

FILE NO. 121001

Petitions and Communications received from October 1, 2012, through October 5, 2012, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on October 16, 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 concerned citizens, regarding KPOO radio. 2 letters. (1)

From concerned citizens, regarding Sheriff Mirkarimi. 17 letters. (2)

From Allen Jones, regarding proposed nudity ban. 3 letters. File No. 120984 (3)

From the Controller, regarding annual contract report and Chapter 12 compliance (4)

From the Controller, regarding Civil Grand Jury report on the City's Arts Commission, Municipal Transportation Agency, and Employee Retirement System. (5)

From James Chaffee, regarding abuses of privatization. (6)

From Recreation and Park, regarding letter of inquiry submitted by Supervisor Avalos. (7)

From Allen Jones, regarding RV ban. (8)

From Fish and Game Commission, submitting Notice of Receipt of Petition. (9)

From concerned citizen, regarding repeal of ban on medical cannabis dispensaries. (10)

From Human Resources, submitting Administrative Code Chapters 12B and 14B Waiver Request Form. (11)

From Peter Warfield, regarding Bernal Mural. (12)

From concerned citizens, regarding plastic bag ban. 2 letters. (13)

From Paul Lanyi, regarding Hardly Strictly Blue Grass and Fleet Week. (14)

\*From Civil Service Commission, regarding prevailing wage certification legislation. (15)

\*(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.)



**To:** BOS Constituent Mail Distribution,  
**Cc:**  
**Bcc:**  
**Subject:** What happen to the radio?

**From:** felicitas huezo <felicitashuezo@gmail.com>  
**To:** board.of.supervisors@sfgov.org,  
**Date:** 10/03/2012 01:12 PM  
**Subject:** What happen to the radio?

---

I have been missing you on the radio. What happen?  
I can not watch on my computer, it always freeze then crash.  
It is much better to listen on the radio.  
Will you be doing the Ross Mirkarimi over the radio?

Felicia



Fund KPOO to broadcast SF Board of Supervisor meetings

Ester Hernandez

to:

Board.of.Supervisors

10/04/2012 10:10 AM

Hide Details

From: Ester Hernandez <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.

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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.

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Sincerely,

Kpoo is the ONLY station that truly has it's pulse on the community. Please help them continue their mission.

Ester Hernandez  
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](#).

**Moscone  
Emblidge  
Sater  
& Otis**

220 Montgomery St  
Suite 2100  
San Francisco  
California 94104

Ph: (415) 362-3599  
Fx: (415) 362-2006

mosconelaw.com

October 2, 2012

*Via Hand Delivery*

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

Re: Official Misconduct Proceedings

Dear President Chiu:

You have asked me to put in writing the advice I have provided to you and other members of the Board of Supervisors on the following question: "Under what if any circumstances would it be appropriate to excuse a Supervisor from voting on the matter of the official misconduct charges against Sheriff Ross Mirkarimi?" I understand that you would like this advice to be public rather than confidential. Accordingly, I will provide a copy of this letter directly to counsel for the Mayor and for Sheriff Mirkarimi, as well as each member of the Board.

As you know, under Charter section 2.104(b) and Board Rule 4.14, each Supervisor must vote on a matter coming before the Board unless excused by a motion passed by a majority of the Board members present. In addition, pursuant to Board Rule 4.3, Supervisors who are absent and who have not been excused "shall be sent for by the President of the Board and brought to the Chamber by the Sergeant-at-Arms or by special messengers appointed for the purpose."

Neither the Charter nor the Board Rules specifies the grounds for excusing members from voting. However, given that Charter section 15.105 requires that the Board act by a three-fourths vote to sustain charges of official misconduct, I strongly advise the Board not to excuse any Board member from voting unless either (1) a member has a clear conflict of interest, or (2) a member's participation would deprive the Sheriff of due process of law. To excuse members on lesser grounds would appear to conflict with the procedure contemplated by the Charter because an individual accused of official misconduct could be reinstated to office simply by the Board excusing three or more members from voting.

It has been suggested that this proceeding is similar to a jury trial and so the Sheriff is entitled to decision makers who have little, if any, familiarity with the facts or the parties. That analogy is misguided. The Charter does not provide for resolution of official misconduct charges by a body unfamiliar with the parties or the facts of the dispute. Rather, it specifically entrusts that decision to the Board

File 120949  
BOS-11, COB  
RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2012 OCT -2 PM 4:23  
PN  
cpage

of Supervisors, a body composed of individuals who almost certainly would have had dealings with anyone charged with official misconduct.

Rather than a jury trial, this proceeding is more like an administrative hearing involving employee discipline or other important rights. The law is clear in California that in such administrative proceedings decision makers do not need to be insulated from a particular dispute. Indeed, some courts have found no due process violation when a city manager who made the initial decision to discharge a police chief had ultimate authority to accept or reject a hearing officer's determination about whether the discharge was justified.<sup>1</sup> Here, Charter section 15.105 provides officials charged with misconduct substantially greater protection – while the Mayor has discretion to bring such charges, those charges may be sustained only after a hearing by the Ethics Commission and a super-majority vote of the Board of Supervisors.

The California Supreme Court has also held that when ultimate decision-making authority resides in a city council or board of supervisors, councilmembers need not be disqualified even if they have publicly stated their positions on a matter coming before them on appeal.<sup>2</sup> Similarly, the fact that decision-makers in an administrative proceeding may know the parties involved in a dispute does not disqualify them.<sup>3</sup>

On the other hand, California law makes clear that rules against a decision-maker having a *financial interest* in a dispute apply in the administrative hearing context.<sup>4</sup> I am not aware of any claim that any member of the Board has such an interest in this dispute.

In addition, if a member of the Board had become “personally embroiled” in this dispute, or had shown such animosity toward the Sheriff that he or she could not reasonably be expected to act fairly, at least one case suggests that disqualification of that Board member might be appropriate.<sup>5</sup> In that case, a city council voted to discharge a police chief despite the recommendation of the civil service commission that lesser discipline be imposed. Prior to this vote, many members of the city council had been personally involved in long-standing disputes with the police chief, and every member of the city council testified against the police chief at the civil service commission hearings. The

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<sup>1</sup> *Binkley v. City of Long Beach*, 16 Cal.App.4th 1795 (1993); see also *Burrell v. City of Los Angeles*, 209 Cal.App.3d 568 (1989); but see *Gray v. City of Gustine*, 224 Cal.App.3d 621 (1990)

<sup>2</sup> *City of Fairfield v. Superior Court*, 14 Cal.3d 768 (1975)

<sup>3</sup> *Gai v. City of Selma*, 68 Cal.App.4th 213 (1998)

<sup>4</sup> *Haas v. City of San Bernardino*, 27 Cal.4th 217 (2002)

<sup>5</sup> *Mennig v. City Council*, 86 Cal.App.3d 341 (1978)

Hon. David Chiu

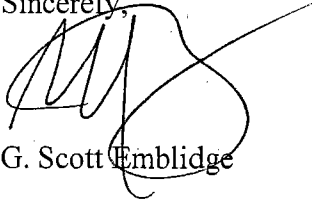
October 2, 2012

Page 3

court found that this "degree of embroilment" created a "constitutionally intolerable" probability of "actual bias."

In summary, I advise the Board not to excuse members from voting on official misconduct charges unless a Board member has a financial interest in the outcome of the proceeding, or is so personally embroiled in the present dispute that he or she could not be fair to the parties.

Sincerely,

A handwritten signature in black ink, appearing to be "G. Scott Emblidge", written over a circular scribble.

G. Scott Emblidge

cc: Members of the Board of Supervisors  
Clerk to the Board of Supervisors  
Counsel to Sheriff Ross Mirkarimi  
Counsel to Mayor Edwin Lee

BOS-11  
BOS-Aides



**File 120949: Letter to Board Regarding Official Misconduct Proceedings**

Board of Supervisors to: Joy Lamug, Rick Caldeira, BOS-IT

10/05/2012 02:48 PM

From: David Waggoner <davidpwaggoner@gmail.com>  
To: Board.of.Supervisors@sfgov.org,  
Cc: Angela.Calvillo@sfgov.org, Shepard Kopp <shep@shepardkopplaw.com>, Scott Emblidge <emblidge@mesllp.com>, Peter Keith <peter.keith@sfgov.org>, Sherri Kaiser <sherri.kaiser@sfgov.org>  
Date: 10/05/2012 02:18 PM  
Subject: Letter to Board Regarding Official Misconduct Proceedings

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Dear Board of Supervisors,

Please find a letter from counsel for the Sheriff attached regarding the Tuesday, October 9th, 2012, Special Meeting of the Board.

Sincerely,  
David Waggoner

--

David P. Waggoner, Esq.  
515A Dolores Street  
San Francisco, CA 94110  
(415) 305-7708

This message contains information which may be confidential and privileged. Unless you are the intended addressee (or authorized to receive for the intended addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. The unintended transmission of any confidential or privileged information shall not constitute waiver of the attorney-client privilege or any other privilege. If you have received the message in error, please advise the sender by reply at [davidpwaggoner@gmail.com](mailto:davidpwaggoner@gmail.com) and delete the message.



Letter to Board Regarding Official Misconduct Proceedings.pdf

**LAW OFFICES OF SHEPARD S. KOPP**  
11355 W. Olympic Blvd., Suite 300, Los Angeles, CA 90064  
ph (310) 914-4444 · fax (310) 914-4445  
shep@shepardkopplaw.com

**LAW OFFICE OF DAVID P. WAGGONER**  
515A Dolores Street, San Francisco, CA 94110  
ph (415) 305-7708 · fax (415) 386-3106  
davidpwaggoner@gmail.com

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October 4, 2012

*Via Electronic Delivery*

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

Re: Official Misconduct Proceedings

Dear Members of the Board,

We write to address several concerns in anticipation of the Special Meeting of the Board scheduled for Tuesday, October 9, 2012, at 2:00PM. We hope to clarify and provide perspective on issues that may become relevant to the Board's duties under Charter Section 15.105.

At the Board's meeting on July 31, 2012, we indicated during public comment that we intended to ask each member of the Board to state under oath his or her knowledge of the case, including any communications with the Mayor or others about the case. However, it has since come to our attention that this is unnecessary. We accordingly withdraw this request.

San Francisco Campaign and Governmental Conduct Code Article III, Chapter 2, Section 3.214, already effectively addresses the underlying issue:

A City officer or employee shall disclose on the public record any personal, professional or business relationship with any individual who is the subject of or has an ownership or financial interest in the subject of a governmental decision being made by the officer or employee where as a result of the relationship, the ability of the officer or employee to act for the benefit of the public could reasonably be questioned.

San Francisco's Conflict of Interest Regulation 3.124-3 clarifies what is meant by the subject of a government decision:



An individual is the subject of a governmental decision when that individual personally or by an agent: (a) initiates the proceeding in which the governmental decision will be made by filing an application, claim, appeal, or similar request; (b) is a named party in the proceeding in which the governmental decision will be made; or (c) attempts to influence any City officer or employee who is responsible for making the governmental decision.

Obviously, each member of the Board has had personal, professional and/or business relationships with the parties and/or their counsel. We raise the issue of the disclosure requirements out of an abundance of caution and because such relationships could be relevant to the Board's duties under Charter Section 15.105 as those duties relate to due process.

Mr. Emblidge addressed the issue of what circumstances would excuse a Supervisor from voting in a letter to President Chiu dated October 2, 2012. We agree with Mr. Emblidge that financial interest and personal embroilment are grounds for a Supervisor to be excused.

Mr. Emblidge correctly points out that merely knowing a party in a dispute will not disqualify a decision-maker. However, where there is a probability of bias due to personal embroilment, disqualification of an administrative decision-maker is appropriate<sup>1</sup>. As stated in *Golden Day Schools, Inc. V. State Dept. of Education* (2000) 83 Cal. App.4<sup>th</sup> 695, 709 (citations omitted):

“A fair trial in a fair tribunal is a basic requirement of due process.” This is true of administrative adjudication as it is of courts. “Not only is a biased decision-maker constitutionally unacceptable but ‘our system of law has always endeavored to prevent even the probability of unfairness.’ In pursuit of this end, various situations have been identified in which experience teaches that the probability of actual bias on the part of the judge or decision-maker is too high to be constitutionally tolerable.”

While the mere appearance of bias in a normal administrative hearing will not necessarily warrant disqualification, this is not a normal administrative hearing. Freedom from the appearance of bias is essential to public respect for these proceedings. “The reason for the rule that trials and quasi-judicial hearings must not only be fair in fact, they must also appear to be fair, is that judicial officers possess no real power except that which is derived from the respect and confidence of the people<sup>2</sup>.”

It is also important to note that the “rule of necessity,” which allows a decision-maker to vote on a matter where the body has a legal duty to act even though he or she may have a conflict of interest which would otherwise disqualify the decision-maker<sup>3</sup>, is not applicable to this case, as

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<sup>1</sup> *Gai v. City of Selma* (1998) 68 Cal. App.4<sup>th</sup> 213, 222 and *Mennig v. City Council* (1978) 86 Cal. App.3d 341, 351.

<sup>2</sup> *Wood v. City Civil Service Commission* (1975) 45 Cal. App.3d 105, 111.

<sup>3</sup> *Finnegan v. Schrader* (2001) 91 Cal. App.4<sup>th</sup> 572, 581.

the Board has no legal duty to act. Indeed, Charter Section 15.105 explicitly contemplates a scenario in which no action is taken by the Board on a Mayor's written charges of official misconduct, in which case the official is automatically reinstated.

While we will not be making a specific request for any Supervisor to be excused, there may in fact be grounds for a Supervisor or Supervisors to be excused. For example, Supervisor Mar was excused for cause from jury duty during Sheriff Mirkarimi's criminal case earlier this year because he did not believe he could be a fair and impartial juror because of his personal and professional relationship with Sheriff Mirkarimi.

Ultimately, if any Supervisor believes that he or she is unable to fairly and impartially decide this case, then he or she must be excused from voting. No Supervisor should be forced to vote against his or her conscience.

Thank you for your consideration of these issues. We look forward to presenting our case to you next Tuesday.

Respectfully Submitted,

/s/ David Waggoner

/s/ Shepard Kopp



To: BOS Constituent Mail Distribution, Joy Lamug/BOS/SFGOV,  
Cc:  
Bcc:  
Subject: File 120949 This is Mrs. Hayes..Resending..: 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 San Francisco Supervisor San Francisco <david.chiu@sfgov.org>, Supervisor San Francisco Supervisor San Francisco <eric.l.mar@sfgov.org>, BOARD OF SUPERVISOR 2012 <jane.kim@sfgov.org>, BOARD OF SUPERVISOR 2012 <maia.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 San Francisco Supervisor San Francisco <sean.elsbernd@sfgov.org>, BOARD OF SUPERVISOR 2012 <scott.wiener@sfgov.org>,  
Date: 10/02/2012 11:03 AM  
Subject: This is Mrs. Hayes..Resending..: Sheriff Ross..citizen SF

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Hello,

I just learned that you all will decide Ross fate as Sheriff of San Francisco on Oct. 9 2012.  
So, I decided to resend this email I sent earlier when you might not have gotten back to your jobs yet, in support of Ross!

Thank you in advance for taken the time to read my email supporting Ross!

Have a wonderful and blessed day, Gerri Hayes

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From: gerjhay@hotmail.com  
To: board.of.supervisors@sfgov.org; christina.olague@sfgov.org; david.chiu@sfgov.org;

eric.l.mar@sfgov.org; jane.kim@sfgov.org; malia.cohen@sfgov.org; mark.farrell@sfgov.org;  
david.campos@sfgov.org; john.avalos@sfgov.org; carmen.chu@sfgov.org; sean.elsbernd@sfgov.org;  
scott.wiener@sfgov.org

Subject: Sheriff Ross..citizen SF

Date: Tue, 4 Sep 2012 13:22:26 -0700

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 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

BOS-11  
received individual  
letters.



To: Joy Lamug/BOS/SFGOV,  
Cc:  
Bcc:  
Subject: File 120949: State Domestic Violence Coalition's letter regarding Ross Mirkarimi

From: Tiarra Earls <tiarra@cpedv.org>  
To: "Board.of.Supervisors@sfgov.org" <Board.of.Supervisors@sfgov.org>,  
Date: 10/02/2012 03:10 PM  
Subject: State Domestic Violence Coalition's letter regarding Ross Mirkarimi

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October 2, 2012

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

Dear Clerk of the Board of Supervisors:

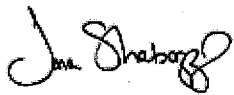
I write to you on behalf of the California Partnership to End Domestic Violence (the Partnership) and our 200 organizational and individual members statewide, to strongly urge you adopt the Ethics Commission's findings and sustain the official misconduct charges against San Francisco Sheriff Ross Mirkarimi. Currently suspended by Mayor Lee for official misconduct, and on three years' probation for false imprisonment related to his mistreatment of his wife, it is doubtful that Mr. Mirkarimi could effectively carry out the duties of the Office of Sheriff.

The Partnership is the federally recognized State Domestic Violence Coalition for California, representing over 200 organizations and individuals statewide, united in their commitment to safety and justice. We work closely with members of the State Legislature to ensure that the rights and safety of victims are preserved when policymakers craft new legislation. In our 35-year history, the Partnership has a strong track record of passing over 100 pieces of legislation on issues impacting domestic violence victims, their families, and the public safety concerns of all Californians. The Partnership believes that by sharing expertise, advocates and policymakers can end domestic violence.

Since the domestic violence charges first came to light, Mr. Mirkarimi's story has shifted to minimize his own culpability. However, the fundamental facts of the case have remained in

place: Mirkarimi admitted under oath at the Ethics Commission that he committed a violent act against his wife, and knew it was a crime when he did it. This alone should disqualify him from holding the office of Sheriff. Domestic violence is a very serious crime, which claims nearly 2,000 lives each year, and costs the US \$5.8 billion annually. To have the Office of the Sheriff represented by someone implicated in a domestic violence incident compromises the Office's authority, and sends a dangerous message to the public about San Francisco's commitment to the rule of law.

We believe that San Franciscans deserve better. For these reasons, the Partnership respectfully urges you to adopt the Ethics Commission's recommendation and sustain the official misconduct charges against Ross Mirkarimi.



Sincerely,

Tara Shabazz  
Executive Director



image003.png



To: BOS Constituent Mail Distribution,  
Cc:  
Bcc:  
Subject: File 120949: Why Vote? The case for Ross Mirkarimi

From: jose muniz <1sfmuniz@gmail.com>  
To: board.of.supervisors@sfgov.org,  
Date: 10/05/2012 11:00 AM  
Subject: Why Vote? The case for Ross Mirkarimi

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Dear Supervisor

Like many voters in San Francisco, when I first heard that Eliana Lopez, Ross Mirkarimi's wife, had a physical alterations with him, I felt I had been betrayed. I had worked on Ross Mirkarimi's campaign to elect him for Sheriff making calls, distributing literature, and holding signs on the street because he wanted to continue Sheriff Hennessey's legacy. I personally did not know either Ross nor Eliana. But as more and more information of about the incident was revealed, it occurred to me that there was more to this than appeared in the press. When Ross decided to plea to a misdemeanor( false imprisonment) it seemed the case against him was settled and he was willing to accept that he was wrong for not listening to Eliana Then Mayor Ed Lee arbitrarily removed him from office without pay. This was an unprecedented decision made by an an executive official in the history of San Francisco politics. Due process had been usurped by one individual. It was then I felt Mayor Lee had suppressed my vote. I decided then to work to reinstate Ross Mirkarimi. I have now become friends with both of them and their son, Teo. They are a loving couple. As a San francisco voter, I call on you to do the correct thing and vote to reinstate Ross Mirkarimi. To reinstate my vote!

