall present to the Commission a recruiting and interview timeline for new members. Each Advisory Committee shall have, in addition to Commissioners serving on the Advisory Committee, a membership target of 15 – 25 Community Members. No Advisory Committees'



membership shall exceed 25 Community Members without approval of the Commission Chair.

Commission Staff shall present the Commission Chair with a list of proposed new Advisory Committee appointments no later than the date of the last Commission meeting of the calendar year.

Community Members serving on Advisory Committees will be appointed for 2 year terms beginning January 1 and ending December 31 of the following year. Although Community Members may reapply for membership to their respective Advisory Committee for up to a total of 3 consecutive terms, no Community Member may serve more than 3 consecutive terms on a specific Advisory Committee. However, this shall not be a prohibition against any formerly "termed out" Community Member applying to serve a new term after taking a 1-year hiatus from serving on an Advisory Committee. Additionally, there shall be no prohibition on Community Members of one Advisory Committee moving to another Advisory Committee without a 1-year hiatus. Commissioners serving on Advisory Committees will be appointed by the Commission Chair at the beginning of the calendar year or at any other time that such appointment is necessary. Each Commissioner serving on an Advisory Committee will either be designated "Chair" or "Co-Chair" of the Advisory Committee. Commissioners are expected to maintain regular attendance at Advisory Committee meetings and activities. Commissioners serving on Advisory Committees are also expected to consult regularly with Commission Staff to develop and implement a work-plan over the course of the calendar year. Community Members are to attend regularly and to participate actively in Advisory Committee meetings and activities. If a Community Member accumulates 3 absences (whether or not they are excused) in a calendar year, that Community Member shall be removed from the Advisory Committee, unless the Commission Chair makes an exception.

On January 1<sup>st</sup> of each year, the Commission Chair, in agreement with the Commissioners and in consultation with Commission staff assigned to each Advisory Committee, may elect to reconstitute the membership of each Advisory Committee.

Community Members may be removed at the discretion of the Chair, in consultation with Commission Staff and Commissioners assigned to each Advisory Committee, at any time. A decision by the Chair to remove can be overruled by a vote of the majority of the Commission, if taken within 30 days of the removal.