Sincerely,  
Jose L. Muniz

Bos-11 (electronically)  
File 120949  
cpage

PAGE 1 OF 3  
THU, 10/04/12

JOSE MORALES LETTER OF  
SUPPORT FOR SHERIFF ROSS

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2012 OCT -5 PM 12:05

ML

MIRKARIMI

THE FOLLOWING ARE MY MOST IMPORTANT  
MESSAGES:

1. PLEASE RESPECT + PROTECT THE WILL OF  
THE VOTERS.
2. PLEASE RESPECT + PROTECT ROSS, ELIA-  
NA + THE MIRKARIMI.
3. HE WAS LEGALLY ELECTED SHERIFF OVERWHELM-  
INGLY BY MORE THAN 80,000 VOTES. INCREDIBLE!

THE FOLLOWING REASONS ARE WHY SHERIFF ROSS  
MIRKARIMI WOULD BE OUR BEST SHERIFF:

A. IF WE TAKE INTO ACCOUNT 1-3 ABOVE:  
(i) WE WOULD SAVE <sup>A LOT OF</sup> TIME + MONEY!!!

B. HE HAS A GREAT EXCEPTIONAL LEGISLATIVE.....

(PLEASE GO TO PAGE 2 OF ...) →



PAGE 2 OF 3  
THU, 10/04/12 (CONT'D)

EXPERIENCE: 8 YEARS AS A MEMBER OF THE BOARD OF SUPERVISORS SPONSORING OR CO-SPONSORING MANY LAWS FOR THE CITY OF SF.

ONE OF OUR GREATEST LAWS HE HELP TO PASS WAS THE CCA:

CCA = COMMUNITY CHOICE AGGREGATION  
(COMMONLY KNOWN AS GREEN POWER SF).

WHICH IS GOING TO GIVE BACK TO THE CITY OF SF, THE ELECTRIC POWER, WHICH BY FEDERAL LAW (IN THE 1920'S?) WAS SUPPOSED TO BE UNDER ITS CONTROL!

BUT, PG&E TOOK OVER FOR MANY YEARS. IT'S A LONG SAD STORY THAT W/ JEHOVAH'S GOD'S HELP, ONE DAY IT WILL BE DISCLOSED WHO WERE THE CITY PUPPETS OF THOSE YEARS?

AS U KNOW, THE TRANSITION WILL COST US SOME EXTRA \$, BUT DO NOT GET DISCOURAGE; WE WILL BE THE OWNERS & WE WILL SAVE \$.

FOR ACCURATE INFO, TALK TO MR. HARRINGTON@CITY HALL.

ON THE NEXT PAGE, PAGE 1 & OR 2, PLEASE FIND A CLIP'G OF A GREAT ARTICLE, WHICH APPEAR'D RECENTLY IN THE SF BAY GUARDIAN, PAGE 6 & 7 OF 09/26-10/2/12. IT IS WORTH READ'G COZ IS WELL RESEARCH, HAS 3 PARTS & IT'S <sup>(TRUTHFUL)</sup> ~~IT'S~~

(PLEASE GO TO PAGE 3 OF -)

I LIKE, VERY MUCH, THE WAY, THE AUTHOR,  
(NO NAME) STARTS + CONTINUES DESCRIBING  
THIS UNBELIEVABLE CASE OF INJUSTICE TO ONE  
OF OUR BEST YOUNG FAMILIES IN SF.

"THE CASE FOR REINSTAT'G MIRKARIMI"

- HE IS VERY PRECISE:

"LET'S ALL HELP  
JUSTICE TO BE  
DONE."

- ON NEW YEARS EVE, 2011
- ELECT'D SF SHERIFF, BUT UNISWORN
- HAD A PHYSICAL ALTERCATION W/HIS WIFE ELIANA  
THAT LEFT HER W/A BRUIS'D ARM.
- SHE COMPLAIN'D TO A NEIGHBOR LAST'G LESS THAN 1'
- I CAL'D<sup>IT</sup> "NOTHING. ONLY ROSS + ELIANA KNOW WHAT  
REALLY HAPPEN'D.
- ONE FACT, I DIDN'T KNOW, UNTIL TODAY IS THAT  
SHE DECLAR'D SHE BRUISES EASILY, EVEN WHEN PLAY'G, <sup>(W/HER SON)</sup>

SORRY TO CONCLUDE SOON, BUT PLEASE  
READ THE REST OF THE SF BAY GUARDIAN<sup>ARTICLE.</sup>  
BUT, LET ME POINT OUT

THE 3 MAIN REASONS WHY THE BOARD NEEDS  
TO VOTE TO RESTORE OUR MARVELOUS ELECT'D SHERIFF!

① IF YOU BELIEVE ELIANA <sup>(FROM HER HUSBAND + WAS NOT ALLOWED TO SPEAK)</sup>  
(THE WIFE THAT WAS SEPARATED)

② THE AUTHOR SUGGEST'S A RECALL, BUT I WANT THE DE-  
CISION OF HIS GREAT LAWYERS. I THINK A LAW SUIT,  
AFTER A SHORT HEAR'G COULD HAVE BEEN GOOD. ALTHOUGH, I DON'T KNOW

③ THIS CASE "MANGLES" OFFICIAL MISCONDUCT. HE WAS NOT  
OFFICIALLY SWORN! --- PLEASE READ THE END OF THE  
ARTICLE

SHERIFF, Jose L. Morales



To: BOS Constituent Mail Distribution,  
Cc:  
Bcc:  
Subject: File 120949: Attention: Sheriff Mirkarimi file

File 120949  
cpage

From: Debra Hannula <dkhannula@gmail.com>  
To: board.of.supervisors@sfgov.org,  
Date: 10/05/2012 10:18 AM  
Subject: Attention: Sheriff Mirkarimi file

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Please include my letter in the file regarding Sheriff Mirkarimi, attached addressed to the Board of Supervisors regarding the reinstatement of Sheriff Mirkarimi. I hand delivered the letter to the supervisors yesterday, along with a copy of a hand-book on police-perpetrated domestic violence by expert Diane Wetendorf. My letter includes mention of Ms. Wetendorf's work.

I am a Noe Valley resident now. In 2003-2004 I co-chaired the *Taskforce On Officer-Involved Domestic Violence* following the murder/suicide of Crystal Judson Brame at the hands of police-chief David Brame.

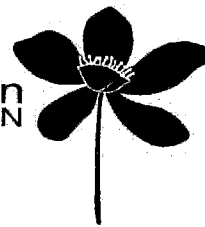
Thank you for your time and consideration,

Very Truly Yours,

Debra K. Hannula



open ltr to supv's.pdf



October 3, 2012

Honorable President David Chiu  
Honorable Board Member Supervisors of San Francisco  
Eric Mar, Mark Farrell, Carmen Chu, Jane Kim, Sean Elsbernd, Scott Weiner,  
David Campos, Malia Cohen, John Avalos, Christina Olague  
1 DR Carlton B Goodlett Place Room 244  
San Francisco, CA 94102-4689

Open letter to the San Francisco Board of Supervisors re: Sheriff Mirkarimi

Dear President Chiu:

For the reasons listed below, do not re-instate Sheriff Mirkarimi.

My name is Debra Hannula. I have been a resident of San Francisco for the past 6 years. Prior to that I lived and worked in Seattle and Tacoma, Washington as a public defender and a Judge Pro Tem, and in that capacity (as Judge Pro Tem) received the highest ratings from all minority and other bar associations, presiding over civil and criminal dockets as well as the domestic violence courts.

Following the murder of Crystal Judson by her chief of police husband, I was asked to chair a task-force. Washington Supreme Court Justice Barbara Madsen offered to co-chair and together we recruited over 75 professionals, forming the *Taskforce on Officer Involved Domestic Violence (DV)*. The taskforce was made up of criminal defense attorneys, prosecutors, victim advocates, domestic violence treatment providers, police, victims of police, elected sheriffs and chiefs, law professors and other experts. Dr. Anne Ganley, a psychologist and DV expert who wrote the hand-book for judges on the subject of DV, was also on the taskforce. She worked with both victims and perpetrators as did Dr. April Gerlock, both mental health experts on the taskforce. Within ten months we wrote and passed legislation mandating that all police agencies within the entire state have mandatory minimum policies and procedures in place to handle police-perpetrated domestic violence. Governor Gary Locke signed our bill into law. The taskforce also worked directly with the Tacoma Police Department chaired by Captain Tom Strickland writing their policies and procedures, first examining policies/procedures around the country. There were very few to examine, 15-20. That few cities and towns had policies in place to determine and direct an officer responding to a DV call when the alleged perpetrator was a police officer. The policies we wrote began with the pre-hire stage where we determined that investigations on past domestic violence allegations would need to take place, with the stated obvious goal of not hiring those that had DV in their past. During these ten months I co-chaired this task-force, I took the position of Director of Legal Services of the YWCA representing victims of domestic violence. This position allowed me to work even more closely with the police as their officers were accused of domestic violence. In addition I worked to bring nationally recognized expert on police perpetrated DV advocate Diane Wetendorf to Washington state to train police, prosecutors, DV treatment providers and DV advocates and other government employees on this issue.

The state under then Attorney General Christine Gregoire (who would later become Governor) worked on other areas and issues un-covered as a direct result of the murder/suicide by Tacoma Police Chief David Brame. It was a state-wide concern and later thanks to Crystal's parents became a national one.

During this same time Lane and Patty Judson filed a lawsuit on behalf of their grandchildren. These children, at the time ages 5 and 8, had watched this horrendous murder/suicide from the back-seat of their father's car. Since the City of Tacoma and their representatives had failed to protect Crystal Judson, the lawsuit resulted in a twelve million dollar settlement for the children and mandatory reforms regarding police-perpetrated domestic violence.

April 2013 will mark the tenth anniversary of Crystal Judson's murder. Not a day has gone by that Crystal's parents don't grieve the loss of their beautiful and beloved daughter. They worked tirelessly to get federal legislation passed to mirror the efforts done in Washington State. To this day, Mr. Judson lobbies other states continuously to get state-wide legislation passed, and he speaks nation-wide on the issue of police-perpetrated DV in the hopes that another family never has to live through and try and live with what his family is forced to feel daily.

I have watched the events unfold surrounding Ross Mirkarimi. He cannot and should not be re-instated as sheriff. I have had hundreds of hours of DV training with at least 60 of those hours specifically on police-perpetrated DV training. It is not the same animal. Special training on this topic is warranted. The same tools that might help a typical DV victim can result in the murder of a victim of officer-involved DV. It is complicated.

Ms. Wetendorf and I together did two trainings in Washington State. As Ms. Wetendorf describes her work:

*"I have worked as a domestic violence advocate since 1985. Since 1994 my focus has been on understanding and advocating against police perpetrated domestic violence. My work has included numerous trainings of police agencies on this subject that includes the FBI and the IACP (International Association of Chiefs of Police) as well as prosecutors and victim advocates throughout the U.S. I have written extensively on the subject including two handbooks for victims of police perpetrated domestic violence, one for the intimate partners of police officers, the other for the intimate partners of police officers who are or were police officers themselves. After Crystal Judson was shot and killed by the TPD police Chief David Brame, I was asked to assist on the Taskforce on Officer Involved Domestic Violence. I was also asked to conduct training of law enforcement, prosecutors and victim advocates at the Washington State Criminal Justice Training Commission in Burien, WA and Tacoma, WA. I also trained in Aberdeen, WA with those that provide batterer's counseling. I trained in several locations in both Eastern and Western Washington on behalf of the Washington State Coalition against Domestic Violence. Police perpetrated domestic violence is a well hidden crime. The victims are extremely vulnerable. Members of law enforcement have long referred to themselves as the 'police family.' They equate the love, concern and protectiveness that bonds together all those who wear the badge with that of the biological family. Current DV statistics estimate 30% of women in the general population will experience domestic violence; and research on police families reports the incidence to be as high as 40%. Because of the insular nature of the culture, its masculine-identified values, and the power that the institution of policing wields, these victims have little or no protection from their abusers. To whom can a victim appeal if the very institution colludes with her batterer? Domestic violence in the general population has been acknowledged to be at epidemic levels but only during the last 40 years. Before that, there was little to no awareness by society of the cycle of domestic violence. Police perpetrated*

*domestic violence has only been acknowledged openly 15 years, with many police agencies continuing to deny or ignore the problem. The "blue wall of silence" has prevented, and continues to prevent an honest examination of police-perpetrated domestic violence."*

I appeared before the SF ethics panel in August 2012 and heard the DV advocates and treatment providers speak elegantly against the sheriff resuming his position. They are the experts. I am the expert. His retaining the position will have disastrous consequences. DV is much higher in police communities than the general population. Most if not all domestic violence victims are reluctant to come forward, and those who are the victims of the police much more so.

As far as I know San Francisco has yet to bring in experts like Diane Wetendorf to train on the issue of police perpetrated domestic violence. It has yet to pass legislation to mandate policies and procedures specific to this issue.

Mr. and Mrs. Judson made a promise to their daughter Crystal as she lay dying for seven days in Seattle's Harborview Hospital in Seattle following her tragic shooting. They promised her they would do everything in their power to protect victims of police perpetrated domestic violence. And they have.

Have you?

Does each city within the United States have to endure a murder/suicide to step up?

I must state the obvious: A victim of an abusive sheriff's deputy will not call Sheriff Mirkarimi for help. He or she will not be believed. Sheriff Mirkarimi will not know what to do with the phone call. He will not help the victim find the resources he or she may need to stay safe. These victims are typically not believed. They are often ridiculed and humiliated by the court system through aggressive defense counsel. "Nuts and/or sluts" is typically the taunts. Crystal Judson was only believed once her chief of police husband gunned her down in front of their two young children in an open-air mall parking lot in the quiet town of Gig Harbor, WA at 2PM. Prior to her death, Tacoma city officials did not believe her, ignored her, or felt it was all a "family matter." The gunshots shattered Gig Harbor where the murder/suicide occurred, Tacoma the city Chief David Brame presided over, and the entire state. The Congressmen/women from Washington State took it to the US government. Does San Francisco really need to wait until something worse happens before they act?

Remove Mirkarimi. He is unfit to serve. He **PLED GUILTY** to false imprisonment and since the victim was his spouse, it is by definition a crime of domestic violence. If the victim was a stranger would that make a difference? If it would, then you are guilty of the very thing that keeps DV victims in hiding. The belief that they deserve it or that because its family, it is not really a crime. Since the majority of victims are women, this falls directly under sexism.

Bring in those knowledgeable and competent to train the supervisors, the mayor, all city personnel, police, and prosecutors as Washington State has done on the issue of police-perpetrated domestic violence.

Ask Diane Wetendorf to do it.

Ask Lane Judson, Crystal's father, to give you his power-point presentation.

Why hasn't it happened already?

I have attached a copy of Diane Wetendorf's *Police Domestic Violence A For Victims*. She has written extensively on this issue. This book and the book *Crossing the Threshold*, where the victims of police are themselves police officers should be in every library in this city and in the hands of the police and sheriff deputies and all city employees.

*Handbook*

On behalf of the Kelly Ann Brown Foundation,

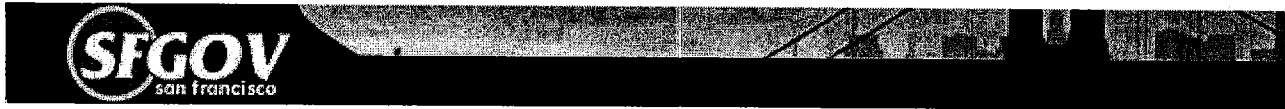


Debra K. Hannula  
Chair, Kelly Ann Brown Foundation  
415-730-3097  
dkhannula@gmail.com  
San Francisco Noe Valley resident  
Attorney in good standing with Washington State Bar Association since 1983

Cc Mayor Ed Lee  
Ms. Diane Wetendorf  
Patty and Lane Judson

*Violence against women is a huge public health crisis around the globe. Girls and women aged 15-44 are more likely to be killed or maimed at the hands of men than die from cancer, malaria and war combined.*

( A quote from "Half the Sky," a PBS documentary inspired by the book with the same title written by Nicholas D. Kristof and Sheryl WuDunn)



Date/ Time: 2012-10-04 15:08:00.907

Service Request Number: 1511296

# Request for City Services

*File 120949  
cpage*

### CUSTOMER CONTACT INFORMATION:

Name:

Phone:

Address:

Email:

### DEPARTMENTS:

Department: \*

Sub-Division: \*

### PROPERTY ADDRESS:

Point of Interest:

Street Number:

Street Name:

Street Name 2:

City:

ZIP Code:

X coordinate:

Y coordinate:

Latitude:

Longitude:

CNN:

Unverified Address:

### ADDITIONAL LOCATION INFORMATION:

Location Description:

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

### REQUEST DETAILS:



Nature of Request: \*

Request for Service

**ADDITIONAL REQUEST DETAILS:**

Additional Request Details: \*

Bailey Radian from District One would like the board of supervisor to know that they would like them to remove Ross Mirkarimi from office when they vote on next Tuesday.

**BACK OFFICE USE ONLY \*\*\*\*\***

Source Agency Request Number:

Responsible Agency Request Number:

Service Request Work Status:

Work Status Updated:



**To:** BOS Constituent Mail Distribution, Joy Lamug/BOS/SFGOV,  
**Cc:**  
**Bcc:**  
**Subject:** File 120949: Reinstate Sheriff Mirkarimi

**From:** Marie McCallum <mariewo1956@yahoo.com>  
**To:** "Board.of.Supervisors@sfgov.org" <Board.of.Supervisors@sfgov.org>,  
**Date:** 10/02/2012 04:11 PM  
**Subject:** Reinstate Sheriff Mirkarimi

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**TO: SAN FRANCISCO BOARD OF SUPERVISORS**

My name is Marie McCallum - I reside at 740 Buchanan St. Apt 2, SF 94102, living in District 5 of the city. (415) 861-3647

I appeal to you when you come together on October 9, 2012 to reinstate Sheriff Ross Mirkarimi to his

elected position of Sheriff of San Francisco. Certainly you, as Supervisors, cannot get caught up in the

Mayor and his groupies personal vendetta against Sheriff Mirkarimi to relieve him of his job because

who they wanted to win did not win.

The PEOPLE of San Francisco elected Ross Mirkarimi as Sheriff and that is who should be Sheriff.

May I please hold you to your good judgment to see that the right action is taken for the Sheriff and his

family so that we all may get on with the business of getting San Francisco back on track with Ross

Mirkarimi as Sheriff of this city.

Thank You.