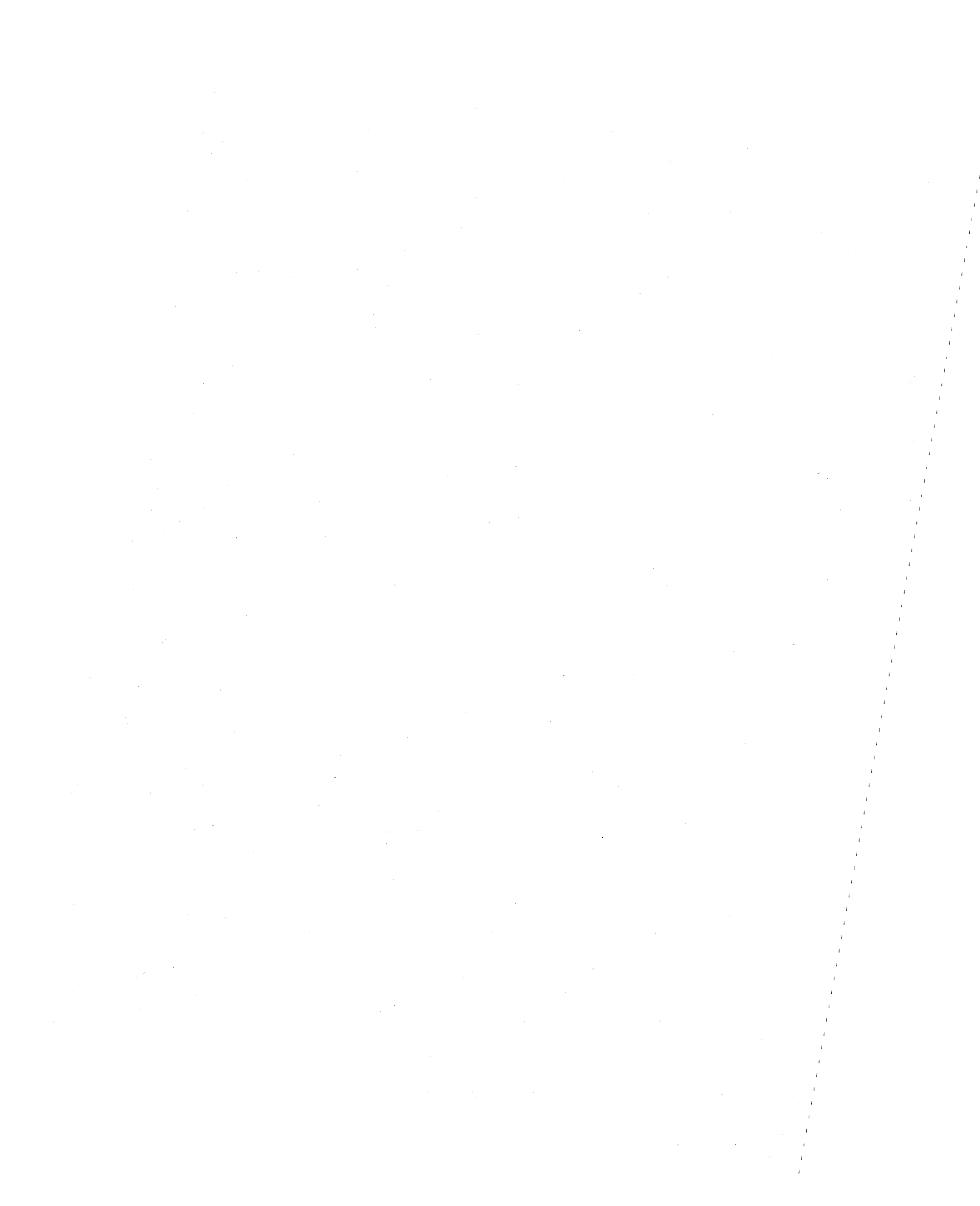
#### Section 5: Committee Actions

All Advisory Committee actions shall represent recommendations to the Commission and shall be subject to approval of the Commission as a whole.

Recommendations may be based on a consensus where such exists or on the presentation of the majority and minority points of view.

All Advisory Committee recommendations or reports shall be brought to the Commission for approval through the Advisory Committee chair or the person he or she designates.

All Advisory Committee recommendation for public hearings must be brought to the Commission for review and approval. If approved, the Chair shall appoint a special taskforce to plan the public hearing and prepare an agenda for the Commission to



approve in advance of the public hearing. The Commission may modify, augment or reject the recommended agenda.

Each Advisory Committee shall meet at regularly scheduled times and places, and at such additional meetings as deemed necessary by the Advisory Committee's Chair or a majority for the Advisory Committee. All meetings shall be conducted in compliance with all applicable laws, including, but not limited to, Charter Section 4.104(2), the Ralph M. Brown Act (Government Code Section 54950 et. seq.), the San Francisco Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) and these Commission By-Laws.

Advisory Committees may not form subcommittees or other bodies without the approval of the Commission Chair.

### Section. 6 Advisory Committees

#### A. Local Business Enterprise Advisory Committee

The Local Business Enterprise (LBE) Advisory Committee, formerly known as the Disadvantaged Business Enterprise (DBE) Advisory Committee, was created pursuant to the Commission's authority to create committees in Chapter 12A of the San Francisco Administrative Code. Under Rule II of HRC 14B Rules and Regulations dated September 1, 2006, the Committee advises and makes recommendations to the Commission in the development, implementation and monitoring of the policies and practices of the Local Business Ordinance and Program. Its members are drawn from a diverse mix of local business, labor, minority and women interest groups, trades and professions. Additionally, the Local Business Enterprise Advisory Committee shall have a goal of including no fewer than two Small Business Administration Local Business Enterprise members (as defined in San Francisco Administrative Code Section 14B) at any time.

The LBE Committee meets every third Wednesday of the month from 5:30 pm to 7:30 pm at HRC offices, 25 Van Ness Avenue, Suite 800 in San Francisco.

#### B. Lesbian Gay Bisexual Transgender Advisory Committee

The Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC) was established in May of 1975 by amendment to Chapter 12A of the San Francisco Administrative Code, requiring that at least three members reside in San Francisco.

The committee strives to represent the diversity of the Lesbian, Gay, Bisexual, and Transgender communities. The Committee provides assistance and advice to the Commission regarding discrimination against the lesbian, gay, bisexual, and transgender communities; advocates for the civil rights of persons with AIDS/HIV; and educates the lesbian, gay, bisexual, and transgender communities about issues of diversity within those communities.

The LGBTAC meets on the third Tuesday of the month from 5:30 pm to 7:30 pm at HRC offices, 25 Van Ness Avenue, Suite 800, in San Francisco.

#### C. Equity Advisory Committee



The HRC merged the Employment Advisory Committee and Issues Advisory Committee to form one committee, the Equity Advisory Committee. The Equity Advisory Committee will address all issues within the HRC's jurisdiction that do not fall under the purview of either the LBE or LGBT Advisory Committees. Specifically, the Equity Advisory Committee will be charged with monitoring and advising the Commission with respect to issues concerning employment, education, housing and any other areas affecting the human rights of San Francisco's residents.

The Equity Advisory Committee will meet the second Wednesday of each month from 5:30 p.m. to 7:30 p.m. at HRC offices, 25 Van Ness Avenue, Suite 800, in San Francisco.

#### D. Other Committees

The Commission or the Chair, at his or her discretion, may establish other committees or task forces on an ad-hoc basis to perform tasks for functions as necessary. The Chair shall appoint members to such committees who shall serve at the pleasure of the Commission, unless a term of office is specified.

### Article VII – Attendance

#### Section 1: Attendance Requirements

Except in the event of a notified absence (defined below), each Commissioner is expected to attend each regular or special meeting of the Commission. Commission Secretary shall maintain a record of members' attendance.

#### Section 2: Notified Absences

A Commissioner's absence shall constitute a "notified absence" where the Commissioner, in advance of the meeting, informs the Commission Secretary that the Commissioner will be absent. An absence due to unforeseen circumstances such as illness or emergency shall also qualify as a notified absence where the Commissioner reports such absence to the Commission Secretary as soon as reasonably possible. The Commission Secretary shall record as non-notified all absences involving neither advance notice nor unforeseen circumstances.

#### Section 3: Report to the Appointing Authority

The Commission Secretary shall report all instances of non-notified absences as well as any instance of three consecutive absences of a member from regular meetings in a fiscal year to the member's appointing authority.

#### Section 4: Annual Attendance Report

At the end of each fiscal year, the Commission Secretary shall submit a written report to the appointing authorities of the Commission's membership detailing each Commissioner's attendance at all meetings of the Commission for that fiscal year.





### Article VIII – Director of the Commission

The Director shall serve as the administrative head of Commission affairs and shall have all of the powers and duties of a department head under the provision of the Charter. (S.F. Admin. Code, ch. 2A, § 2A.30; *See* S.F. Charter § 4.102.) The Mayor shall appoint the Director from candidates nominated by the Commission. Commission shall nominate at least three (3) qualified applicants, and, if rejected, make additional nomination in the same manner, to the Mayor for his or her approval. (S.F. Charter § 4.102.) The Commission has the power to remove the Director by Commission action and the duty to act, by removing or retaining the Director, within thirty (30) days after receiving a recommendation by the Mayor that the Director be removed. (*Id.*)





GEORGE GASCON  
DISTRICT ATTORNEY  
CITY AND COUNTY OF SAN FRANCISCO

2

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

Re: Real Estate Fraud Annual Report pursuant to Government Code § 27388

Dear Ms. Calvillo:

Enclosed, please find the San Francisco District Attorney's Office Real Estate Fraud Annual Report for fiscal year 2011-2012. As required by Government Code § 27388, the District Attorney's Office is submitting this report to our local Board of Supervisors and the State Legislative Analyst's Office.

If you have any questions, please do not hesitate to contact Conrad Del Rosario, Assistant District Attorney, (415) 551 9571, [Conrad.DelRosario@sfgov.org](mailto:Conrad.DelRosario@sfgov.org).

Sincerely,

David A. Pfeifer  
Chief Assistant District Attorney  
Special Operations Department



**FISCAL YEAR 2011-2012 REAL ESTATE FRAUD REPORT  
SAN FRANCISCO DISTRICT ATTORNEY'S OFFICE  
(Government Code § 27388 )**

**I. Case Statistics**

- A. total referrals: 3
  - 1. entering FY 2011-2012: 1
  - 2. initiated during FY 2011-2012: 2
  
- B. total investigations: 9
  - 1. entering FY 2011-2012: 9
  - 2. initiated during FY 2011-2012: 0
  
- C. total filed cases: 14
  - 1. entering FY 2011-2012: 9
  - 2. initiated during FY 2011-2012: 5
  
- D. number of victims in filed cases: 112
  - 1. entering FY 2011-2012: 108
  - 2. initiated during FY 2011-2012: 4
  
- E. number of convictions obtained in FY 2011-2012: 6
  
- F. total aggregated monetary loss suffered by victims in cases in which there has been an investigation, filing, or conviction: \$7,114,279
  - 1. for cases entering FY 2011-2012: \$4,574,279
  - 2. for cases initiated during FY 2011-2012: \$2,540,000

**II. Accounting**

- A. Ending balance in Real Estate Fraud Prosecution Trust Fund FY 2010-2011: \$111,885
  
- B. FY 2011-2012 revenues were: \$176,143



- C. FY 2011-2012 expenditures were: \$110,523
- D. Non Real Estate Fraud Prosecution Trust Fund monies used to fund activities in FY 2011-2012: Federal Mortgage Fraud Grant: \$458,568
- E. Ending balance in Real Estate Fraud Prosecution Trust Fund 2011-2012: \$222,408
- F. Uses to which funds were put: investigation & prosecution
- G. Was Real Estate Prosecution Trust Fund money distributed to a law enforcement agency other than the district attorney's office in FY 2011-2012?  
Yes, San Francisco Police Department

### **III. Contact Person**

- A. Conrad Del Rosario / Assistant District Attorney
- B. 732 Brannan Street, San Francisco, CA 94103
- C. 415-551-9571
- D. Conrad.DelRosario@sfgov.org







SFDA Real Estate Fraud Report

Maria McKee

to:

board.of.supervisors

08/31/2012 04:39 PM

Cc:

Madeleine Licavoli

Hide Details

From: Maria McKee/DA/SFGOV

To: board.of.supervisors@sfgov.org,

Cc: Madeleine Licavoli/BOS/SFGOV@SFGOV

2 Attachments



Letter\_Annual Report SFDA RealEstateFraud 2011-2012.pdf Annual Report SFDA RealEstateFraud 2011-2012.pdf

Dear Board of Supervisors,

Attached, please find the San Francisco District Attorney's Office Real Estate Fraud Annual Report for fiscal year 2011-2012. As required by Government Code § 27388, the District Attorney's Office is submitting this report to our local Board of Supervisors and the State Legislative Analyst's Office.

Please let me know if you have any questions.