Marie McCallum

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

BOS-11  
10/3/12 Joy

2012 OCT -3 AM 9:19

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Supervisors:

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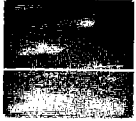
File 120949

I hope you will remember the facts on whether Ross Mirkarimi should be reinstated as sheriff.

- ① He is a criminal with a record.
- ② He pled guilty to the lesser of charges.
- ③ He believes he is above the law.
- ④ He and his wife are after the money the job pays.
- ⑤ She recanted her story and is as much of a liar as he is.
- ⑥ He lacks good judgement and is not sheriff material.
- ⑦ Doubt would be cast, if sheriff, on anything he did.
- ⑧ He cannot be trusted to act without his blustering and bullying.
- ⑨ He will be recalled or voted out of office if reinstated and you as supervisors will be judged by your vote especially if you have been paid off in any manner.

Cindy Courtney  
VOTER

KEEP MIRKIRIMI OUT OF OFFICE



To: BOS Constituent Mail Distribution,  
Cc:  
Bcc:  
Subject: Fw: Ltr's to Board of Supervisors Re: R.Mirkarimi

File 120949  
Cpage

From: Lane Judson <dajud00@aol.com>  
To: peggy.nevin@sfgov.org,  
Date: 10/04/2012 03:04 PM  
Subject: Fwd: Ltr's to Board of Supervisors Re: R.Mirkarimi

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I have previously mailed individual copies of these letters to all members of the San Francisco Board of Supervisors, re: Mr. Ross Mirkarimi's case. I am a national speaker on OIDV ( Officer Involved Domestic Violence) and have gotten Federal laws and State laws implemented as a result of dv and loss of life of our daughter at the hands of the Chief of Police in Tacoma WA. Please see attachment field for letters to the board and documents from our United States Congress on OIDV issues. Pls see attach Field

Thanks so much for your time on this critical issue facing the Board of Supervisors and your great city.

Deepest respect,

Just Us ( justice )

Lane & Patty Judson      Please see our web-site      [www.lanejudson.com](http://www.lanejudson.com)  
4707 Towhee Dr. NW  
Gig Harbor, WA 98332  
253-851-4708



Judson\_Aug\_ltr\_to\_San\_Francisco\_Board\_of\_Supvrs.docx Sep\_ltr.docx Jan.152012CaGov\_ljdg..docx.doc

August 30, 2012

Honorable President David Chiu  
Honorable Board Member Supervisors of San Francisco  
Eric Mar, Mark Farrell, Carmen Chu, Christina Olague, Jane Kim,  
Sean Elsbernd, Scott Wiener, David Campos, Malia Cohen, John Avalos  
1 DR Carlton B Goodlett Place Room 244  
San Francisco, CA 94102-4689

Dear Members of the Board of Supervisors:

We are the parents of Crystal Judson. Our beloved daughter was murdered by her husband David Brame, the Police Chief of Tacoma, Washington Police Department, in front of their two children in April, 2003. David Brame then shot himself.

Articles printed in San Francisco newspapers in mid-January of 2012 reported very disturbing news about the newly elected sheriff, Ross Mirkarimi, who was charged with three misdemeanor counts connected with accusations that he abused his wife. As a nation-wide speaker on Officer Involved Domestic Violence (OIDV), those articles prompted me to write a letter to Governor Jerry Brown and Attorney General Kamela Harris asking them to consider putting OIDV laws and policies in place similar to what was done in the state of Washington as the result of the murder/suicide of our daughter Crystal.

Since mid-January, so much more information has come to light that was not known when I wrote to the Governor's office. Accusations against the newly elected Sheriff are similar to David Brame's treatment of our daughter Crystal.

Tacoma City Manager Roy Corpuz was notified of problems in the marriage of Crystal and Chief Brame and he chose to ignore them and said "it was a private matter". Our Tacoma City Council, a legislative body similar to your Board of Supervisors, fired the city manager a couple of months after finding out what he knew about David Brame's dark past, stating that "domestic violence is not a **private matter.**" It is a crime.

Similarly, elected Sheriff Mirkarimi characterized his domestic abuse as "a family matter." However he was charged with and pled guilty to domestic violence crimes.

David Brame flunked two of three psychological exams. The third one stated, "hire with reservations". We will never know what the reservations were, but Crystal's loss of life makes us wonder what that doctor knew or felt. Maybe it was nepotism as David had a father, two brothers, and a cousin in law enforcement in the Tacoma area. He never should have worn a badge and carried a gun, let alone become Chief of Police.

I am not sure if the newly elected sheriff has ever had a psychological exam prior to being elected or may have had one before he went to work for the Sheriff's department and as an investigator for the District Attorney's office. What kind of a background check was made prior to his hiring. Did anyone check with people like Ms. Flores? Why didn't she call the police when abuse first started? Was she afraid or intimidated because he was the police?

Crystal and David Brame were going through a contentious divorce with children and visitation rights in issue. When Crystal made allegations of domestic violence in her divorce pleadings, David Brame retaliated by killing her. When Mr. Mirkarimi and wife Eliana were discussing

divorce and she was taking their son Theo back to Venezuela, Mirkarimi retaliated with acts of domestic violence. Mrs. Mirkarimi indicated to witnesses that domestic violence acts had occurred previously. On the average, a person attempting to leave an abusive relationship tries seven times before they finally leave for good. Sadly in our daughter's case, David Brame ended her life rather than let her leave. This is also tragically and statistically, a fate for many battered women.

When a controller and domestic abuser starts to lose control over the person they are controlling, just talking or getting into a disagreement over issues can become very volatile and end in a situation such as the Mirkarimi case. It could have been worse and this was explained in attorney Debra Hannula's comments to the San Francisco Ethics Commission regarding Mr. Mirkarimi's case of misconduct on San Francisco government TV, Thursday, August 16, 2012 at 03:48:47 into the program. Ms. Debra Hannula, Attorney and Judge Pro-Tem in the state of Washington at the time of our daughter's murder became the co-chair with Supreme Court Justice Barbara Madsen to develop OIDV laws and policies that were mandated for all law enforcement agencies in Washington to have in place by a specific date.

Often times in OIDV cases that I get involved in, inappropriate sexual harassment and/or behavior is involved. In David Brame's case he sexually harassed a female patrol officer who was up for promotion, demanding sexual favors from his subordinate. The officer called our daughter and told her about this and that was when Crystal filed for divorce.

In Ross Mirkarimi's case, he had so many pairs of panties hanging around his Webster Street apartment that the comment they were "somebody else's" drawers led to a physical altercation with Christina Flores, who told him in response to the suggestion that the panties were hers, "I know my own underwear." Mr. Mirkarimi had been in a relationship with Ms. Flores in 2007 and 2008 and she said she had been abused four times, once, physically leaving her with a bruised arm, which she says he later apologized via e-mail to her. This shows a habitual pattern of domestic violence occurring when he was an elected official of the Board of Supervisors. His behavior as elected sheriff is the same as when he was a supervisor; his position does not deter his domestic violence crimes, and as we know so well, people in positions of power have an even greater ability for continual violence without consequences.

Allegations that Mr. Mirkarimi referred to Venezuela as a "filthy third world country" and therefore wishes his son to be raised in the U.S. is also telling and hardly the behavior of someone with his sights on "protecting and serving" all the people of the County of San Francisco. Every official in Tacoma WA, as well as political parties supported David Brame. Out of a group of six candidates, David became their next Chief of police. He was a good speaker, friendly to those that supported him, but, no-one but his victims knew his dark side. He was accused of a date rape in 1987 by a female officer that worked juvenile cases. She initially kept it to herself, but finally told police officer Reggie Roberts. Officer Roberts set up a meeting with the victim and David Brame. She confronted him and he agreed that he had raped her. Roberts reported this to superiors but because Officer Roberts had not read David Brame his Miranda rights, David was not charged. Neither Crystal nor our family ever knew of this until after her death.

It appears that Mr. Mirkarimi was also a person well-liked by citizens and some in government and other circles and groups. However, it appears no one knew about his abuse with his relationship with Ms. Flores. There is a historical pattern of abuse, may be more we don't know about him.

Domestic violence is a crime regardless of who commits it, but when the perpetrator is a law enforcement officer it is one of the most heinous and potentially deadliest crimes they can and do commit. Who can the victim call? Not the police, because the abuser is the police. We must remember that the leader of any organization, public or government, sets the tone for the rest of his or her business or agency to follow. If the leader can and does commit crimes, they have set a standard for the rest who follow in their footsteps to do likewise. It becomes a tolerance policy with no law to say it is good or bad to do (i.e., domestic violence). The most notorious case of domestic violence by a law enforcement officer happened to our daughter, Crystal Judson (Brame).

Domestic violence victims are reluctant to come forward. They know it isn't safe for them. When the perpetrator is law-enforcement, he or she typically has the support of his or her police agency. What message will it send to all those victims of sheriff deputies, and please remember, there are more victims in the police community than the community at large, if Mirkarimi is allowed to remain sheriff? Fellow abusive officers will abuse with impunity. Victims of sheriff deputies will know that the system will not protect them and will not hold their abusers accountable.

Police perpetrated domestic violence experts Diane Wetendorf, who literally wrote the book on this issue, along with experts Dr. April Gerlock and Dr. Anne Ganley, state that when working with the police or military, an abuser will more favorably respond to domestic violence treatment when his or her commanding officer makes it clear that such abuse will not be tolerated and that soldier or deputy is answering directly to the top. If the top person's behavior isn't law-abiding, then how can he or she lead?

The board is charged with determining the fate of the elected sheriff. Friendships, he was a good old boy, he was a former member of the board, and other emotional feelings must be set aside and your constituents and protecting the public solely must govern your decision. Your decision could set a precedent nation-wide how OIDV is handled by governing systems. Beverly Upton, Executive director of San Francisco Domestic Violence Consortium addressed the Ethics Commission on this issue and stated, "The world is really watching".

It is time to weed the garden.

Respectfully,

Just Us (justice),

Lane & Patty Judson (Nationwide Speaker on OIDV) [www.lanejudson.com](http://www.lanejudson.com)

4707 Towhee DR NW Gig Harbor, WA 98332 Ph. 253 851-4708

CC: Honorable Mayor Edwin M. Lee

Debra Hannula Resident San Francisco since 2006 (Attorney & Judge Pro Tem WA)

Beverly Upton Executive Director, San Francisco DV Consortium

Selected Members of United States Congress (Sen/Rep)

September 18, 2012

Honorable David Chiu, President of Board Member Supervisors San Francisco

Honorable Board Member Supervisors of San Francisco

Eric Mar, Mark Farrell, Carmen Chu, Christina Olague, Jane Kim,  
Sean Elsbernd, Scott Wiener, David Campos, Malia Cohen, John Avalos  
1 DR Carlton B Goodlett Place Room 244  
San Francisco, CA 94102-4689

Dear Members of the Board of Supervisors,

In your deliberation of Mr. Ross Mirkarimi's case that is before you, as members you will decide to either adjudicate and reinstate him, or, to uphold the recommendations of the San Francisco Ethics Commission which is before you for a final decision. We ask that you read the strong letters of consensus of our United States Congress on the issue of domestic violence committed by the very members of law enforcement agencies that are charged with protecting everyone, which includes their spouse and or others in their relationships.

An attached letter signed by United States members of Congress was issued as an open letter to all states to consider utilizing an amendment to the reauthorization of VAWA (Violence Against Women Act) for law enforcement agencies to develop procedures for dealing with domestic crimes committed by their own employees. An in depth case review helped make the decision.

The letter states: " We remain concerned that many cities and counties across the nation, like Tacoma three years ago, do not have enforceable domestic violence policies in place .....".

An additional letter has the context of Representative Jay Inslee's short presentation to the House of Representatives which overwhelmingly accepted the reauthorization of VAWA and the amendment to it, in our daughter's name called ( Crystal Judson Brame Domestic Violence Protocol Program ). CA congress members supported the reauthorization and amendment.

We are confident that you will make the right decision and keep top leadership of your Sheriff's Department free of any implied tolerance policy which could be " if the sheriff can do domestic violence and get away with it, why can't I as a deputy or law enforcement officer". Potential liabilities for the city and county of San Francisco are horrendous! It's your call.

Deepest respect,

Lane & Patty Judson  
4707 Towhee Dr NW  
Gig Harbor, WA 98332  
253-851-4708

cc: Mayor Edwin Lee  
Beverly Upton DV Consortium



**Congress of the United States**  
**Washington, DC 20515**

Three years ago, a terrible murder and suicide were committed in a parking lot in Gig Harbor, Washington. Although terrible crimes like this happen all too often in parking lots across the nation, this crime was particularly unusual in that it was committed by David Brame, Chief of Police from the City of Tacoma, who shot his estranged wife, Crystal Judson Brame, and then himself while their two young children sat in another car just a few yards away.

A subsequent investigation uncovered serious problems within the Tacoma Police Department that had contributed to the hiring and promotion of this individual with a history of domestic violence. Even after his elevation to Chief, violence committed by David Brame against his wife was not addressed by the Department, despite the knowledge and involvement of police units responding to a call for assistance from her.

As a result of the investigation, a number of employees of the city and the police department were officially reprimanded and the City Manager was dismissed from his job. In addition, a \$12 million settlement was eventually reached between the City of Tacoma and the family of Crystal Judson Brame to settle their lawsuit over the incident.

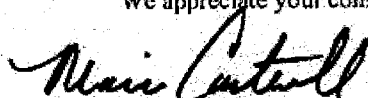
Ultimately, the problem was left unaddressed because the Tacoma Police Department did not have a strong and enforceable policy to address domestic violence committed by a member of the police force. As we have since learned, this was not a deficiency exclusive to the City of Tacoma. Following the tragic incident, the Washington State Legislature passed a law establishing strong standards for law enforcement agencies within the state to prevent and address future incidents of domestic violence committed by law enforcement officers.

We remain concerned that many cities and counties across the nation, like Tacoma three years ago, do not have enforceable domestic violence policies in place. We call your attention to a federal discretionary grant opportunity called the Crystal Judson Brame Domestic Violence Protocol Program. Funding is available for law enforcement agencies to implement procedures surrounding crimes of domestic violence, sexual assault, and stalking committed by employees. We strongly encourage every county and city official to review your local police or sheriff's department's policy to ensure that they are adequate. Agencies may apply for the Crystal Judson Brame Domestic Violence Protocol STOP Grant at:

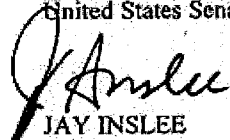
<http://www.usdoj.gov/ovw/ovwgrantprograms.htm>.

Please find an enclosed copy of the law passed by the Washington State Legislature, which includes detailed criteria for adequate domestic violence policies. It can serve as a model for the development of similar policies within your state and we hope you will share it with leaders from your community.

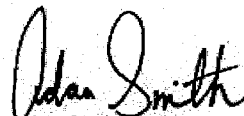
We appreciate your consideration of this information.



MARIA CANTWELL  
United States Senator



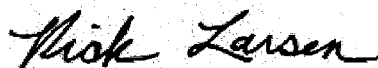
JAY INSLEE  
Member of Congress



ADAM SMITH  
Member of Congress



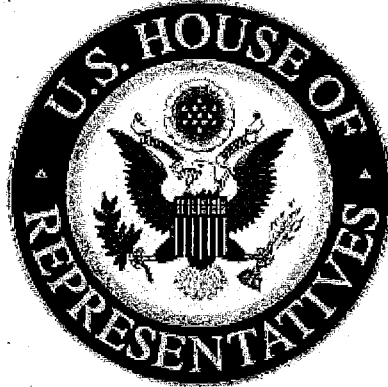
NORM DICKS  
Member of Congress



RICK LARSEN  
Member of Congress

Representative Jay Inslee  
to the House of Representatives

December 17th, 2005



**DEPARTMENT OF JUSTICE APPROPRIATIONS  
AUTHORIZATION ACT,  
FISCAL YEARS 2006 THROUGH 2009  
U.S. Representative Jay Inslee to the House of  
Representatives  
December 17, 2005**

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. Inslee).

Mr. INSLEE. Mr. Speaker, the worst thing a parent can endure is the loss of a child. And it is important for me, in the context of this bill, to share the story of Lane and Patti Judson, who lost their daughter, Crystal, to domestic violence and have turned their sadness into a will to help other families.

Crystal was murdered by her husband, who was chief of police in Tacoma, Washington, at the time. We all know what obstacles domestic violence victims face. But imagine the choices a victim faces when their abuser is in the very profession that is charged to protect her.

Congress today took steps to address these circumstances and, for the first time in the country's history, included a

grant program in the reauthorization of the Violence Against Women Act to help law enforcement agencies develop procedures for dealing with domestic crimes committed by their own employees as well as train special advocates to assist victims like Crystal and her family. Women who have been victims of domestic violence should not have to stand alone, and after today, they will not have to.

I thank the Judiciary Committee chair and ranking member; my colleagues from Washington; advocacy groups; and, most importantly, Lane and Patti Judson for making this program a reality. Unfortunately, domestic violence continues to be in all of our communities today. And the Judson's' courage and conviction remind all of us that we have more work to do toward finding new solutions to protect families across our Nation. From a family tragedy, the Judson's have forged a strong measure to protect families across the Nation. We honor their diligence and the life of Crystal Judson Brame.



January 15, 2012

Governor Jerry Brown  
C/O State Capitol, Suite 1173  
Sacramento, CA 95814

Attorney General Kamala D Harris  
P.O. Box 94244  
Sacramento, CA 94244-2550

Honorable Governor Jerry Brown and Attorney General Kamala Harris,

A recent series of articles printed in the San Francisco Chronicle has reported very disturbing news about the newly elected sheriff, Ross Mirkarimi, who has been charged with three misdemeanor counts connected with accusations that he abused his wife. In addition, according to the San Francisco Chronicle, " He characterized this incident as a ' family matter,' when it is actually not only that. " said Michael Runner, who trains judges on how to handle domestic violence cases. " And the fact that he joked about it at his swearing-in ceremony suggests that he's not necessarily aware of how serious an issue it is."

Domestic violence is a crime regardless of who commits it, but when the perpetrator is a law enforcement officer it is one of the most heinous and potentially deadliest crimes they can and do commit. The San Francisco Chronicle reveals no indication that the city or sheriff's department has any kind of OIDV (Officer Involved Domestic Violence) laws or policies in place if domestic violence is committed within an agency, nor whether they are held accountable for their actions. It appears that Internal affairs is the course of action or in-action. We must remember that the leader of any organization, public or government, sets the tone for the rest of his or her business or agency to follow. If the leader can and does commit crimes, they have set a standard for the rest who follow in their footsteps to do likewise. It becomes a tolerance policy with no law to say it is good or bad to do (i.e., domestic violence). The most notorious case of domestic violence by a law enforcement officer happened to our daughter, Crystal Judson Brame.

My name is Lane Judson, and our daughter Crystal Judson-Brame was murdered by her estranged husband, Tacoma, WA Police Chief David Brame, in a shopping center parking lot with their two young children just feet away from this horrific tragedy. Since her murder and his suicide, leaving the children as orphans, we have been working to educate all states in the dynamics of OIDV, and its effect on communities, cities, states and the federal level. With impressive support from leaders of the U.S. Senate and House of Representatives, we achieved passage of federal legislation in our daughter's name, ear marking Department of Justice VAWA Stop Grant Funds for Officer Involved Domestic Violence.