Sincerely,  
Maria

Maria McKee, MPP  
Grants & Policy Manager  
The Office of District Attorney George Gascón  
City and County of San Francisco  
850 Bryant Street, Room 322  
San Francisco, CA 94103  
Phone: (415) 553 1189  
Fax: (415) 575 8815  
maria.mckee@sfgov.org

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San Francisco Board of Supervisors  
Room 244 -1 Carlton Goodlet Place  
City Hall, San Francisco, CA 94102

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2012 SEP -5 PM 2:59

Dear Supervisors:

I am writing this letter to ask you to allow Sheriff Mirikarimi to keep his job.

I write this, not only as a long-time resident of San Francisco, but having had both personal and professional relevant experience, some of which follows:

I am a former San Francisco Deputy Sheriff. I designed and implemented the first Women's Work and Education Furlough program at City Prison. I was the Sheriff's (Richard Hongisto) representative on the County Parole Board. When I made Sergeant, I was assigned Commander of the Women's Jail at San Bruno. During this time, I heard many stories of women who had been victims of domestic violence.

I studied Criminology at the University of California, Berkeley.

I taught a course in Criminal Justice at the College of Notre Dame, Belmont.

I wrote a column for the San Francisco Independent, "On The Safe Side," one of which was on the subject of "Wife Abuse."

I also was a Community Organizer for San Francisco SAFE for ten years. I met and counseled women who were victims of domestic violence.

I personally had to get a restraining order some years ago, due to an abusive relationship.

I relate the above as evidence that I have some experience - and expertise - with both the qualities that make for a good Sheriff, and the issue of domestic violence.

Let me state unequivocally, that I abhor violence of any sort. However, a large man grabbing his petite wife's arm during a heated argument, leaving a mark, (which is technically domestic violence) cannot be compared to the countless incidences of wilful, horrible abuse of women that are unfortunately, too common.

When Ross Mirikarimi was elected Sheriff, I was delighted. We had a progressive, enlightened person who would follow in the tradition of his predecessors. I was frankly shocked by the response of the mayor. I do not know if Mayor Lee has been acting purely from conscience, or if this is a political hatchet-job (sorry for the strong words, but I am repeating what I have heard from so many people.)

Sheriff Mirikarimi has apologized. He has taken Anger Management classes. His wife says he is not an abuser. He has been villified and suffered loss of income.

This incident didn't even occur while he was sworn in as Sheriff.

I am urging you to do the right thing and support Sheriff Mirikarimi, allowing him to keep his post, which was a result of an overwhelming vote of the public.

*Loretta Chardin*

Loretta Chardin  
12 Downey Street  
San Francisco, CA 94117  
(415)731-2915

c: Sheriff Ross Mirikarimi



B05-11  
page

①

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2012 SEP -5 AM 9:50

DUG

# Please Take Notice



I bring this message from the mouth not of the most high.

- 1) I bring this message for a human being and a public servant who was voted into office.
- 2) Look at the merits to the incident that was submitted by Mr. Mirkarimi. There was a disagreement in their vehicle while in motion. Mr. Mirkarimi grabs Mrs. Lopez to prevent his wife from exiting a moving vehicle, which left a minor bruise. That bruise didn't come from a punch or slap but merely a grab. As a public servant, job one is to preserve life. Because of the actions that Ms. Lopez was about to take would have left members of the general public at risk.
- 3) When a human being comes dressed for violence you are about violence.
- 4) Was there provocation "yes" but not on Mr. Mirkarimi's accord.
- 5) Inducement "yes" not on Mr. Mirkarimi's accord.
- 6) Does Mr. Mirkarimi have a history of misconduct?
- 7) Unpaid Leave of Absence was it offered? In November 2002 there was several off duty public servants involved in an incident on Union Street. All public servants were placed on unpaid leave of absence, paid leave or unpaid leave of absence is sometimes required by law. When the incident involving Mr. Mirkarimi and his wife came to light, He was still working Mayor Ed Lee appear on T.V. and stated I have to get the facts and finding after the court rule the mayor met with Mr. Mirkarimi one on one. Mr. Mirkarimi was still working when a women's group started demonstrating on the city hall stairs. Mayor Ed Lee, being of sound mind rendered his disciplinary action by suspending Mr. Mirkarimi with no pay. There is a time line when suspending a person without pay. The question now, has Mayor Ed Lee amended the policy and procedure regarding public servants on misconduct charges? Does this mean all public servants will not be placed on unpaid leave of absence or paid administrative leave because of public servant misconduct, or will officers involved in shootings be suspended without pay? Whether three days or two years, regardless of the time line?
- 8) The mayor has put Mr. Mirkarimi a house of darkness and not in light. The mayor has placed him in chains so heavy that he cannot go out.
- 9) Mr. Mirkarimi is not only a public servant, he is a provider and a protector for his wife and his handsome son. At no time did his wife dispute the merits to the incident that was given by Mr. Mirkarimi.
- 10) If a human being is old enough to break the law, then he or she are old enough to feel the full force of the law.
- 11) Mr. Hallinan, former D.A, publicly called for the law to be amended to allow individuals to be charged for independent action. Don't let your emotions supersede the merits of the incident. You must understand the public's feelings of shock, outrage, anger and apprehension. As a concerned citizen, I urge the residents and officials of San Francisco to let the legal process work.

Ladies and gentlemen of the Board of Supervisors, you have heard my voice. Do not hide your ears from my cry for help. In helping Mr. Ross Mirkarimi continuing on being a protector and a provider and a public servant for which he was voted for.