It is ironic that the attached photo at the back of this letter shows United States Representative Hilda Stolis D-Calif. standing in the Oval Office with President George W. Bush signing the Violence Against Women Act on January 5, 2006.

**This amendment which carried our daughter's name, "...To provide funding to law enforcement agencies, nonprofit nongovernmental victim services providers, and State, tribal, territorial, and local governments, (which funding stream shall be known as the Crystal Judson Domestic Violence Protocol Program)..."**

This amendment was a result of working with many United States Senators and the House of Representatives to pass a law in our daughter's memory as a result of her death due to domestic violence.

I would like to inquire directly to you as Governor and Attorney General of your state, what if anything is your administration doing to protect those in a relationship with a law enforcement officer; and what can be done to correct your judicial system's handling of law enforcement officers who are found to have committed domestic violence? That includes from top to bottom, from judges, to prosecutors, chiefs of police and sheriffs, on down to the newly hired personnel. Prosecutors siding with officers accused of offending who can't believe that police can and do lie. Charges against law enforcement are plea bargained away because "he/she may lose their job". What kind of psychological exam did they go through before being hired?

OIDV is one of the deadliest crimes, and in my opinion, is a greater threat because the abused feel that they have nowhere to turn for help. Why is that? Someone says, "call the police". They are the police and it is so difficult for the abused to seek help from the police when the perpetrator of the crime is a commissioned officer. A friend or former partner of the officer may answer the domestic violence call and too often is said to take sides with the accused when contacting the one seeking help. The accused could lose their badge and gun, be put on administrative leave, and there is a potential of losing their job. Even the San Francisco Chronicle recent series indicates that the Blue Wall tends to take care of "their own and keep it in house".

Protection of a fellow law enforcement officer is often paramount within police culture. They usually investigate their own via internal affairs, and if the accused gets informed that things are not looking good for the officer, he/she often times resigns their job, and the investigation stops. There is nothing on their record, and they can apply for a new job at another jurisdiction and get hired. The losers in this domestic abuse are the jurisdiction that wasn't able to complete their investigation to either exonerate the accused, or to bless the accused with an early retirement if charges were found to be guilty by prosecution. But the saddest thing about this is, that the abuse continues, and the abuse gets worse. It may end up in a murder or murder/suicide with wrongful death charges sought.

Our current Governor, Christine Gregoire, (who was the Attorney General at the time of our daughter's murder) told law enforcement agencies to "Clean up your act, or it will be done to you". And it was done. A new Washington State Law, SB 6161 mandated that law enforcement agencies in the state of Washington have

an OIDV policy in place by a specific date. This law was accomplished by an ad hoc team of 70 professional lawyers, law enforcement leaders, domestic violence advocates, and prominent judicial judges from our Supreme Court, and others.

Much is being done in other states to implement OIDV law, policies, and procedures. Former Governor David A. Paterson and Governor Andrew Cuomo of New York support that position. Pittsburgh PA has implemented OIDV policies and Mayor Luke Ravenstahl terminated a police sergeant for DV. Michigan is being asked as well as a host of other states to consider doing what was done in Washington State. Our Attorney General Rob McKenna strongly supports OIDV law.

Liabilities for cities, counties, and states are horrendous to have public servants who are in the very profession to protect citizen, to be the one(s) breaking that law. We filed a \$75 million lawsuit against the city of Tacoma, WA. for wrongful death. It was settled out of court for the children only. Other cities, counties, & states do not need this to happen to them. OIDV tarnishes the image, badge, and credibility of outstanding law enforcement agencies. Citizens look up to their agencies as the ones to call for help. I encourage those who have loved ones suffering from or murdered due to OIDV to file litigation. Utica, NY is currently in that process after Utica police investigator Joseph Longo Jr. killed his wife Kristen and himself, orphaning their children.

Please Honorable Governor and Attorney General, tear down that Blue Wall of silence; and consider mandating OIDV laws and policies for your state of CA similar to WA. It goes hand in hand with the affirmative signing of the Crystal Judson Domestic Violence Protocol Program signed into law by the President George W., Bush on January 5, 2006. My web site identifies more than 200 L.E. personnel from around the country that committed murder/suicide, of their spouse, children, girlfriend, family, friends, and even their dogs, as a result of domestic violence. Please listen to the voices of those that have lost their lives to domestic violence. They are calling out for your help. My web site is: [www.lanejudson.com](http://www.lanejudson.com) and it has the Washington OIDV law and copy of policies available for review as well as the amendment to VAWA under our daughter's name.

With greatest respect,

Just Us ( justice )

Lane & Patty Judson  
4707 Towhee DR. NW.  
Gig Harbor, WA. 98332  
253-851-4708

cc: Honorable Attorney General State of Washington

Mr. Rob McKenna

White House Adviser to President/Vice President U.S.

Ms. Lynn Rosenthal

Congress of United States

Selected Sen/Rep

San Francisco Chronicle Newspaper

Mr. Kevin Fagan



President Bush signing the Violence Against Women and Department of Justice Reauthorization Act of 2005 in the Oval Office on January 5th, 2006, in Washington. From left are Rep. Mark Green, R- Wisc., first lady Laura Bush, Sen. Orrin Hatch, R- Utah, Rep. James Sensenbrenner, R- Wisc., Bush, Rep. Richard Larsen, D-Wash., and Rep. Hilda Solis, D-Calif.

(To read article, go [here](#))

*"...To provide funding to law enforcement agencies, nonprofit nongovernmental victim services providers, and State, tribal, territorial, and local governments, (which funding stream shall be known as the Crystal Judson Domestic Violence Protocol Program "*



**To:** BOS Constituent Mail Distribution,  
**Cc:**  
**Bcc:**  
**Subject:** Concerning proposed nudity ban

**From:** Allen Jones <jones-allen@att.net>  
**To:** Board.of.Supervisors@sfgov.org,  
**Date:** 10/02/2012 01:55 PM  
**Subject:** Concerning proposed nudity ban

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To all Members of the San Francisco Board of Supervisors,

I just completed jury duty. I was not selected for this case but it is currently going on in a San Francisco court. A man is accused of pulling it out on a young woman. Of course, he has denied it but the jury selection offered up some interesting opinions.

I am not saying men should be allowed to just un-zip for sport. However, for 50 people to come in and spend a full day and those selected 12 jurors and 2 alternates for an estimated seven days tells me that we need to re evaluate the fear of nudity.

If San Francisco passes this law, there will be many courtrooms filled with jurors asked to give up their time because the Board of Supervisors can't stand the calls of those who are scared of a nude body.

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



Date/ Time: 2012-10-03 07:44:48.4

Service Request  
Number: 1504395

### Request for City Services

#### CUSTOMER CONTACT INFORMATION:

Name: **David Lee**  
Phone: **415-316-8963**  
Address:  
Email:

#### DEPARTMENTS:

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

#### PROPERTY ADDRESS:

Point of Interest:   
Street Number:   
Street Name:   
Street Name 2:   
City:   
ZIP Code:   
X coordinate:   
Y coordinate:   
Latitude:   
Longitude:   
CNN:   
Unverified Address:

#### ADDITIONAL LOCATION INFORMATION:

Location Description:

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

**REQUEST DETAILS:**

Nature of Request: \* **Other**

**ADDITIONAL REQUEST DETAILS:**

Additional Request  
Details: \*

**Caller just wants to make a comment regarding Nudity in San Francisco. Stated that the Board of Supervisors may have gone beyond their meddling on people's affair. They should not tell people how to dress because it is just like not wearing long hair or short/long dresses in school. They are at the limit on people's affair.**

**BACK**

**OFFICE USE \*\*\*\*\***

**Source**

**Agency**

**Request**

**Number:**

**Responsible**

**Agency**

**Request**

**Number:**

**Service**

**Request**

**Work**

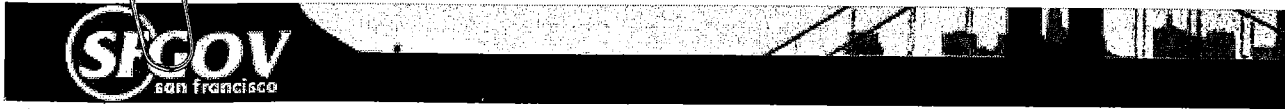
**Status:**

**Work**

**Status**

**Updated:**

SubmitCancel



Date/ Time: 2012-10-03 15:27:51.5

Service Request Number: 1506875

# Request for City Services

### CUSTOMER CONTACT INFORMATION:

Name:

Phone:

Address:

Email:

### DEPARTMENTS:

Department: \*

Sub-Division:\*

### PROPERTY ADDRESS:

Point of Interest:

Street Number:

Street Name:

Street Name 2:

City:

ZIP Code:

X coordinate:

Y coordinate:

Latitude:

Longitude:

CNN:

Unverified Address:

### ADDITIONAL LOCATION INFORMATION:

Location Description:

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

### REQUEST DETAILS:

Nature of Request: \*

Request for Service

**ADDITIONAL REQUEST DETAILS:**

Additional Request Details: \*

Go for the ban. I am a life long resident of San Francisco and when you come to the Castro with your kids and there nude dudes with cock rings that not normal. I thought it was also in bad taste when they are showing the Wizard of OZ at the famous Castro Theater when

**BACK OFFICE USE ONLY \*\*\*\*\***

Source Agency Request Number:

Responsible Agency Request Number:

Service Request Work Status:

Work Status Updated:

Submit Cancel

Print

Go for the ban. I am a life long resident of San Francisco and when you come to the Castro with your kids and there nude dudes with cock rings that not normal. I thought it was also in bad taste when they are showing the Wizard of OZ at the famous Castro Theater when little children have to walk past these ding, dong walking around with their king kongs hanging out; it's a bit much. All for the ban with exception for special events like the Pride Parade and Halloween then all bets are off.




BOS-11 page, COB  
Bos Admin

Ben Rosenfield  
Controller  
Monique Zmuda  
Deputy Controller

# MEMORANDUM

**TO:** Clerk of the Board of Supervisors

**FROM:** Monique Zmuda, Deputy Controller 

**DATE:** August 30, 2012

**SUBJECT:** City Services Auditor - Annual Contract Report and Chapter 12 Compliance

This report is submitted pursuant to San Francisco Charter Section F1.112, "Authority and Duties of City Services Auditor, Outside Experts." The Charter requires the Controller's Office to submit an annual report to the Board of Supervisors summarizing the City Services Auditor's contracting activities and compliance with Chapter 12 of the Administrative Code. Chapter 12 of the Administrative Code includes a number of the City's human rights and non-discrimination clauses.

The attached report summarizes the City Services Auditor's contracting activities for Fiscal Years 2005 through 2012. Services contracted during this period allowed the City Services Auditor to provide audit and performance evaluations of Citywide operations.

Although the City Services Auditor is not subject to the approval processes of other City agencies in regard to Chapter 12, the City Services Auditor has fully complied with Chapter 12 by meeting the Contract Monitoring Division's (formally known as Human Rights Commission) 12B (Non-Discrimination) and 14B (Local Business Enterprise Subcontracting) requirements for all contracts.

Attachment:  
City Services Auditor Contract List - FY05-12

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2012 AUG 31 PM 2:16  
ML

Office of the Controller  
City Services Auditor Contracts  
Fiscal Years: 2005-2012

Fiscal Year	Vendor Name	Description of Service	Department	Contract Amount
2005	A C L SERVICES LTD	ACL Software Maintenance	City Services Auditor Administrative	\$24,375
<b>2005 Total</b>				<b>\$24,375</b>
2008	INSPIRATION QUEST INC	City Services Auditor Strategic Planning Services	City Services Auditor Administrative	\$35,508
	EN POINTE TECHNOLOGIES SALES INC	Crystal Reports Server	City Services Auditor Administrative	\$20,392
<b>2008 Total</b>				<b>\$55,900</b>
2009	C C H INC / Wolters Kluwer	TeamMate software services	City Services Auditor Administrative	\$46,283
	EN POINTE TECHNOLOGIES SALES INC	Clarity Project & Portfolio Mgmt Consulting Services	City Services Auditor Administrative	\$40,000
	XTECH J/V	OpenAir Software Licenses and Implementation Services	City Services Auditor Administrative	\$129,008
	ANGELA J MANIAK	CSA Business Writing	City Services Auditor Training	\$27,000
	RICHARD ALAN FOSTER	CSA Audits Training and Meeting Facilitation Services	City Services Auditor Training	\$4,000
<b>2009 Total</b>				<b>\$246,291</b>
2010	AMERICAN MANAGEMENT ASSOCIATION	CSA Project Management Training	City Services Auditor Administrative	\$16,675
	EDITCETERA	Audit and analytical report editing services	City Services Auditor Administrative	\$50,000
	GRADUATE SCHOOL	Government Auditing Training Services	City Services Auditor Training	\$13,669
<b>2010 Total</b>				<b>\$80,344</b>
2011	RESOURCE DEVELOPMENT ASSOCIATES INC	Survey Research and Statistical Analysis Methods Training Services	City Services Auditor Administrative	\$10,000
	RICHARD ALAN FOSTER	Audits Retreat Services	City Services Auditor Administrative	\$4,000
	TOP STEP CONSULTING LLC	Openair Business Efficiency Assessment	City Services Auditor Administrative	\$4,800
	COURTENAY THOMPSON & ASSOCIATES	Contract Auditing Training Services	City Services Auditor Training	\$9,995
<b>2011 Total</b>				<b>\$28,795</b>
2012	CARMEN CLARK CONSULTING	CSA Organizational Diagnostic and Facilitation Services	City Services Auditor Administrative	\$70,000
	HONIG IDEAGUIDES & 4 HOUR TRAINING	Facilitation Training Services (CSA)	City Services Auditor Administrative	\$4,825
	LEITA HART FANTA	Essential Audit Skills Training	City Services Auditor Administrative	\$7,520
	WOLTERS KLUWER FINANCIAL SERVICES INC	TEAMMATE AUDIT SFTWR RENEWAL FY12	City Services Auditor Administrative	\$14,900
	WORKFORCE SOFTWARE CONSULTING INC	TeamMate software services	City Services Auditor Administrative	\$14,900
	XTECH J/V	Controller's Office Whistleblower System (COWS) Web Application	City Services Auditor Administrative	\$19,360
<b>2012 Total</b>				<b>\$131,505</b>



Controller's Response Attached regarding City's Arts Commission, Municipal Transportation Agency and Employee Retirement System  
Lane, Maura

to:

Calvillo, Angela, Miller, Alisa

10/01/2012 02:36 PM

Cc:

"Nevin, Peggy"

Hide Details

From: "Lane, Maura" <maura.lane@sfgov.org>

To: "Calvillo, Angela" <angela.calvillo@sfgov.org>, "Miller, Alisa" <alisa.miller@sfgov.org>,

Cc: "Nevin, Peggy" <peggy.nevin@sfgov.org>

1 Attachment



cgj2\_20121001141821.PDF



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

COB,  
GAO clerks  
CPA 925

**Ben Rosenfield**  
Controller

**Monique Zmuda**  
Deputy Controller

October 1, 2012

Honorable Judge Feinstein  
Presiding Judge  
San Francisco Superior Court  
400 McAllister Street – Room 008  
San Francisco, CA 94102-4512

Dear Judge Feinstein:

The following attachment is provided in response to several reports from the 2011-2012 Civil Grand Jury regarding the City's Arts Commission, Municipal Transportation Agency, and Employee Retirement System. For ease of administration, they have been provided in the format used to track implementation of Civil Grand Jury recommendations.

Please extend my thanks to the Civil Grand Jury for their service. Thank you for your time, and do not hesitate to contact me with any questions or comments at (415) 554-7500.

Sincerely,



Ben Rosenfield  
Controller

City and County of San Francisco



Status of the Recommendations  
by the Civil Grand Jury  
2010-11

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

<b>1. Recommendation Implemented</b> - Date Implemented - Summary of Implemented Action	<b>2. Will Be Implemented in the Future</b> - Anticipated Timeframe for Implementation	<b>3. Requires Further Analysis</b> - Explanation - Timeframe <i>(Not to exceed six months from date of publication of Grand Jury report)</i>	<b>4. Will Not Be Implemented: Not Warranted or Not Reasonable</b> - Explanation
---	---	--	---

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

CGJ Year	Report Title	Finding or Recommendations	Response Required	Action	2012 Response Text
2011-2012	Better MUNI Service Needed, Without Switchbacks	F7. MUNI has failed to fully implement basic technological improvements in the system.	Office of the Controller	Partially agree	The SFMTA has worked to implement various technological improvements and upgrades to existing systems. These investments, of course, are financially constrained given limited resources available for service, maintenance, infrastructure, and other priority needs.
2011-2012	Better MUNI Service Needed, Without Switchbacks	F8. MUNI's newest and most advanced control centers lack adequate operating personnel and cannot communicate directly with MUNI drivers.	Office of the Controller	Agree	The newest control centers lacks some key functionality and has been understaffed. Plans are in place and underway for improvements in both areas.
2011-2012	Better MUNI Service Needed, Without Switchbacks	F9. MUNI has failed to conduct and publish monthly rider surveys as recommended in the FY 2008 and 2010 quality review.	Office of the Controller	Agree	The quality review recommendation for monthly surveys is not a requirement. MTA does do a significant amount of public outreach and opinion-testing through hearings and comment cards. Other survey efforts are also performed such as the annual city survey and MTA's own rider surveys performed to comply with Federal requirements. While the monthly rider surveys suggested in the FY 2008 and FY 2010 quality reviews are not a requirement, the SFMTA reports that they will commence monthly surveys later this fiscal year.

CGJ Year	Report Title	Finding or Recommendations	Response Required	Action	2012 Response Text
2011-2012	Better MUNI Service Needed, Without Switchbacks	R2. Contact and learn from comparable transit systems that do not resort to switchbacks as a regular solution to their problems	Office of the Controller	2. Will be implemented in the future	The Controller's Office is engaged in a multi-year effort with the Municipal Transportation Agency (MTA) to improve MTA services. This effort, the Transportation Effectiveness Project (TEP) includes a variety of service improvements to address operating issues and to speed up MUNI service throughout the system. Addressing switchbacks along with other line management challenges are part of the TEP. In addition, the Controller's Office conducts quarterly benchmarking reports comparing San Francisco to other jurisdictions. MUNI services will be included in this benchmarking effort in upcoming fiscal quarters.
2011-2012	Better MUNI Service Needed, Without Switchbacks	R3. The Controller audit MUNI funds to determine if there are additional resources that may be available to rectify delays and scheduling problems.	Office of the Controller	1. Recommendation Implemented	The Controller's Office conducts annual performance audits of the Municipal Transportation Agency and financial audits of selected issues and contracts. All audits include work to determine if MTA resources are being used effectively and efficiently and if funds could be better used. In addition, MTA has had multiple efforts in the last three fiscal years to identify new revenue sources and operating support. Finally, as noted above, MTA is engaged in a service improvement program (the TEP) whose central goal is to speed travel time throughout the system. This audit and project focus is ongoing.
2011-2012	When There's Smoke . . . The Need to Strengthen the Art Commission's Cultural Legacy	R3. Encourage the creation of a non-profit organization dedicated to raising funds to meet program and operational needs.	Office of the Controller	4. Will not be implemented	Many civic functions such as Recreation and Park and the Library benefit from non-profits formed to further their purposes. The Art Commission could similarly benefit. However this action is not within the Controller's Office authority. We would assist with appropriate city accounting and financial arrangements should a non-profit be formed to support the Art Commission.
2011-2012	When There's Smoke . . . The Need to Strengthen the Art Commission's Cultural Legacy	R4. Improve the orientation and training of Commissioners to provide them with a clear understanding of their administrative responsibilities and roles in budgeting, personnel management, city processes, and their role as ambassadors to the public to increase awareness of art opportunities in the community.	Office of the Controller	3. Requires further analysis	Complete and ongoing training is helpful for commissions to effectively discharge their duties, although we have not undertaken a review of the SFAC's training program. The Controller's Office can assist with training in public financial management and oversight roles for Commissioners, if requested by the SFAC. Comparable training has been provided by the Controller's Office to other City commissions, non-profit boards, and other public bodies.

Status of the Recommendations  
by the Civil Grand Jury  
2010-11

CGJ Year	Report Title	Finding or Recommendations	Response Required	Action	2012 Response Text
2011-2012	When There's Smoke . . . The Need to Strengthen the Art Commission's Cultural Legacy	F18. Art maintenance is more appropriately an operating rather than capital cost as it is a day-to-day responsibility of SFAC.	Office of the Controller	Disagree	Art maintenance expenditures could appropriately be treated as an operating expense up to certain thresholds determined by standard accounting practices. The City's standard practice is to include planning for maintenance of capital assets through the City's capital planning process. Ultimately all uses – whether for maintenance, capital, or operating expenditures – draw from the same funding sources and are adopted in the City's annual budget.
2011-2012	When There's Smoke . . . The Need to Strengthen the Art Commission's Cultural Legacy	F19. Art maintenance is inappropriately treated as a capital expense by City government.	Office of the Controller	Disagree	Art maintenance expenditures could appropriately be treated as an operating expense up to certain thresholds determined by standard accounting practices. The City's standard practice is to include planning for maintenance of capital assets through the City's capital planning process. Ultimately all uses – whether for maintenance, capital, or operating expenditures – draw from the same funding sources and are adopted in the City's annual budget.
2011-2012	When There's Smoke . . . The Need to Strengthen the Art Commission's Cultural Legacy	R9. Re-designate maintenance and conservation of the Collection as an operating expense of the SFAC rather than a capital budget item	Office of the Controller	Disagree	Art maintenance expenditures could appropriately be treated as an operating expense up to certain thresholds determined by standard accounting practices. The City's standard practice is to include planning for maintenance of capital assets through the City's capital planning process. Ultimately all uses – whether for maintenance, capital, or operating expenditures – draw from the same funding sources and are adopted in the City's annual budget.
2011-2012	When There's Smoke . . . The Need to Strengthen the Art Commission's Cultural Legacy	R10. Redirect and dedicate \$1 million, over two years, of the Grants for the Arts/Hotel Tax Fund on a one-time basis to the Arts Commission to fund the inventory, maintenance, storage, de-accessioning, exhibition and installation of the existing Collection located in the City, at San Francisco International Airport, and at other City properties.	Office of the Controller	4. Will not be implemented	This action is not in the authority of the Controller. Appropriation of funds is the authority of the Mayor and Board of Supervisors under the budgetary and financial provisions of the Charter.

Status of the Recommendations  
by the Civil Grand Jury  
2010-11

CGJ Year	Report Title	Finding or Recommendations	Response Required	Action	2012 Response Text
2011-2012	When There's Smoke . . . The Need to Strengthen the Art Commission's Cultural Legacy	R11. Designate Hotel Tax Funds from the initial \$1 million for the development of educational print, on-line and phone app materials to showcase the existing Civic Art Collection located in the City, at San Francisco International Airport, and at other City properties to make the Collection more accessible to City residents and visitors.	Office of the Controller	4. Will not be implemented	This action is not in the authority of the Controller. Appropriation of funds is the authority of the Mayor and Board of Supervisors under the budgetary and financial provisions of the Charter
2011-2012	When There's Smoke . . . The Need to Strengthen the Art Commission's Cultural Legacy	R12. Designate Hotel Tax Fund monies of 1% of the value of the Collection (up to \$900,000) on an annual basis for the maintenance and care of the Collection.	Office of the Controller	4. Will not be implemented	This action is not in the authority of the Controller. Appropriation of funds is the authority of the Mayor and Board of Supervisors under the budgetary and financial provisions of the Charter.
2011-2012	When There's Smoke . . . The Need to Strengthen the Art Commission's Cultural Legacy	R15 SFAC hold public hearings about the Cultural Centers and their short- and long-term funding (for programs and facility maintenance), facility, and safety needs to develop an action plan to secure the Cultural Centers	Office of the Controller	3. Requires further analysis	This action is not in the authority of the Controller. We would be willing to assist the SFAC in analysis needed to prepare a productive public hearing process.
2011-2012	When There's Smoke . . . The Need to Strengthen the Art Commission's Cultural Legacy	F28. The Street Artists annual fees since 2000 have increased in large part due to the costs of defending the Program Manager for violations of the Sunshine ordinances from the Street Artists	Office of the Controller	Disagree	Confirming this finding would require further analysis of the Street Artist Program's revenues and expenses, although generally speaking rising labor and benefit (and not legal) costs have been the dominant drivers of the City's expenditures in recent years.

Status of the Recommendations  
by the Civil Grand Jury  
2010-11

CGJ Year	Report Title	Finding or Recommendations	Response Required	Action	2012 Response Text
2011-2012	When There's Smoke . . . The Need to Strengthen the Art Commission's Cultural Legacy	F19. Legal expenses for the Sunshine Ordinance defense be paid from an account, other than the Street Artist Fund.	Office of the Controller	Disagree	Legal expenses are an operating cost of the Street Artist Program and are appropriately paid from the special revenue fund that supports the Program. This is standard public accounting practice for similarly-funded City programs. The Mayor and the Board of Supervisors have the authority, through the City's annual budget process, to provide a General Fund subsidy to the program, to cover legal or other costs.
2011-2012	When There's Smoke . . . The Need to Strengthen the Art Commission's Cultural Legacy	F34 For general operating and SFAC Gallery exhibition expenses, SFAC relies on public funds that are designated by Charter for "maintenance of a symphony orchestra...."	Office of the Controller	Disagree	While the SFAC receives approximately \$800,000 annually from the SF Symphony, this amount is legally distinct from the Charter-required allocation of property tax funds to the SF Symphony.
2011-2012	When There's Smoke . . . The Need to Strengthen the Art Commission's Cultural Legacy	F35. Since 1935, SFAC has chosen the San Francisco Symphony as recipient of those funds.	Office of the Controller	Agree	This is a correct statement.
2011-2012	When There's Smoke . . . The Need to Strengthen the Art Commission's Cultural Legacy	F36. SFAC is without legal or practical recourse if SFS revoked its annual contribution of 40% of those funds given to SFAC.	Office of the Controller	Disagree	If the SF Symphony revoked its gift to the SFAC, the SFAC would have the ability to request funds from other sources through the City's budget process, ultimately driven by decisions of the Mayor and Board of Supervisors.

Status of the Recommendations  
by the Civil Grand Jury  
2010-11

CGJ Year	Report Title	Finding or Recommendations	Response Required	Action	2012 Response Text
2011-2012	When There's Smoke . . . The Need to Strengthen the Art Commission's Cultural Legacy	F37. The manner in which SFAC funds its operations by a giveback donation of SFS monies creates, at the least, an appearance of fiscal impropriety and violates the intent of the 1935 Charter amendment.	Office of the Controller	Disagree	The City's budget is in compliance with Charter Section 16.106 that requires an annual appropriation for a municipal symphony. The SFAC is in compliance with the acceptance of gifts, granted by Charter Section 5.100.
2011-2012	When There's Smoke . . . The Need to Strengthen the Art Commission's Cultural Legacy	F38. GFTA funds the San Francisco Symphony for over \$600,000 annually for operating expenses	Office of the Controller	Agree	This is a correct statement.
2011-2012	When There's Smoke . . . The Need to Strengthen the Art Commission's Cultural Legacy	R22. The Arts Commission/Symphony Agreement comply with the intent of the full amount of the tax revenues go toward Symphony operating expenses.	Office of the Controller	1. Rec implemented	The City's budget is in compliance with Charter Section 16.106 that requires an annual appropriation for a municipal symphony. The SFAC is in compliance with the acceptance of gifts, granted by Charter Section 5.100.
2011-2012	When There's Smoke . . . The Need to Strengthen the Art Commission's Cultural Legacy	R23. Redirect Hotel Tax Fund money allocated to the SFS by GFTA to the SFAC.	Office of the Controller	4. Will not be implemented	This action is not in the authority of the Controller. The Controller's Office monitors and acts to maintain the Hotel Tax Fund's compliance with Charter and Code requirements. Grants for the Arts has programmatic authority over their grants and allocations.

Status of the Recommendations  
by the Civil Grand Jury  
2010-11

CGJ Year	Report Title	Finding or Recommendations	Response Required	Action	2012 Response Text
2011-2012	Investment Policies and Practices of the San Francisco Employees' Retirement System	F1. The San Francisco Employees' Retirement System Pension Fund is currently underfunded by more than \$2 billion.	Office of the Controller	Agree	As of the most recent San Francisco Employees' Retirement System (SFERS) actuarial valuation (July 1, 2011), the SFERS unfunded actuarial liability was \$2,285.6 million.
2011-2012	Investment Policies and Practices of the San Francisco Employees' Retirement System	F2. The San Francisco Employees' Retirement System Board did not complete a "failure analysis" subsequent to the funding loss suffered in 2008-09.	Office of the Controller	Disagree	The Board and SFERS actuaries conducted extensive discussions and analysis subsequent to Fiscal Year (FY) 2008-09 and changes to actuarial assumptions were debated and acted upon. The Board considers the impacts of various return scenarios on an annual basis, and transmits these to the City for use in the City's budget planning.
2011-2012	Investment Policies and Practices of the San Francisco Employees' Retirement System	F3. The City must pay increasing contributions to the Fund due to underfunding.	Office of the Controller	Agree	At the February 2012 meeting of the SFERS Board, SFERS consulting actuaries provided projections using various investment return scenarios. Those scenarios anticipate that City contribution rates are likely to rise at least through FY 2014-15 when SFERS recognizes its final installment of deferred losses associated with FY 2008-09 under the Plan's five-year smoothing policy. Whether City contributions must continue to rise after FY 2014-15 as a percentage of payroll will depend on future investment returns along with the results of annual reevaluations of other actuarial assumptions.
2011-2012	Investment Policies and Practices of the San Francisco Employees' Retirement System	F4. The increases in pension contributions by the City are growing at a faster rate than expenditures on most other City services since 1999.	Office of the Controller	Agree	I agree, although the City had no required pension contributions to SFERS in FY 1998-99 due to surplus funding of the Plan at that time. Thus it is not possible to calculate a growth rate on percentage terms from that base year. Looking at more recent 3-year growth between FY 2008-09 and FY 2011-12, the City's growth in employer share contributions to SFERS was from \$112 million in FY 2008-09 to \$385 million in FY 2011-12, for an average annual growth of 50.8%. This is indeed a much faster growth rate than on other expenditures, such as salaries (0.1% average annual growth over this period) or health benefits for active employees (5.9% average annual growth).

Status of the Recommendations  
by the Civil Grand Jury  
2010-11

CGJ Year	Report Title	Finding or Recommendations	Response Required	Action	2012 Response Text
2011-2012	Investment Policies and Practices of the San Francisco Employees' Retirement System	F5. The Fund can artificially reduce the City's estimated liabilities by increasing its investment return assumptions for future years.	Office of the Controller	Disagree	Fund investment return assumptions are set by the SFERS Board, and I disagree with characterizing any decision by the SFERS Board as "artificial." Board decisions regarding investment return assumptions are made in public after hearing recommendations from professional actuaries. The Board has a fiduciary duty to Plan beneficiaries and as such has a responsibility to maintain the long-term health of the Plan.
2011-2012	Investment Policies and Practices of the San Francisco Employees' Retirement System	F6. The unrealistically high assumed investment return rate of 7.66% is driven by concern for the mandated member and City contributions, with little regard for prudent management.	Office of the Controller	Disagree	Fund investment return assumptions are set by the SFERS Board. Board decisions regarding investment return assumptions are made in public after hearing recommendations from professional actuaries. The Board has a fiduciary duty to Plan beneficiaries and as such has a responsibility to maintain the long-term health of the Plan.
2011-2012	Investment Policies and Practices of the San Francisco Employees' Retirement System	F7. Studies show that public funds with low-risk investment policies perform as well as or better than those with high-risk policies.	Office of the Controller	Requires further research	I do not have personal knowledge as to the accuracy of this finding.
2011-2012	Investment Policies and Practices of the San Francisco Employees' Retirement System	R1. San Francisco Employees' Retirement System Board address the \$2 billion dollar underfunding of the San Francisco Employees' Retirement System Pension Fund by forming a high-level task force with City officials, a panel of experts, community groups, and the public to develop courses of action.	Office of the Controller	4. Will not be implemented	This recommendation implies that the challenge of addressing the underfunding of the plan is unknown to the System and that an approach toward closing this gap is not in place. Neither implication is true. The funding status of the plan has been the subject of a great deal of attention by the SFERS Board, the Mayor, Board of Supervisors, plan beneficiaries, and the electorate in the past two years. The Charter and



Status of the Recommendations  
by the Civil Grand Jury  
2010-11

CGJ Year	Report Title	Finding or Recommendations	Response Required	Action	2012 Response Text
2011-2012	Investment Policies and Practices of the San Francisco Employees' Retirement System	R2. Adopt a realistic and consistent formula for estimating the assumed expected investment return rate.	Office of the Controller	1. Rec Implemented	I believe this recommendation has already been implemented within the framework of the existing SFERS Board processes. The SFERS Board will continue to consider changes to their assumed expected investment return rate on a regular basis under its existing procedures.
2011-2012	Investment Policies and Practices of the San Francisco Employees' Retirement System	R3. The San Francisco Employees' Retirement System Board undertake an in-depth investigation and "failure analysis" study of its investment policy and report its findings to its members and to the public.	Office of the Controller	1. Rec Implemented	I believe this recommendation has already been implemented. While the term "failure analysis" is not used by SFERS, I believe the intent behind this recommendation of reviewing investment policies and reporting to the public is being implemented within the framework of the existing SFERS Board processes. The SFERS Board will continue to consider changes to their investment policies on a regular basis under its existing procedures.
2011-2012	Investment Policies and Practices of the San Francisco Employees' Retirement System	R4. Investigate, quantify and address all the major risks in the portfolio and make this information public.	Office of the Controller	1. Rec Implemented	I believe this recommendation has already been implemented. The SFERS Board Strategic Plan, adopted at the Board's October 12, 2011 meeting, discusses an investment risk management initiative, which has been implemented by SFERS with regular monthly public reports since February 2011 that include a discussion of investment risk exposures in the SFERS portfolio.
2011-2012	Investment Policies and Practices of the San Francisco Employees' Retirement System	R5. Investigate less volatile and risky investment policies that would attain sufficient returns for the San Francisco Employees' Retirement System Pension Fund.	Office of the Controller	1. Rec Implemented	This recommendation has been implemented. This recommendation has been implemented by SFERS to the extent that a range of investment options are discussed and implemented by the Plan.

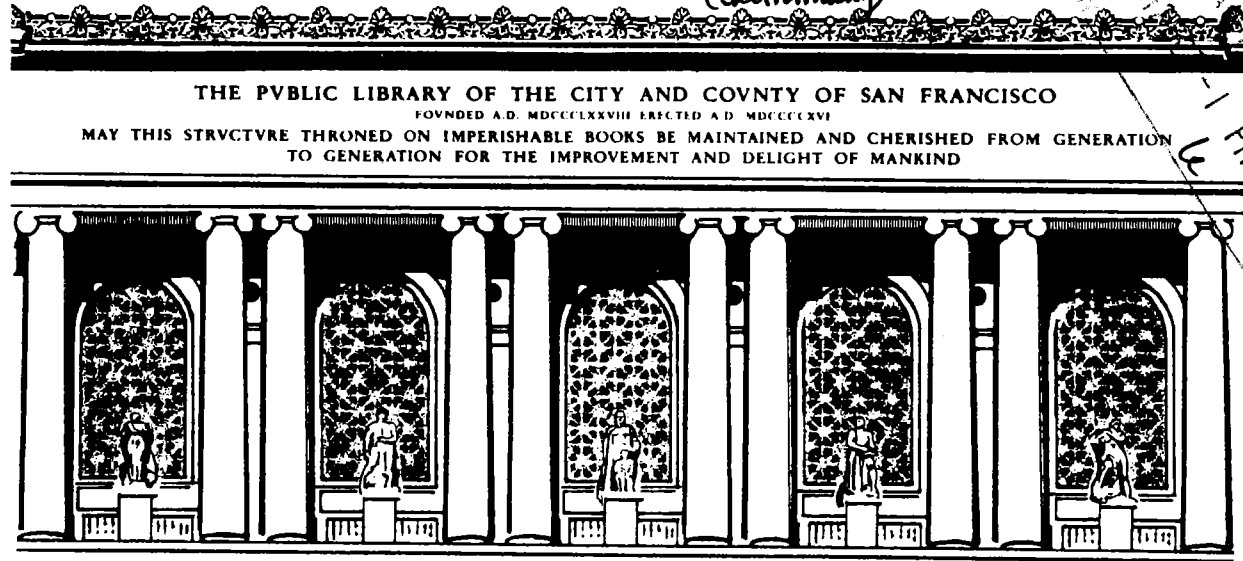
Status of the Recommendations  
by the Civil Grand Jury  
2010-11

CGJ Year	Report Title	Finding or Recommendations	Response Required	Action	2012 Response Text
2011-2012	Investment Policies and Practices of the San Francisco Employees' Retirement System	R6. Replicate the Stanford, Upjohn, and The New York Times evidence-based comparison studies using San Francisco data, to apply their findings to the San Francisco Employees' Retirement System Pension Fund.	Office of the Controller	3. Requires further analysis	SFERS actuarial consultants produce various benchmarks and comparisons as part of the analyses they provide the SFERS Board. I cannot tell whether a replication of the precise studies cited would be a cost-effective use of resources.