Thanks for your attention,  
Johnnie E Fitch  
Email: thevoice.fitch3@gmail.com





21



To: BOS Constituent Mail Distribution,  
Cc:  
Bcc:  
Subject: Sheriff Ross..citizen SF

From: Gerri Hayes <gerjhay@hotmail.com>  
To: board of supervisors SUPERVISORS <board.of.supervisors@sfgov.org>, BOARD OF SUPERVISOR 2012 <christina.olague@sfgov.org>, Supervisor <david.chiu@sfgov.org>, Supervisor <eric.l.mar@sfgov.org>, BOARD OF SUPERVISOR 2012 <jane.kim@sfgov.org>, BOARD OF SUPERVISOR 2012 <malia.cohen@sfgov.org>, BOARD OF SUPERVISOR 2012 <mark.farrell@sfgov.org>, Supervisor San Francisco Supervisor San Francisco <david.campos@sfgov.org>, Supervisor San Francisco Supervisor San Francisco <john.avalos@sfgov.org>, Supervisor San Francisco Supervisor San Francisco <carmen.chu@sfgov.org>, Supervisor <sean.elsbernd@sfgov.org>, BOARD OF SUPERVISOR 2012 <scott.wiener@sfgov.org>,  
Date: 09/04/2012 01:21 PM  
Subject: Sheriff Ross..citizen SF

---

Hello to all Supervisors,  
First, Hope your time off was wonderful and restful!

Second, Please let the People of San Francisco decide because it is the most fair way to settle this very excessive and over the top matter.

It looks to be as politically motivated to do otherwise considering the statements made by Ross and his wife of what transpired in an isolated dispute between them. They were the only ones there and his wife has admitted that this was an isolated incident.

Please consider these facts: there was no pattern of abuse of domestic violence and none proven by the evidence; the questionable interaction between Ross's wife and Ivory Matterson since Ross's wife was very easy to manipulate considering the language barrier between her and Ivory, as well as the fact that the court's has already punished Ross for his mistake. And his family has suffered as well because of the separation of a family due to all the excessive persuth of this matter.

Please do not let this matter be resolved due to political and bias reasons that may effect you personally as you work for the people of San Francisco. If we the people want Ross removed, then let us do it through the democratic process. Believe me, if San Francisco wants him gone, they will get the required signatures for a recall!

I will not even go into the official misconduct portion of this matter as I do not really believe that you will consider it from that advance point for Ross: I think it will be consider on the actually events you believe to have taken place based on what you heard in testimonies, plus many many citizens have already spoke to this point.

Finally, I am reminded of those who have not sinned cast the first stone. Who among us all has not had an isolated dispute with a mate? Who? So, again, let Ross serve as Sheriff and let the people decide if his serving as Sheriff benefits the City or not.

I prefer to believe that the Mayor took the actions he did because he believed that this was what the majority of San Francisco wanted him to do, so he did. But that does not make Ross and his wife's explanations of what happened a cover up of the truth.

In any case, if San Francisco wants Ross out, then San Francisco citizens should make that decision! Lets not be like the Supreme Court and act partisan on any matter that effects us all as representatives of the



21

people.

Thank you very much for your consideration of my comments as a citizen of San Francisco.

Have a wonderful and blessed day, Gerri Hayes



21



To: BOS Constituent Mail Distribution,  
Cc:  
Bcc:  
Subject: Consider appropriate justice for Ross

From: SCOTT KIRKER <scottkirker@prodigy.net>  
To: board.of.supervisors@sfgov.org,  
Date: 09/09/2012 02:10 PM  
Subject: Consider appropriate justice for Ross

---

I believe the San Francisco Board of Supervisors should take into consideration Ross paid his debt to the justice system when he plead in the matter. This in no way prevents his ability to perform the duties he was assigned

by the voters of San Francisco. It would only be equity of justice that the voters' choice is honored and Ross not be stripped of his dignity and basic right to work in the position entrusted to him. Ross in no way violated that