BOS-11 cpage  
(electronically)

RECEIVED SUPERVISORS  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2012 OCT 1 PH 2:40



The Original Library Movement  
October 1, 2012  
James Chaffee  
63 Stoneybrook Avenue  
San Francisco, CA 94112

Member, Board of Supervisors  
City Hall  
San Francisco, CA 94102

Re: Abuses of Privatization in the Branch Library Improvement Program

Dear Supervisor:

A statement commonly thought to be an aphorism but actually a quotation for Lord Acton contends that "Power tends to corrupt, and absolute power corrupts absolutely." Nowhere is that more clearly seen than in our public library. Up until 1999 the Friends of the Library had a Memorandum of Understanding ("MOU") to cover the fund raising for the New Main Library. That MOU was approved by the Board of Supervisors after being vetted by its Finance Committee. The New Main Library was blatantly dysfunctional and the Post Occupancy Evaluation laid the blame on private influence at the expense of librarians. When the Friends sought to renew its MOU in 1999 the previous agreement had been such a disaster that even the Librarian's Guild was up in arms. The chair of the Finance Committee, Supervisor Leland Yee at the time, at the prompting of the Librarian's Guild, requested that the Friends make financial disclosures. Rather than comply the Friends simply decided to proceed without any agreement with the City. Since the Friends effectively were the library, it had the power to do so. (It might have seemed like a routine requirement, but it was in fact a courageous stand and Leland Yee was targeted by the Friends for it.)

The absoluteness of the Friends' power is astounding. The selection of the City Librarian is approved by the Friends. The Library Commissioners themselves are vetted by the Friends and most are selected from the ranks of the Friends. The Library Commissioners themselves receive financial or social benefits from the Friends and, as a consequence, there is no motive to monitor

or provide any oversight to the benefits the Friends receive from the City. The result is that they have too much power in a democracy and we can see the results of the abuse of that privatization now that the Branch Library Improvement Program is nearing completion.

The bond issue known as the Branch Library Improvement Program, or BLIP, began in 2000, and was intended to be completed in January of 2010. In fact it was only half finished at that point and with nearly three additional years of fund-raising for the private partner of the "public-private partnership" there are still two more branches to be completed. The record of the program has been replete with management failures, planning disasters, delays and lack of accountability. The audits of the Controller and the reports from the Civil Grand Jury have only scratched the surface of those failures. The broader question is whether the public-private partnership demonstrates fraud, or merely broken promises.

#### FRIENDS' EXPENDITURES

The private partner is a nonprofit corporation known as The Friends of the Library (the actual name of the group is the Friends & Foundation of the San Francisco Public Library) and, like other nonprofit organizations, it is required to file financial statements with the California State Attorney General. The disclosure for the period ending June 30, 2011, is finally available and I have attached the first page as exhibit A. (Under California Government Code §§12586 and 12587, it must be filed within 4 months and 15 days of the close of the reporting period, in this case it was due on November 15, 2011. It was actually filed with Attorney General's Office on March 22, 2012, and not available to the public until June 12, 2012.)

I have reviewed that information for the past eleven years and created a table which is attached as exhibit B. The information is readily available for those who wish to verify the figures. In three of the past eleven years, the Friends took in more than they spent, and for eight years, the Friends expended more than their income. If we add up those figures for income and expenditures, we now know that the Friends of the Library had income totaling \$40,038,542. During that same period, the Friends of the Library expended \$48,179,251. In 2011 alone the expenditures exceeded income by \$2,131,640, (Income: \$4,311,050, Expenses: \$6,442,690).

Not only is the non-profit required to make disclosures to the Attorney General, but the Library Department is required to make disclosures of, not just donations, but private money to assist any city department or function under Admin Code Sec. 67.29-6, which states: *"No official or employee or agent of the city shall accept, allow to be collected, or direct or influence the spending of, any money, or any goods or services worth more than one hundred dollars in aggregate, for the purpose of carrying out or assisting any City function unless the amount and source of all such funds is disclosed as a public record and made available on the website for the department to which the funds are directed."* This means that all funds

whether spent directly or indirectly to assist the library is reportable. The most recent report is attached as exhibit C, and the eleven years of disclosures are listed on exhibit B, totaling \$4,909,771.

It is reasonable to assume that the Library Department and the Friends noticed how bad this looks because 35% of the support to the library has taken place in the last two years. The only other year above average was the election year of 2006-7 reflecting support of the Proposition D campaign.

This means that of the \$48.1 million expended by the Friends, only 10.2% (\$4,909,771) was "for the purpose of carrying out or assisting" the public library. By comparison, the Friends' executive-level employees earned \$6,642,803 in the same period.

A presentation by interim directors of the Friends to the Library Commission on July 19, 2012 contained the admission that of \$750,000 given in the current year, \$309,800 was "donor designated funds" and \$440,200 was unrestricted funds. If that is true, the proportion of unrestricted funds must have been even lower in previous years.

### BLIP ACCOUNTING

Up until February of this year the expenditure from Friends of the Library reflected in the Branch Library Improvement Program budget report was \$1,143,547. The January 2012 budget report is attached as exhibit D. Of that figure, \$273,200 was from the Library Preservation Fund, which would indicate that the amount actually expended by the Friends was \$870,347. What is interesting is that figure had not changed since October 21, 2010, although there had been 8 branches opened in the intervening period: 1) Parkside, November 6, 2010, 2) Park, February 26, 2011, 3) Presidio, March 26, 2011, 4) Merced, May 14, 2011, 5) Anza, June 18, 2011, 6) Visitacion Valley, July 30, 2011, 7) Ortega, September 10, 2011, 8) Golden Gate Valley, October 15, 2011. Yet not one more dollar of Friends of the Library's money showed up on the BLIP budget reports during that period.

In February of this year the library noted a one-time increase in expenditures of \$7,657,325, which was allocated as \$5,170,967 (Friends) and \$3,629,904 (SFPL and DPW), exhibit E. A response to a public records request to the Department of Public Works revealed a table of exactly that amount attached hereto as exhibit F. The reason why Friends' expenditures could remain at \$870,347 for all that time was soon revealed. The Department of Public Works took the phrase "Furniture Fixtures and Equipment" all too literally. A review of the table shows that only 26.54% or \$963,284.47 was for either shelving or FFE, while 21.1% was for self-check machines, and another 48.79% was for computers and software. A breakdown of that table is attached as exhibit G.

It turned out that the \$5.1 Million from the Friends had no documentation to back it up and was entirely self-reporting. The contention is that still, after almost one year, the Friends are unable to respond to the Library's requests to document that figure. This is preposterous of course, and the truth is revealed by the 990 forms which show that they consider their own salaries, their rent, even their accountant fees to be a gift to the library.

#### COST/BENEFIT ANALYSIS

If we look again at the 990 forms required to be submitted to the Attorney General, we find a very curious thing. The form itself is designed very carefully because it is the only disclosure that charitable organizations are required to make. The disclosure is available to protect donors and the public who might investigate the proper use of money that is being solicited. This is a federal Internal Revenue Service form which is designed to expose organizations that prey on public resources.

The form asks, "During the reporting period, did the organization receive any governmental funding?" The Friends responded, "No." See, exhibit A, attached. (It also responded, "No," in 2009, the year it received a grant from the Office of Workforce and Economic Development. There is no central place to find this information unless it is disclosed.)

Even more significantly, on page 3 of Schedule A, exhibit H, the form asks, "The value of services or facilities furnished by a governmental unit to the organization without charge." The Friends respond, blank, or Zero. There is no question about what the City of San Francisco provides to the Friends. The Friends collect books for book sales inside each branch. The Friends' book sales include a sale every Wednesday on the steps of the Main Library. The Friends run a bookstore in the Main Library which is claimed to be the highest grossing bookstore in the City. The Friends run events and parties in library facilities. Most of all, the revenue from "Naming Opportunities" in 24 city facilities, i.e., branch libraries under remodeling throughout San Francisco, goes directly to the Friends. The Friends have donation jars in many branches and solicit money from the public as a "donation to the public library."

The value of this donation of services and facilities is immense and is undoubtedly many times the amounts that are required to be disclosed by the San Francisco Administrative Code §67.29-6. The purpose of the form is so that donors and public entities can be informed if the value of the use of public assets is greater than the value being realized. The public cannot do such a cost/benefit analysis if such information is withheld. Of course, lack of accountability is what the private fund-raiser gets for its money (or what it gets for our money.)

MAINTAINING THE BARRIERS TO DEMOCRACY

You should be aware that the president of the Library Commission, Jewelle Gomez, was found guilty of official misconduct by the Ethics Commission for having willfully violated a citizen's right to make public comment in violation of the San Francisco Sunshine Ordinance and that her conduct *"falls below the standard of decency, good faith and right action impliedly required of all public officials."* The Ethics Commission unanimously voted to send a letter to the Mayor recommending that he "consider taking steps to remove Ms. Gomez from her appointed office in light of her actions." The Ethic Commission's letter is attached as exhibit I.

What is significant is that the Library Commission does not consider this worthy of a response and has unanimously reappointed her as president while the City Librarian has explicitly supported her. What must be understood is that this illegality is more than just the tip of the iceberg, it is the snowflake in the avalanche of misbehavior. The Library is the most notorious Sunshine violator in the City and has been so for decades. What the private fund-raisers will do to prevent public discussion of their scam is something that I hope you will never experience. They will tell you that you are "b\*llsh\*t" that you should "get a life" and that is just the president. They claim that this is necessary to maintain the social barriers between themselves and the lower classes that philanthropists insist on in return for donating money. Perhaps that is true, but in a democracy the goal is to lower social and class barriers that are purely based on graft.

Whether it is now State Senator Leland Yee, an ordinary citizen, or a member of the Librarians' Guild, the Friends don't tolerate discussion and they don't tolerate interference from that little thing called democracy. This is actually the paradigm of how the corporation-philanthropy complex uses its power to diminish the power of the citizenry and augment the power that comes from leveraging the public's assets for private benefit. There are those who will say it is a small price to pay and in any event some money, no matter how minor, benefits the branch libraries. There are two answers to that. First, they use that power to demolish neighborhood murals, bypass review of questionable management decisions and undercut accountability and public service at every turn. Second, our democracy, in the form of disclosures, open meetings, public records, public ethics and the exposure of corruption, has been set up with the assumption that with the empowerment of the vigilant citizen and the existence of a free press, "sunshine is the best disinfectant" and some accountability has a chance. If that democracy can be so easily subverted in the public library, where else will democracy exist? This is the model for the subjugation of our citizens everywhere.

Very truly yours,

James Chaffee  
cc: Interested citizens & media



003408 2011

MAIL TO:  
Registry of Charitable Trusts  
P. O. Box 903447  
Sacramento, CA 95823-4470  
Telephone: (916) 445-2021

WEB SITE ADDRESS:  
<http://ag.ca.gov/charities/>

**ANNUAL  
REGISTRATION RENEWAL FEE REPORT  
TO ATTORNEY GENERAL OF CALIFORNIA**

Sections 12586 and 12587, California Government Code  
11 Cal. Code Regs. sections 301-307, 311 and 312

Failure to submit this report annually no later than four months and fifteen days after the end of the organization's accounting period may result in the loss of tax exemption and the assessment of a minimum tax of \$800, plus interest, and/or fines or filing penalties as defined in Government Code section 12586.1. IRS extensions will be honored.

RECEIVED  
Attorney General's Office  
MAR 22 2012  
Registry of Charitable Trusts

State Charity Registration Number: <u>CT 003408</u>	Check if: <input type="checkbox"/> Change of address <input type="checkbox"/> Amended report
<b>FRIENDS AND FOUNDATION OF SAN FRANCISCO PUBLIC LIBRARY</b> Name of Organization	Corporate or Organization No. <u>0417371</u>
<u>710 VAN NESS AVENUE</u> Address (Number and Street)	Federal Employer I. D. No. <u>94-6085452</u>
<u>SAN FRANCISCO, CA 94102</u> City or Town, State and ZIP Code	

**ANNUAL REGISTRATION RENEWAL FEE SCHEDULE (11 Cal. Code Regs. sections 301-307, 311 and 312)**  
Make Check Payable to Attorney General's Registry of Charitable Trusts

Gross Annual Revenue	Fee	Gross Annual Revenue	Fee	Gross Annual Revenue	Fee
Less than \$25,000	0	Between \$100,001 and \$250,000	\$50	Between \$1,000,001 and \$10 million	\$150
Between \$25,000 and \$100,000	\$25	Between \$250,001 and \$1 million	\$75	Between \$10,000,001 and \$50 million	\$225
				Greater than \$50 million	\$300

**PART A - ACTIVITIES**

For your most recent full accounting period (beginning 07/01/2010 ending 06/30/2011) list:  
Gross annual revenue \$ 4,311,050. Total assets \$ 10,290,138.

**PART B - STATEMENTS REGARDING ORGANIZATION DURING THE PERIOD OF THIS REPORT**

Note: If you answer "yes" to any of the questions below, you must attach a separate sheet providing an explanation and details for each "yes" response. Please review RRF-1 instructions for information required.

	Yes	No
1. During this reporting period, were there any contracts, loans, leases or other financial transactions between the organization and any officer, director or trustee thereof either directly or with an entity in which any such officer, director or trustee had any financial interest?		X
2. During this reporting period, was there any theft, embezzlement, diversion or misuse of the organization's charitable property or funds?		X
3. During this reporting period, did non-program expenditures exceed 50% of gross revenues?		X
4. During this reporting period, were any organization funds used to pay any penalty, fine or judgment? If you filed a Form 4720 with the Internal Revenue Service, attach a copy.		X
5. During this reporting period, were the services of a commercial fundraiser or fundraising counsel for charitable purposes used? If "yes," provide an attachment listing the name, address, and telephone number of the service provider.		X
6. During this reporting period, did the organization receive any governmental funding? If so, provide an attachment listing the name of the agency, mailing address, contact person, and telephone number.		X
7. During this reporting period, did the organization hold a raffle for charitable purposes? If "yes," provide an attachment indicating the number of raffles and the date(s) they occurred.		X
8. Does the organization conduct a vehicle donation program? If "yes," provide an attachment indicating whether the program is operated by the charity or whether the organization contracts with a commercial fundraiser for charitable purposes.		X
9. Did your organization have prepared an audited financial statement in accordance with generally accepted accounting principles for this reporting period?	X	

Organization's area code and telephone number 415-626-7500  
Organization's e-mail address \_\_\_\_\_

I declare under penalty of perjury that I have examined this report, including accompanying documents, and to the best of my knowledge and belief, it is true, correct and complete.

Bob Daffe **BOB DAFEH** **CONTROLLER** 3-13-12  
Signature of authorized officer Printed Name Title Date

020291  
05-01-10

229091 \$150.00 RRF-1 (3-05)

Exhibit A

Friends & Foundation -- 990 Forms

Year	F&F Income	F&F Expense	Library Donation	Director	Top Seven Employees
00-01	\$2,914,532.00	\$3,081,462.00	\$491,968.00	\$ 100,000.00	\$222,000.00
01-02	\$3,097,785.00	\$2,595,704.00	\$278,928.00	\$ 204,278.00	\$511,209.00
02-03	\$3,274,385.00	\$2,853,252.00	\$120,390.00	\$ 150,000.00	\$560,066.00
03-04	\$3,437,032.00	\$2,713,162.00	\$90,748.00	\$ 162,314.00	\$605,455.00
04-05	\$2,956,935.00	\$3,108,695.00	\$182,867.00	\$ 138,821.00	\$633,827.00
05-06	\$3,578,252.00	\$3,854,069.00	\$225,914.00	\$ 167,241.00	\$710,663.00
06-07	\$4,052,502.00	\$5,191,841.00	\$929,664.00	\$ 178,839.00	\$739,859.00
07-08	\$5,001,719.00	\$6,364,142.00	\$498,121.00	\$ 179,928.00	\$889,738.00
08-09	\$3,391,558.00	\$5,738,276.00	\$373,332.00	\$ 212,163.00	\$653,343.00*
09-10	\$4,022,792.00	\$6,255,958.00	\$940,819.00	\$ 190,095.00	\$588,939.00*
10-11	\$4,311,050.00	\$6,422,690.00	\$777,020.00	\$ 159,324.00	\$527,704.00*
Total	\$40,038,542.00	\$48,179,251.00	\$4,909,771.00	\$ 1,843,003.00	\$6,642,803.00
Average	\$3,639,867.45	\$4,379,931.91	\$446,342.82		

\*Top four



## Gifts/Donor Disclosure Form: Fiscal Year 2010-2011

### Gifts and Donations

[Share](#)
[Text size A A A](#)
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#### Donating money and materials

[Fiscal Year 2000-2001](#)

[Fiscal Year 2001-2002](#)

[Fiscal Year 2002-2003](#)

[Fiscal Year 2003-2004](#)

[Fiscal Year 2004-2005](#)

[Fiscal Year 2005-2006](#)

[Fiscal Year 2006-2007](#)

[Fiscal Year 2007-2008](#)

[Fiscal Year 2008-2009](#)

[Fiscal Year 2009-2010](#)

[Fiscal Year 2010-2011](#)

Donor Name	Date	Gift	Value	Financial Interest
Friends of SFPL	July 2010- June 2011	Cash	\$777,020	None
H W Wilson Foundation Inc	July 2010	Cash	\$5,000	None
Jenine Jensen	August 2010	Cash	\$200	Info Not Available
Barbara S Phillips Trust	December 2010	Cash	\$250	Info Not Available
State of California	February 2011	Cash	\$100	None
Carolyn Killefer	February 2011	Cash	\$100	Info Not Available
Elizabeth Singleton	May 2011	Cash	\$125	Info Not Available

Exhibit C



CURRENT BUDGET REPORT-2000 Branch Library Improvement Bond Program  
 Commission Meeting of January 19, 2012

Branch	BUDGET		REVENUE							EXPENDITURES/ENCUMBRANCES	
	Baseline Budget (10/01)	Approved Budget (11/11)	City Prop. A Bonds	City Prop. A Bond Interest <sup>(3)</sup>	Lease Revenue Bond (LRB)	Lib. Preservation Fund (LPF)	State Prop. 14 Grants	Other Funds	Total All Sources	Actual 31-Dec-11	New This Month
<b>Site Acquisitions / New Construction</b>											
Bayview	3,820,000	13,567,244	2,790,834	2,297,102	6,932,890	1,530,834	-	15,584	13,567,244	10,261,500	160,617
Glen Park	4,570,000	5,484,116	5,214,590	-	-	269,526	-	-	5,484,116	5,484,116	-
Ingleside	4,570,000	6,930,623	2,344,557	203,307	-	530,816	3,751,943	-	6,930,623	6,930,213	-
Mission Bay	3,350,000	3,737,573	3,736,025	-	-	1,548	-	-	3,737,573	3,737,573	-
North Beach	3,460,000	3,500,000	1,176,914	44,133	2,141,834	137,119	-	-	3,500,000	2,393,056	426,982
Ortega	3,560,000	10,020,492	1,451,778	5,793	7,599,667	953,254	-	-	10,020,492	9,268,463	591,990
Portola	4,570,000	5,951,015	5,640,108	190,607	-	120,300	-	-	5,951,015	5,951,015	-
Visitacion Valley	5,320,000	13,398,281	10,287,876	68,837	-	716,980	-	2,324,588 <sup>(4,5)</sup>	13,398,281	12,549,993	611
Support Services	9,080,000	8,867,578	8,852,224	15,354	-	-	-	-	8,867,578	8,867,578	-
<b>SUBTOTAL</b>	<b>42,300,000</b>	<b>71,456,922</b>	<b>41,494,906</b>	<b>2,825,133</b>	<b>16,674,391</b>	<b>4,370,377</b>	<b>3,751,943</b>	<b>2,340,172</b>	<b>71,456,922</b>	<b>65,443,507</b>	<b>1,180,200</b>
<b>Renovations</b>											
Anza	4,740,000	7,726,324	4,478,819	512,634	2,281,112	453,759	-	-	7,726,324	6,520,351	0
Bernal Heights	5,350,000	5,642,521	4,927,666	372,148	-	342,707	-	-	5,642,521	5,642,520	-
Eureka Valley	4,580,000	4,160,075	3,338,170	667,981	-	153,924	-	-	4,160,075	4,160,075	0
Excelsior	3,820,000	3,594,441	3,594,441	-	-	-	-	-	3,594,441	3,594,441	-
Golden Gate Valley	5,340,000	8,472,283	1,730,849	170,616	6,285,540	285,278	-	-	8,472,283	6,465,194	8,101
Marina	4,110,000	3,823,319	3,823,319	-	-	-	-	-	3,823,319	3,823,319	-
Merced	4,200,000	5,410,462	1,147,696	201,086	3,473,085	588,595	-	-	5,410,462	4,918,733	29,245
Noe Valley	4,410,000	5,480,954	5,472,454	-	-	8,500	-	-	5,480,954	5,480,954	-
Park	1,310,000	2,541,887	1,106,683	1,385,204	-	50,000	-	-	2,541,887	2,475,587	(19,840)
Parkside	2,880,000	4,699,217	4,477,987	16,400	-	204,830	-	-	4,699,217	4,542,255	0
Potrero	4,230,000	5,426,847	4,651,509	609,216	-	166,122	-	-	5,426,847	5,347,619	-
Presidio	1,530,000	3,675,939	3,575,468	-	-	100,471	-	-	3,675,939	3,549,650	(24,320)
Richmond	7,630,000	13,455,687	2,393,911	35,282	-	2,667,653	5,958,841	2,400,000 <sup>(1)</sup>	13,455,687	13,455,688	-
Sunset	1,490,000	1,459,109	1,429,022	13,302	-	16,785	-	-	1,459,109	1,459,109	-
West Portal	4,110,000	4,419,838	4,419,838	-	-	-	-	-	4,419,838	4,419,838	-
Western Addition	3,430,000	4,303,962	3,318,860	24,928	-	960,174	-	-	4,303,962	4,303,962	-
<b>SUBTOTAL</b>	<b>63,160,000</b>	<b>84,292,865</b>	<b>53,886,692</b>	<b>4,008,797</b>	<b>12,039,737</b>	<b>5,998,798</b>	<b>5,958,841</b>	<b>2,400,000</b>	<b>84,292,865</b>	<b>80,119,295</b>	<b>(6,814)</b>
<b>Program-Wide Services &amp; Costs</b>											
Library Program Costs	800,000	780,000	764,982	15,018	-	-	-	-	780,000	751,158	-
Program Consultants	750,000	1,165,000	1,162,819	2,181	-	-	-	-	1,165,000	1,123,320	-
City Program Management	3,600,000	7,635,525	6,807,656	145,258	682,611	-	-	-	7,635,525	7,453,868	60,236
Real Estate Dept	120,000	235,281	235,281	-	-	-	-	-	235,281	235,281	-
Art Enrichment Program	-	362,000	251,607	40,193	-	70,000	-	-	362,000	362,000	4
Moving & Interim Services	4,360,000	522,559	422,559	-	-	100,000	-	-	522,559	465,511	-
Furniture & Equipment Reserve	15,000,000	16,273,200	-	-	-	273,200	-	16,000,000 <sup>(2)</sup>	16,273,200	1,143,547	-
Bond Financing Costs	1,500,000	1,843,953	838,298	-	1,005,655	-	-	-	1,843,953	1,773,380	343
Debt Service Reserve	-	2,471,797	-	-	2,471,797	-	-	-	2,471,797	-	-
Program Reserve	1,675,000	2,960,506	-	-	1,181,965	1,778,541	-	- <sup>(4)</sup>	2,960,506	-	-
<b>SUBTOTAL</b>	<b>27,805,000</b>	<b>34,249,821</b>	<b>10,483,402</b>	<b>202,650</b>	<b>5,342,028</b>	<b>2,221,741</b>	<b>-</b>	<b>16,000,000</b>	<b>34,249,821</b>	<b>13,308,065</b>	<b>60,583</b>
<b>TOTAL</b>	<b>133,265,000</b>	<b>189,999,608</b>	<b>105,865,000</b>	<b>7,036,580</b>	<b>34,056,156</b>	<b>12,590,916</b>	<b>9,710,784</b>	<b>20,740,172</b>	<b>189,999,608</b>	<b>158,870,867</b>	<b>1,233,969</b>

(1) Earthquake Safety Program funds remaining for Branch Libraries (\$2,400,000)  
 (2) Private donations from Friends of the Library (\$16,000,000)  
 (3) Bond interest proceeds appropriated (\$1,673,481; \$3,679,132, \$1,583,967 [pending Controller's release of reserve])  
 (4) Rents & Concessions appropriated (\$128,342; \$152,030; \$59,800)  
 (5) Advance for Develop Impact Fees (\$2,000,000)

CURRENT BUDGET REPORT-2000 Branch Library Improvement Bond Program  
Commission Meeting of February 16, 2012

Branch	BUDGET		REVENUE							EXPENDITURES/ENCUMBRANCES	
	Baseline Budget (10/01)	Approved Budget (11/11)	City Prop. A Bonds	City Prop. A Bond Interest (5)	Lease Revenue Bond (LRB)	Lib. Preservation Fund (LPF)	Slate Prop. 14 Grants	Other Funds	Total All Sources	Total To Date 31-Jan-12	New This Month
<b>Site Acquisitions / New Construction</b>											
Bayview	3,820,000	13,567,244	2,790,834	2,297,102	6,932,890	1,530,834	-	15,584	13,567,244	10,287,191	25,691
Glen Park	4,570,000	5,484,116	5,214,580	-	-	269,526	-	-	5,484,116	5,484,116	-
Ingliside	4,570,000	6,930,623	2,344,557	203,307	-	630,816	3,751,943	-	6,930,623	6,930,213	-
Mission Bay	3,350,000	3,737,573	3,736,025	-	-	1,548	-	-	3,737,573	3,737,573	-
North Beach	3,460,000	3,500,000	1,176,914	44,133	2,141,834	137,119	-	-	3,500,000	2,476,367	83,311
Ortega	3,560,000	10,020,492	1,451,778	5,793	7,589,667	963,254	-	-	10,020,492	9,268,522	59
Portola	4,570,000	5,951,015	5,640,108	190,607	-	120,300	-	-	5,951,015	5,951,015	-
Visitation Valley	5,320,000	13,398,281	10,287,876	68,837	-	716,980	-	2,324,588 (4,5)	13,398,281	12,550,493	500
Support Services	9,080,000	8,867,578	8,852,224	15,354	-	-	-	-	8,867,578	8,867,578	-
<b>SUBTOTAL</b>	<b>42,300,000</b>	<b>71,456,922</b>	<b>41,494,906</b>	<b>2,825,133</b>	<b>16,674,391</b>	<b>4,370,377</b>	<b>3,751,943</b>	<b>2,340,172</b>	<b>71,456,922</b>	<b>65,553,068</b>	<b>109,561</b>
<b>Renovations</b>											
Anza	4,740,000	7,726,324	4,478,819	512,634	2,281,112	453,759	-	-	7,726,324	6,603,927	83,576
Bernal Heights	5,350,000	5,642,521	4,927,666	372,148	-	342,707	-	-	5,642,521	5,602,520	-
Eureka Valley	4,580,000	4,160,075	3,338,170	667,981	-	153,924	-	-	4,160,075	4,160,075	-
Excelsior	3,820,000	3,594,441	3,594,441	-	-	-	-	-	3,594,441	3,594,441	-
Golden Gate Valley	5,340,000	8,472,283	1,730,849	170,616	6,285,540	285,278	-	-	8,472,283	6,507,745	42,551
Marina	4,110,000	3,823,319	3,823,319	-	-	-	-	-	3,823,319	3,823,319	-
Merced	4,200,000	5,410,462	1,147,696	201,086	3,473,085	588,595	-	-	5,410,462	4,925,037	6,304
Noe Valley	4,410,000	5,480,954	5,472,454	-	-	8,500	-	-	5,480,954	5,480,954	-
Park	1,310,000	2,541,887	1,106,683	1,385,204	-	50,000	-	-	2,541,887	2,475,587	-
Parkside	2,880,000	4,699,217	4,477,987	16,400	-	204,830	-	-	4,699,217	4,542,255	-
Potrero	4,230,000	5,426,847	4,651,509	609,216	-	166,122	-	-	5,426,847	5,347,619	-
Presidio	1,530,000	3,675,939	3,575,468	-	-	100,471	-	-	3,675,939	3,549,650	-
Richmond	7,630,000	13,455,687	2,393,911	35,282	-	2,667,653	5,958,841	2,400,000 (1)	13,455,687	13,455,688	-
Sunset	1,490,000	1,459,109	1,429,022	13,302	-	16,785	-	-	1,459,109	1,459,109	-
West Portal	4,110,000	4,419,838	4,419,838	-	-	-	-	-	4,419,838	4,419,838	-
Western Addition	3,430,000	4,303,962	3,318,860	24,928	-	960,174	-	-	4,303,962	4,303,962	-
<b>SUBTOTAL</b>	<b>63,160,000</b>	<b>84,292,865</b>	<b>53,886,692</b>	<b>4,008,797</b>	<b>12,039,737</b>	<b>5,998,798</b>	<b>5,958,841</b>	<b>2,400,000</b>	<b>84,292,865</b>	<b>80,251,726</b>	<b>132,431</b>
<b>Program-Wide Services &amp; Costs</b>											
Library Program Costs	800,000	780,000	764,982	15,018	-	-	-	-	780,000	751,158	-
Program Consultants	750,000	1,165,000	1,162,819	2,181	-	-	-	-	1,165,000	1,123,320	-
City Program Management	3,600,000	7,635,525	6,807,656	145,258	682,811	-	-	-	7,635,525	7,488,754	34,886
Real Estate Dept	120,000	235,281	235,281	-	-	-	-	-	235,281	235,281	-
Art Enrichment Program	-	362,000	251,807	40,193	-	70,000	-	-	362,000	362,000	-
Moving & Interim Services	4,360,000	522,559	422,559	-	-	100,000	-	-	522,559	465,511	-
Furniture & Equipment Reserve	15,000,000	16,273,200	-	-	-	273,200	-	16,000,000 (2)	16,273,200	8,800,872 (6)	7,657,325
Bond Financing Costs	1,500,000	1,843,953	838,298	-	1,005,655	-	-	-	1,843,953	1,773,360	-
Debt Service Reserve	-	2,471,797	-	-	2,471,797	-	-	-	2,471,797	-	-
Program Reserve	1,675,000	2,960,506	-	-	1,181,965	1,778,541	-	- (4)	2,960,506	-	-
<b>SUBTOTAL</b>	<b>27,805,000</b>	<b>34,249,821</b>	<b>10,483,402</b>	<b>202,650</b>	<b>5,342,028</b>	<b>2,221,741</b>	<b>-</b>	<b>16,000,000</b>	<b>34,249,821</b>	<b>21,000,276</b>	<b>7,692,211</b>
<b>TOTAL</b>	<b>133,265,000</b>	<b>189,999,608</b>	<b>105,865,000</b>	<b>7,036,580</b>	<b>34,056,156</b>	<b>12,590,916</b>	<b>9,710,784</b>	<b>20,740,172</b>	<b>189,999,608</b>	<b>166,805,070</b>	<b>7,934,203</b>

(1) Earthquake Safety Program funds remaining for Branch Libraries (\$2,400,000)

(2) Private donations from Friends of the Library (\$16,000,000)

(3) Bond interest proceeds appropriated (\$1,673,481; \$3,679,132; \$1,683,367 [pending Controller's release of reserve])

(4) Rents & Concessions appropriated (\$128,342; \$152,030; \$59,800)

(5) Advance for Developer Impact Fees (\$2,000,000); \$1,089,489 actual revenues received to date

(6) Amount revised to reflect total expenditures to date as follows:

5,170,967	Friends
2,486,265	SFPL
1,143,640	DPW
<b>\$ 8,800,872</b>	<b>Total To Date</b>

**16M Gift from Friends for BLIP**  
**Index Code 410166 Grant Code LBF16M 06**  
**as of February 2012**

***Revenue and Allocated Expenditures***

<b>Post Date</b>	<b>Branch</b>	<b>Detail Description</b>	<b>Actual Expenditure</b>
<i>FY 04-05</i>			
09/09/05	Excelsior	Abatement - Computers (JELB07000015)	108,876.10
<i>FY 05-06</i>			
03/21/06	Excelsior	For Shelving	61,700.00
04/10/06	Mission Bay	For Computers	74,424.55
06/14/06	BLIP	BLIP meeting with Architects about Donors	2,500.00
<i>FY 06-07</i>			
10/02/06	Sunset	For Shelving	51,420.00
10/23/06	Mission Bay	For Computer System	
10/23/06	Sunset	For Computer Equipments	106,057.85
10/23/06	West Portal	For Computers	72,951.03
11/14/06	Mission Bay	Abatement - Computers	12,832.77
01/17/07	Sunset	For Shelving - refund	-21,200.00
03/06/07	West Portal	For Self Check Equipment	119,521.41
03/26/07	Marina	For Shelving	108,725.47
04/17/07	Glen Park	For Shelving	153,643.00
05/09/07	Marina	For Computer Equipment	60,508.84
05/17/07	West Portal	For Construction--donor brick area	2,684.61
06/05/07	Glen Park	For Computer Equipment	71,954.13
06/26/07	Sunset	For 3M Security Gate	24,810.47
07/06/07	West Portal	ref# CRLB07000215 05 for shelving	52,394.00
<i>FY 07-08</i>			
08/07/07	Noe Valley	For Shelving	79,000.00
09/25/07	Western Addition	For Signage	24,600.00
09/25/07	Western Addition	For Landscape	75,000.00
03/31/17	Western Addition	For Installation of Donor Brick	0.00
11/21/07	Western Addition	For Computers	67,876.57
11/21/07	Noe Valley	For Computers	54,185.66
12/11/07	Glen Park	Self Check Equipment	0.00
12/11/07	Marina	SIP2 Licences for Self-Checks	0.00
12/11/07	Marina	Self Check Equipment	0.00
03/31/17	Noe Valley	Software equipment for Noe Valley	5,000.00
06/25/08	Western Addition	Software equipment for Western Addition	5,000.00
06/27/08	Western Addition	Self Check Equipment	36,688.38
06/30/08	Glen Park	Self Check Equipment	35,931.58
<i>FY 08-09</i>			
10/31/08	BLIP	BLIP meeting with Architects about Donors	92.66

16M Gift from Friends for BLIP  
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 as of February 2012

**Revenue and Allocated Expenditures**

Post Date	Branch	Detail Description	Actual Expenditure
11/03/08	Portola	For Computers	68,985.36
12/12/08	Portola	3M Self Check System	36,331.58
01/20/09	Richmond	Play Surface	14,211.00
01/20/09	Richmond	Play Structure	23,240.41
02/09/09	Portola	SIP2 Licences for Self-Checks	5,000.00
02/09/09	Richmond	Computer	100,512.02
02/18/09	Richmond	3M Self Check System	92,447.66
	Ingleside	3M Self Check System	35,859.06
	Ortega	3M Self Check System	
04/30/09	Richmond	SIP2 License	10,000.00
	Ingleside	SIP2 License	
	Ortega	SIP2 License	2,500.00
04/30/09	Richmond	Computer Hardware	38,388.38
	Ingleside	Computer	77,373.90
	Eureka	Computer	
<i>FY09-10</i>			
07/15/09	Ingleside	SIP2 License	5,000.00
07/15/09	Ingleside	Self Check Equipment	
07/15/09	Ingleside	Computers	3,387.93
08/31/09	Eureka	SIP2 License	5,000.00
10/08/09	Eureka	Self Check Equipment	36,659.06
10/08/09	Eureka	Computers	70,499.48
11/19/09	Bernal	Self Check Equipment	37,459.06
11/24/09	Bernal	SIP2 License	5,000.00
11/24/09	Bernal	Computers	74,273.89
11/24/09	Potrero	Self Check Equipment	35,859.06
11/24/09	Potrero	Computers	61,111.31
11/24/09	Potero	Shelvings	118,000.00
11/12/09	Western Addition	Donor Brick	4,195.32
12/21/09	Potrero	SIP2 Licenses	5,000.00
01/19/10	Bernal Heights	Additional computers	1,978.91
<i>FY 10-11</i>			
07/21/10	Presidio	FFE	136,904.00
07/21/10	Merced	FFE	133,300.00
07/21/10	Park	FFE	64,798.00
08/17/10	Parkside	SIP 2 Licenses	5,000.00
08/17/10	Parkside	Self Check Equipment	36,659.06
09/07/10	Parkside	Computers	2,492.89
09/07/10	Parkside	Computers	66,284.23
09/07/10	Parkside	Computers	571.34
09/07/10	Parkside	Computers	1,007.48
11/18/10	Park/Parkside	SIP2 Licenses	10,000.00
11/19/10			
11/18/10	Park	Laptop/Accessories and Maintenance	1,804.91
11/18/10	Park	Laptop/Accessories and Maintenance	39,486.46
11/18/10	Park	Laptop/Accessories and Maintenance	7,304.73
11/18/10	Park/Presidio	3M Self Check System	36,659.06
11/19/10	Park/Presidio	3M Self Check System	36,659.06
11/18/10	Park	PC Desktop System & Monitor Stand	18,717.94
12/17/10	Anza	PC Hardware & accessories	43,056.43

16M Gift from Friends for BLIP  
 Index Code 410166 Grant Code LBF16M 06  
 as of February 2012

**Revenue and Allocated Expenditures**

Post Date	Branch	Detail Description	Actual Expenditure
12/17/10	Anza	PC Hardware & accessories	1,819.39
12/22/10	Presidio	PC Hardware & accessories	62,486.64
12/22/10	Presidio	PC Hardware & accessories	1,819.00
12/22/10	Presidio	PC Hardware & accessories	793.44
12/22/10	Presidio	PC Hardware & accessories	7,604.78
01/24/11	Presidio	Computers	
02/01/11	BLIP	Thermo Receipt	7,632.11
02/09/11	VVA	19 in LCD	5,158.92
03/03/11	Merced	Computer	1,920.37
03/03/11	Merced	PC/Hardwre/Software	1,135.60
03/03/11	Merced	PC/Hardwre/Software	57,198.76
03/03/11	Merced	PC/Hardwre/Software	7,283.59
03/03/11	Merced	SIP License	5,000.00
03/03/11	Merced	Self Check Machines	36,659.06
04/14/11	Anza	SIP2 License	5,000.00
04/14/11	Anza	PC/Hardwre/Software	579.21
04/14/11	Anza	PC/Hardwre/Software	11,058.41
04/27/11	Anza	Self Check machines	36,659.06
05/18/11	Anza	Computers(abatement from 415230)	20,656.47
	VVA	Hardware/Software/Maintenance	1,471.34
	VVA	Hardware/Software/Maintenance	1,428.00
05/19/11	VVA	SIP License	5,000.00
	VVA	Hardware/Software/Maintenance	60,837.41
	VVA	Hardware/Software/Maintenance	7,283.59
05/19/11	VVA	Self Check Machines	36,331.58
05/19/11	Bayview	Computer	
06/29/11	VVA	Computers	
	VVA/ORT	Computer Supplies-IPAD/Covers	1,236.21
	Bayview	Computer Supplies-Printer/Toners	2,089.32
	VVA	Computer Supplies-Laser Scanner/LCD	655.33
07/11/11	Ortega	SIP License	2,500.00
07/11/11	Ortega	Self Checks	18,165.80
10/06/11	Ortega	HP Desktops	22,394.40
	Ortega	Hardware/Software/Maintenance	1,481.64
	Ortega	Hardware/Software/Maintenance	2,697.29
	Ortega	Ipad & Covers	1,635.16
	Ortega	Hardware/Software/Maintenance	43,051.91
11/15/11	GGV	Hardware/Software/Maintenance	28,545.82
	GGV	Hardware/Software/Maintenance	1,435.44
	GGV	Hardware/Software/Maintenance	1,675.33
11/15/11	GGV	SIP2 License	5,000.00
	GGV	PC Accessories	21,829.98
11/15/11	GGV	3M Self Check	36,331.58
			204.84
<b>Total Revenue &amp; Allocated Expenditures</b>			<b>3,629,904.84</b>

SFPL	2,486,264.37
DPW	1,143,640.47
<b>TOTAL</b>	<b>3,629,904.84</b>



Breakdown of Friends' Gifts to BLP

Branch	Computer	Software	Self-check/gate	Shelving/FFE	Landscape/Const	Other	Total
Totals	\$1,686,104.79	\$85,000.00	\$765,895.78	\$963,284.47	\$119,331.34	\$10,224.77	\$3,629,841.15
Percentages	46.45%	2.34%	21.10%	26.54%	3.29%	0.28%	100.00%

FRIENDS AND FOUNDATION OF SAN FRANCISCO

Schedule A (Form 990 or 990-EZ) 2010 PUBLIC LIBRARY

94-6085452 Page 3

Part III Support Schedule for Organizations Described in Section 509(a)(2)

(Complete only if you checked the box on line 9 of Part I or if the organization failed to qualify under Part II. If the organization fails to qualify under the tests listed below, please complete Part II.)