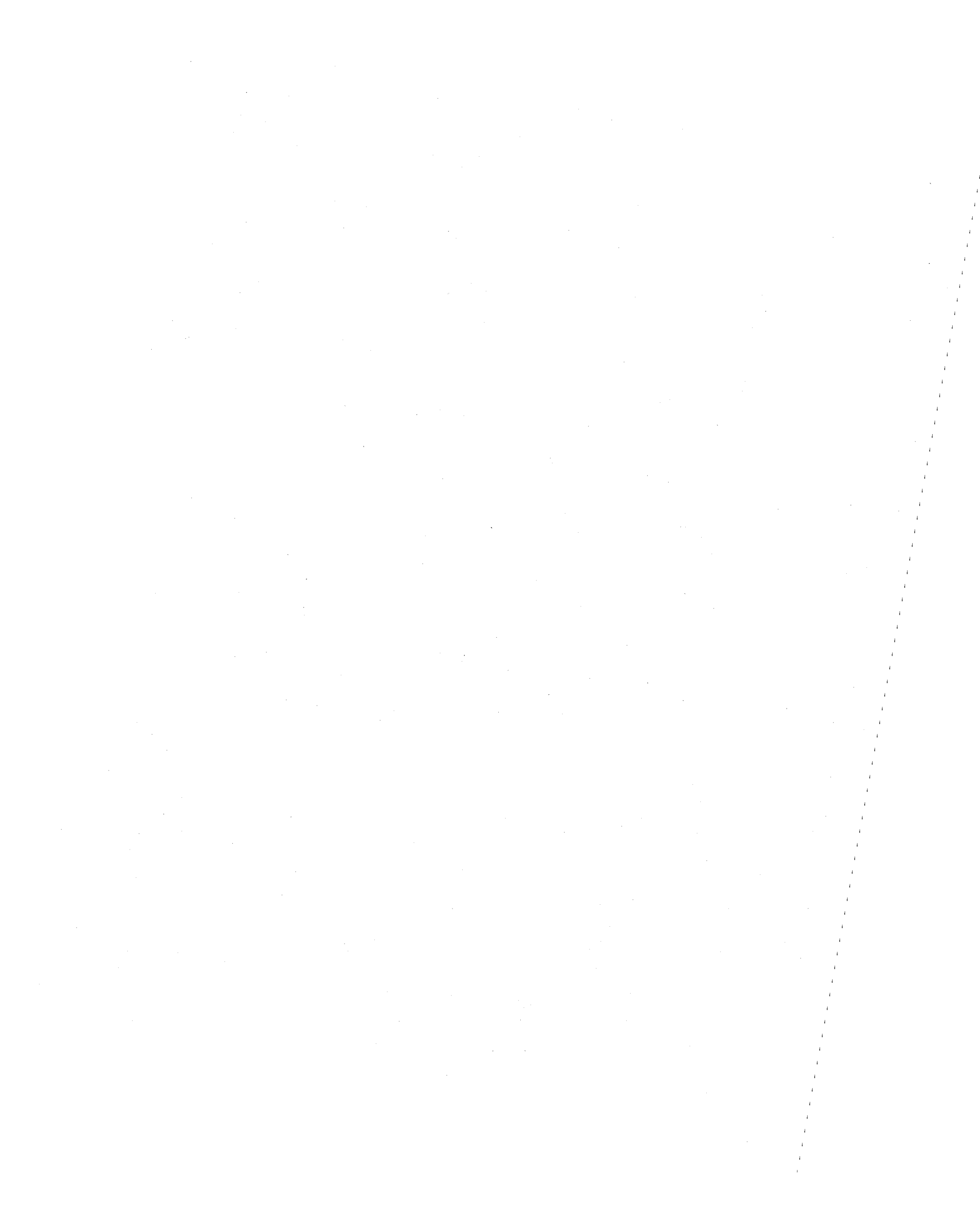
oath he took.

Please give Ross the opportunity to be reinstated and to carry out his role the voters chose for him.

Justice is not political.

Respectfully,

Scott E. Kirker  
San Francisco resident





To: BOS Constituent Mail Distribution,  
Cc:  
Bcc:  
Subject: MIRKARIMI PLEASE DO NOT REINSTATE HIM!

From: "sunsetoma@yahoo.com" <sunsetoma@yahoo.com>  
To: Board.of.Supervisors@sfgov.org,  
Date: 09/10/2012 08:22 AM  
Subject: MIRKARIMI PLEASE DO NOT REINSTATE HIM!

---

It's not so much the abuse issue, it's his actions publicly in the media that tells us we do not want him representing the San Francisco Sheriff's office in the future. His credibility has been lost. If he stayed on not only has the Sheriff's Dept lost credibility to San Franciscans, the whole country would look at our Dept as a joke. Please get rid of him now and avoid future problems with his actions in the future. Thank you







To: BOS Constituent Mail Distribution,  
Cc:  
Bcc:  
Subject: Sheriff

(21)

Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
(415) 554-5184  
(415) 554-5163 fax  
Board.of.Supervisors@sfgov.org

Complete a Board of Supervisors Customer Service Satisfaction form by clicking  
<http://www.sfbos.org/index.aspx?page=104>

----- Forwarded by Board of Supervisors/BOS/SFGOV on 09/04/2012 10:40 AM -----

From: Sam <fafsarifard@aol.com>  
To: board.of.supervisors@sfgov.org,  
Date: 09/03/2012 04:10 PM  
Subject:

---

*WE urge you to give Ross his job back*

Sam Fard  
Cell: 415 377 8048



22



fund KPOO to broadcast SF Board of Supervisor meetings  
voicetool to: Board.of.Supervisors

09/05/2012 06:56 PM

Dear Board of Supervisors,

My name is Sarah Harper and I am a SF resident. I want to petition you to fund KPOO to broadcast SF Board of Supervisor meetings. This information, presented by an independent, non-commercial, community-driven media outlet (KPOO) is crucial to San Franciscans having the information they need about what's going on in local politics.

Thank you for your time and attention to this matter.

Best,

Sarah Harper  
sharpervisions@gmail.com



22



**Fund KPOO to broadcast SF Board of Supervisor meetings**  
Sarah Harper to: Board.of.Supervisors  
Please respond to no-reply

09/05/2012 06:53 PM

Greetings,

I just signed the following petition addressed to: SF Board of Supervisors.

-----  
Fund KPOO to broadcast SF Board of Supervisor meetings

This is a vital public service for the people of San Francisco to hear what is going on with their city government.

-----  
Sincerely,

I believe independent, non-commercial, community-driven media is crucial to remaining informed of issues as they actually are, versus twisted by mainstream media sources.

Sarah Harper  
San Francisco, California

Note: this email was sent as part of a petition started on Change.org, viewable at <http://www.change.org/petitions/sf-board-of-supervisors-fund-kpoo-to-broadcast-sf-board-of-supervisor-meetings>. To respond, click here





**Fund KPOO to broadcast SF Board of Supervisor meetings**  
Lessley Anderson to: Board.of.Supervisors  
Please respond to no-reply

09/05/2012 12:36 PM

Greetings,

I just signed the following petition addressed to: SF Board of Supervisors.

-----

Fund KPOO to broadcast SF Board of Supervisor meetings

This is a vital public service for the people of San Francisco to hear what is going on with their city government.

-----

Sincerely,

I listen to KPOO everyday. It is truly serving an underserved community. It needs longevity and support!

Lessley Anderson  
San Francisco, California

Note: this email was sent as part of a petition started on Change.org, viewable at <http://www.change.org/petitions/sf-board-of-supervisors-fund-kpoo-to-broadcast-sf-board-of-supervisor-meetings>. To respond, click here







**Fund KPOO to broadcast SF Board of Supervisor meetings**  
mr bluz to: Board.of.Supervisors  
Please respond to no-reply

09/04/2012 12:56 PM

Greetings,

I just signed the following petition addressed to: SF Board of Supervisors.

-----

Fund KPOO to broadcast SF Board of Supervisor meetings

This is a vital public service for the people of San Francisco to hear what is going on with their city government.

-----

Sincerely,

very important

mr bluz  
san francisco, California

Note: this email was sent as part of a petition started on Change.org, viewable at <http://www.change.org/petitions/sf-board-of-supervisors-fund-kpoo-to-broadcast-sf-board-of-supervisor-meetings>. To respond, click here



23



To: BOS Constituent Mail Distribution,  
Cc:  
Bcc:  
Subject: Tuesday Meeting

From: Rosezeny Richardson <rosez3boys@hotmail.com>  
To: <board.of.supervisors@sfgov.org>,  
Date: 09/05/2012 10:04 AM  
Subject: Tuesday Meeting

---

Dear Clerk of the Board,  
I would like to thank You and the Supervisors for your radio broadcast. I was able to hear all of the meeting.

Rose Z





Fund KPOO to broadcast SF Board of Supervisor meetings  
Robert Conso to: Board.of.Supervisors  
Please respond to no-reply

09/02/2012 09:16 AM

Greetings,

I just signed the following petition addressed to: SF Board of Supervisors.

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Fund KPOO to broadcast SF Board of Supervisor meetings

This is a vital public service for the people of San Francisco to hear what is going on with their city government.

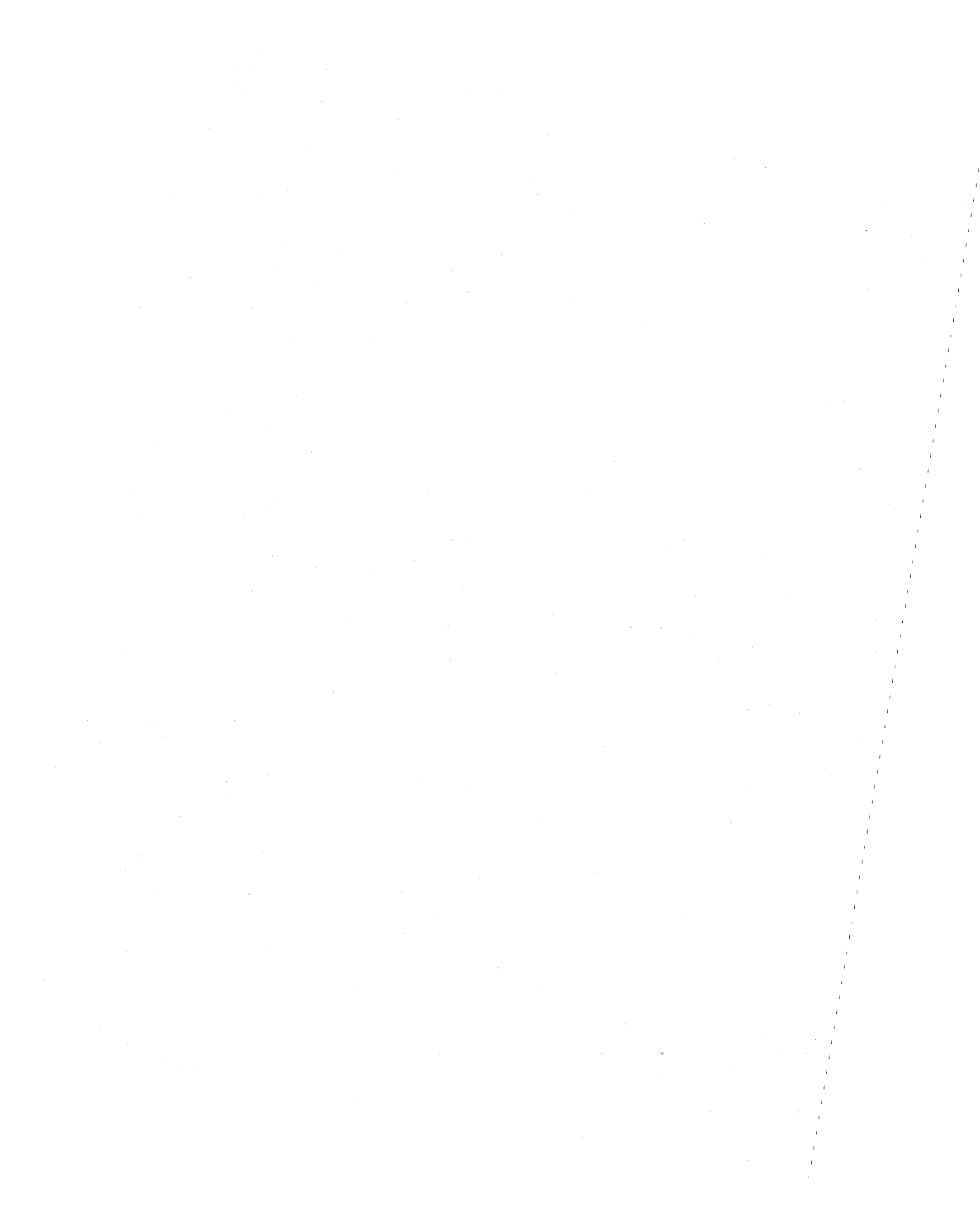
-----

Sincerely,

KPOO not only provides an essential service to our community but is an authentic part of San Francisco's rich culture. I strongly recommend everyone to support them and tune in to 89.5 on your FM dial!

Robert Conso  
San Francisco, California

Note: this email was sent as part of a petition started on Change.org, viewable at <http://www.change.org/petitions/sf-board-of-supervisors-fund-kpoo-to-broadcast-sf-board-of-supervisor-meetings>. To respond, click here





**Fund KPOO to broadcast SF Board of Supervisor meetings**  
Mike Mangeoglu to: Board.of.Supervisors  
Please respond to no-reply

09/01/2012 10:06 PM

Greetings,

I just signed the following petition addressed to: SF Board of Supervisors.

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Fund KPOO to broadcast SF Board of Supervisor meetings

This is a vital public service for the people of San Francisco to hear what is going on with their city government.

-----

Sincerely,

Real music is needed, not the shit that is on the radio now!

Mike Mangeoglu  
Lake Worth, Florida

Note: this email was sent as part of a petition started on Change.org, viewable at <http://www.change.org/petitions/sf-board-of-supervisors-fund-kpoo-to-broadcast-sf-board-of-supervisor-meetings>. To respond, click here







**Fund KPOO to broadcast SF Board of Supervisor meetings**  
Steven Cresci to: Board.of.Supervisors  
Please respond to no-reply

08/31/2012 05:06 PM

Greetings,

I just signed the following petition addressed to: SF Board of Supervisors.

-----  
Fund KPOO to broadcast SF Board of Supervisor meetings

This is a vital public service for the people of San Francisco to hear what is going on with their city government.

-----  
Sincerely,

Keep Local radio alive! and the funk!

Steven Cresci  
San Francisco, California

Note: this email was sent as part of a petition started on Change.org, viewable at <http://www.change.org/petitions/sf-board-of-supervisors-fund-kpoo-to-broadcast-sf-board-of-supervisor-meetings>. To respond, click here





Fund KPOO to broadcast SF Board of Supervisor meetings  
ALISON GATES to: Board.of.Supervisors  
Please respond to no-reply

09/03/2012 08:11 PM

Greetings,

I just signed the following petition addressed to: SF Board of Supervisors.

-----  
Fund KPOO to broadcast SF Board of Supervisor meetings

This is a vital public service for the people of San Francisco to hear what is going on with their city government.

-----  
Sincerely,

THIS IS A GOOD SERVICE. I WOULD NEVER HEARD A SF BOARD ON SUPERVISORS MEETING IF IT WASN'T FOR KPOO. I WORK OUT OF THE CITY AND I'M ABLE TO HEAR ONLINE

ALISON GATES  
SAN FRANCISCO, California

Note: this email was sent as part of a petition started on Change.org, viewable at <http://www.change.org/petitions/sf-board-of-supervisors-fund-kpoo-to-broadcast-sf-board-of-supervisor-meetings>. To respond, click here



22



Fund KPOO to broadcast SF Board of Supervisor meetings

gabino becerra

to:

Board.of.Supervisors

09/08/2012 02:38 PM

Hide Details

From: gabino becerra <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

Greetings,

I just signed the following petition addressed to: SF Board of Supervisors.

-----  
Fund KPOO to broadcast SF Board of Supervisor meetings

This is a vital public service for the people of San Francisco to hear what is going on with their city government.

Sincerely,

gabino becerra  
Pittsburg, California

Note: this email was sent as part of a petition started on Change.org, viewable at <http://www.change.org/petitions/sf-board-of-supervisors-fund-kpoo-to-broadcast-sf-board-of-supervisor-meetings>. To respond, [click here](#) 