Section A. Public Support

Calendar year (or fiscal year beginning in) ▶	(a) 2006	(b) 2007	(c) 2008	(d) 2009	(e) 2010	(f) Total
1 Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grants.")	2296997.	2919164.	2625357.	2347335.	2435888.	12624741.
2 Gross receipts from admissions, merchandise sold or services performed, or facilities furnished in any activity that is related to the organization's tax-exempt purpose	985,861.	941,101.	994,421.	1075292.	1321208.	5317883.
3 Gross receipts from activities that are not an unrelated trade or business under section 513		205,987.	151,016.	145,388.		502,391.
4 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
5 The value of services or facilities furnished by a governmental unit to the organization without charge						
6 Total. Add lines 1 through 5	3282858.	4066252.	3770794.	3568015.	3757096.	18445015.
7a Amounts included on lines 1, 2, and 3 received from disqualified persons						0.
b Amounts included on lines 2 and 3 received from other than disqualified persons that exceed the greater of \$5,000 or 1% of the amount on line 13 for the year						0.
c Add lines 7a and 7b						0.
8 Public support (Subtract line 7c from line 6)						18445015.

Section B. Total Support

Calendar year (or fiscal year beginning in) ▶	(a) 2006	(b) 2007	(c) 2008	(d) 2009	(e) 2010	(f) Total
9 Amounts from line 6	3282858.	4066252.	3770794.	3568015.	3757096.	18445015.
10a Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources	767,710.	973,043.	-217,728.	398,332.	485,737.	2407094.
b Unrelated business taxable income (less section 511 taxes) from businesses acquired after June 30, 1975						
c Add lines 10a and 10b	767,710.	973,043.	-217,728.	398,332.	485,737.	2407094.
11 Net income from unrelated business activities not included in line 10b, whether or not the business is regularly carried on						
12 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part IV.)	1,934.	1,780.	2,737.	1,988.	2,135.	10,574.
13 Total support (Add lines 9, 10c, 11, and 12.)	4052502.	5041075.	3555803.	3968335.	4244968.	20862683.

14 First five years. If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and stop here

Section C. Computation of Public Support Percentage

15 Public support percentage for 2010 (line 8, column (f) divided by line 13, column (f))	15	88.41 %
16 Public support percentage from 2009 Schedule A, Part III, line 15	16	88.77 %

Section D. Computation of Investment Income Percentage

17 Investment income percentage for 2010 (line 10c, column (f) divided by line 13, column (f))	17	11.54 %
18 Investment income percentage from 2009 Schedule A, Part III, line 17	18	11.19 %

19a 33 1/3% support tests - 2010. If the organization did not check the box on line 14, and line 15 is more than 33 1/3%, and line 17 is not more than 33 1/3%, check this box and stop here. The organization qualifies as a publicly supported organization

b 33 1/3% support tests - 2009. If the organization did not check a box on line 14 or line 19a, and line 16 is more than 33 1/3%, and line 18 is not more than 33 1/3%, check this box and stop here. The organization qualifies as a publicly supported organization

20 Private foundation. If the organization did not check a box on line 14, 19a, or 19b, check this box and see instructions



## ETHICS COMMISSION CITY AND COUNTY OF SAN FRANCISCO

BENEDICT Y. HUR  
CHAIRPERSON

JAMIENNE S. STUDLEY  
VICE-CHAIRPERSON

BEVERLY HAYON  
COMMISSIONER

DOROTHY S. LIU  
COMMISSIONER

CHARLES L. WARD  
COMMISSIONER

JOHN ST. CROIX  
EXECUTIVE DIRECTOR

July 18, 2011

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

Dear Mayor Lee:

On July 11, 2011, the Ethics Commission calendared a Sunshine Ordinance Task Force referral for discussion at its regularly scheduled meeting. The referral stated that the Library Commission, through its representative, Secretary Sue Blackman, violated Sunshine Ordinance sections 67.15(a) and 67.34 for willful failure to allow public comment at a Library Commission meeting which took place on June 4, 2009. Further, the Task Force also cited the Library Commission under section 67.21(e) for failure to send a knowledgeable representative to Task Force hearings held on July 28 and August 13 of 2009.

I have attached the staff memorandum regarding this referral and a copy of the video of the Library Commission meeting for your review.

After publicly discussing the matter and viewing a segment of the video of the Library Commission meeting at issue, the Ethics Commission determined that the Library Commission President, Jewelle Gomez, willfully violated the public testimony requirements of Sunshine Ordinance section 67.15 when she shouted down a member of the public, Sue Cauthen, preventing her from addressing the Library Commission during public comment. The Ethics Commission also determined that Ms. Gomez's actions fell below the standards appropriate for a public official. However, in the absence of clarifying regulations, the Sunshine Ordinance does not provide the Ethics Commission with the ability to impose any specific penalties for a violation of the Ordinance against an appointed official like Ms. Gomez.

Because the Ethics Commission cannot impose any penalties for a willful violation of the Sunshine Ordinance against Ms. Gomez, we are referring this matter to you as the appointing authority.

Exhibit I

The Commission voted to recommend that you consider taking steps to remove Ms. Gomez from her appointed office in light of her actions. We recommend referring to Charter Section 8.102, as well as the Sunshine Ordinance and the Ethics Commission's Enforcement Regulations, in order to reach a decision as to the most appropriate action in this case. Please do not hesitate to contact me or Executive Director John St. Croix should you have any questions or require additional information.

Sincerely,

Benedict Y. Hur, Esq.  
Chairperson

Cc: Jewelle Gomez, Library Commission President  
Sue Cauthen, Task Force Member  
Hope Johnson, Task Force Chair

Enclosures

Exhibit I



*Clerk to Act Response*

Edwin M. Lee, Mayor  
Philip A. Ginsburg, General Manager

October 2, 2012

Supervisor John Avalos  
Member, Board of Supervisors  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

RE: Letter of Inquiry to the Recreation and Parks Department Submitted by Supervisor Avalos on September 11, 2012

Dear Supervisor Avalos,

The Recreation and Park Department (the "Department") received your Letter of Inquiry dated September 11, 2012. We have also been made aware of your request to the Budget Analyst. We are proud to steward Coit Tower and happy to share information about both the building and its surrounding park, Pioneer Park.

#### **Budget Analyst Request**

The information you request from the Budget Analyst is publicly available. In the last month the Department has held three community meetings to provide an update on the Coit Tower capital project, introduce the selected vendor and solicit input on the terms of a new lease for the operation of the tower. Much of the information you request has been discussed in that forum.

The revenues from the concessions brought the Department an average of \$687,894 in revenue over the past five years. Under the current lease, signed in 1992, the minimum annual guaranteed revenue to the Department is \$80,226 per year. The Department receives 90% of the elevator revenues, 22.6% of gift shop revenues, 15.26% of food sales 50% of binocular sales and 40% special events. Please see attached for additional revenue information from Coit Tower.

As you know, the Recreation and Park Department does not budget on a park by park basis. Instead, operations and maintenance of parks is funded through our annual operating budget which in the 12/13 fiscal year is \$138.5 million. To the extent possible, the Department estimates we spend about \$260,000 per annum on elevator service, custodial services, gardening, materials and supplies at Coit Tower and Pioneer Park. Please note that the custodial service inside Coit Tower is the responsibility of the tenant. In addition, in 2009 the Department expended \$243,000 upgrading the elevator.

Lastly, in the 2012/2013 budget the Board of Supervisors allocated \$1.75 million to address the high priority needs at Coit Tower as they were identified in the Coit Tower Conditions Assessment report recently published by Architectural Resources Group (ARG).

ARG is a highly respected firm that specializes in the restoration of historic buildings. Their report, commissioned jointly by the Department and the Arts Commission, called for a series of structural improvements to the building including replacing the roof, improving ADA access and upgrading building systems. Additionally, the report outlined protocols for restoration of the murals, which are under the jurisdiction of the Arts Commission. The report is attached to this letter.

The Department expects to commence the roof repairs on October 8, 2012 and have the work completed before the end of the year. The Department is diligently working to implement the remaining high priority recommendations as detailed in the ARG report and hopes to have them concluded by Summer 2013. Once all of the improvements to the building have been completed, the Arts Commission will begin the mural restoration project on the historic murals that line the interior of the tower. These projects will cost the full \$1.75 million allocated in the 2012/2013 budget.

### **Letter of Inquiry**

As you are aware, Charter Section 2.133 gives the Board of Supervisors sole authority to interpret policy measures. The Department understands that Board President Chiu called for a hearing on September 11, 2012 to interpret Proposition B. On the same day, the Board President also introduced motion #120918 which reaffirms the Boards commitment to protect Coit Tower and outlines the protective measures to be adhered to in order to comply with Proposition B.

The Department is currently in the middle of the process to select a new vendor for the site. The Request for Proposals was issued on October 24, 2011 and the responses were due by February 10, 2012. The winning bidder was chosen by the selection panel and confirmed by the Recreation and Park Commission on June 21, 2012. Over the last two months the Department has held three community meetings to introduce the selected vendor and solicit feedback. We expect to present a new lease for the operation of the concessions at Coit Tower by the end of the year. Such an agreement will be subject to both Recreation and Park Commission and Board of Supervisor's approval.

Both the Board's direction and community input will shape any new lease.

The new vendor will be responsible for the day to day maintenance of the interior of the tower, excluding the murals which fall under the jurisdiction of the Arts Commission, maintaining certain areas of the exterior of the tower, and providing sufficient staffing to operate the concessions at Coit Tower and adequately serve the public.

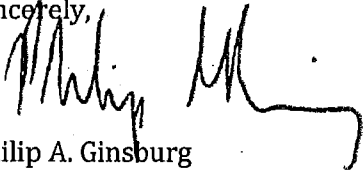
In August, the Arts Commission presented the Department with "Guidelines for Coit Tower Usage" (the "Guidelines") in relation to the murals. The comprehensive Guidelines give specific protocols for all visitors, contractors, activities and the concessionaire to follow when using Coit Tower. The Guidelines are meant to protect and preserve the precious murals and will be incorporated into any lease agreement that the Department enters into and will be an addendum to any permit for use of the space. According to the Arts Commission preservationists, proper implementation of the Guidelines, including strict limitations in relation to special events, will serve as proper protection for the murals.

Additionally, under a new lease, the Department will allocate 1% of all gross revenues from the Coit Tower concessions to the Arts Commission which will go towards the maintenance and restoration

of the murals. This annual remittance is unique as it is one of the only dedicated revenue streams for the maintenance of the City's entire public art collection. This funding will allow the Arts Commission to prioritize work needed for the historic Coit Tower murals.

The Department is working conscientiously to provide amenities to the public that enhance and expand the public's experience at our properties. We intend to implement the recommended improvements to Coit Tower from prioritized funding from the 12/13 budget. We will work diligently with the Arts Commission to continue to protect and preserve the murals. I hope that the information provided in this letter has sufficiently answered your questions regarding Coit Tower. If the Department can be of further assistance on this matter, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Philip A. Ginsburg', written over a horizontal line.

Philip A. Ginsburg  
General Manager

CC: David Chiu, President, Board of Supervisors  
Angela Calvillo, Clerk of the Board of Supervisors  
Harvey Rose, Office of the Budget Analyst



To: BOS Constituent Mail Distribution,  
Cc:  
Bcc:  
Subject: RV ban

From: Allen Jones <jones-allen@att.net>  
To: Board.of.Supervisors@sfgov.org,  
Date: 10/02/2012 06:08 PM  
Subject: RV ban

---

To all members of the San Francisco Board of Supervisors,

A better RV park law would be that if Two RVs are parked within an established distance, then all are in violation and subject to fines and towing. This way people who have little or no choice but to live in an RV don't bunch up in a certain area.

What is being voted on is discriminating to those who prefer for whatever reason to not live in an apartment or house.

This one size fits all mentality pits the haves against the have-nots in too many situations. And yes, I am aware that this was voted on today.

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



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

STATE OF CALIFORNIA  
Edmund G. Brown Jr., Governor

## Fish and Game Commission




BOS-11  
Cpage  
**Sonke Mastou**, Executive Director  
1416 Ninth Street, Room 1320  
Sacramento, CA 95814  
(916) 653-4899  
(916) 653-5040 Fax  
www.fgc.ca.gov

October 3, 2012

TO ALL AFFECTED AND INTERESTED PARTIES:

This is to provide you with a Notice of Receipt of Petition to list the northern spotted owl (*Strix occidentalis caurina*) as threatened or endangered under the California Endangered Species Act. This notice will appear in the California Regulatory Notice Register on October 5, 2012.

Sincerely,

  
Sheri Tiemann  
Staff Services Analyst

Attachment

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2012 OCT -5 PM 3:09  
ALC

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

STATE OF CALIFORNIA  
Edmund G. Brown Jr., Governor

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

## Fish and Game Commission



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

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2073.3 of the Fish and Game Code, the California Fish and Game Commission, on September 7, 2012 received a petition from the Environmental Protection Information Center to list the northern spotted owl (*Strix occidentalis caurina*) as threatened or endangered under the California Endangered Species Act.

Large areas of older, structurally complex forests provide the habitat necessary to support viable populations of northern spotted owls.

Pursuant to Section 2073 of the Fish and Game Code, on September 10, 2012 the Commission transmitted the petition to the Department of Fish and Game for review pursuant to Section 2073.5 of said code. It is anticipated that the Department's evaluation and recommendation relating to the petition will be received by the Commission at its February, 2013 Commission meeting. Interested parties may contact Dr. Eric Loft, Wildlife Branch, Department of Fish and Game, 1812 Ninth Street, Sacramento, CA 95811, or telephone 916-445-3555 for information on the petition or to submit information to the Department relating to the petitioned species.

September 20, 2012

Fish and Game Commission

Sonke Mastrup  
Executive Director



To: BOS Constituent Mail Distribution,  
Cc:  
Bcc:  
Subject: LA City Council REPEALS Ban On Medical Cannabis Dispensaries

From: "Axis of Love SF, Shona Gochenaur" <axisoflovesf@gmail.com>  
To: Patient Advocacy Network <patientadvocates@riseup.net>, Ruben MacBlue <webmaster@jemmmag.com>, Jared Laiti <jared.laiti@gmail.com>, SFmcdGroup <SFmcdGroup@googlegroups.com>, "savecannabis@a2c2.us" <savecannabis@a2c2.us>, Chris Roberts <c.hall.roberts@gmail.com>, sf-mmj <sf-mmj@googlegroups.com>, "board. of. supervisors" <board.of.supervisors@sfgov.org>, d\_saint\_pierre <d\_saint\_pierre@hotmail.com>, "jjnicoletto@yahoo.com" <jjnicoletto@yahoo.com>, Kennan Scott <mrrscott1013@gmail.com>, Hunter Holliman <hunter@safeaccessnow.org>, Christina Jajeh <Cjajeh@gmail.com>, Julian Davis <julian.n.davis@gmail.com>, Rajiv Bhatia <Rajiv.Bhatia@sfdph.org>,  
Date: 10/02/2012 03:27 PM  
Subject: Re: LA City Council REPEALS Ban On Medical Cannabis Dispensaries

---

Wow good news!

On Oct 2, 2012 3:02 PM, "Patient Advocacy Network" <patientadvocates@riseup.net> wrote:  
Greetings -

In a VERY surprising vote today the LA City Council REPEALED the ban on dispensaries that some council members and the city attorney's office fought so hard to pass just a few weeks ago.

The real HERO today is Councilmember Bill Rosendahl. His presence was clearly the deciding factor. I have said for years that the NEED for collectives will never truly resonate with the LA City Council until one of their own needs access. If Bill had not been there to speak out about his own battle, the ban would have most likely been sent to the voters where a battle between patients/collectives and certain council members/neighborhood councils would have ensued.

The interesting aspect of this of course, is that the City has already called in the feds. By repealing the ban, what message has that sent to federal authorities?

The battle is long from over. The Council recognizes that LA is still left with no workable ordinance. By law, now that the ban is repealed, the previous ordinance can stand. That ordinance has a sunset clause in it requiring all collectives to have closed by this past summer. However, that ordinance, the one that Judge Mohr deemed unconstitutional and an appellate overturned, is now headed to the California Supreme Court.

PAN is presenting Councilmember Bill Rosendahl with an award this Sunday, October 7, 2012 at Kushday. <http://www.kushday.com/> Please come to thank Bill Rosendahl - stay for the party. You can also thank Bill by emailing

him at: [billrosendahl@aol.com](mailto:billrosendahl@aol.com)

Sincerely,

Degé Coutee  
Executive & Program Director  
Patient Advocacy Network

[@PAN4Compassion](#)  
[www.CannabisSavesLives.org](http://www.CannabisSavesLives.org)  
[\(323\) 334-5282](tel:(323)334-5282)

PAN is a charitable 501(c)(3) organization  
Support Our Work - We're Fighting For Patients



# CITY AND COUNTY OF SAN FRANCISCO HUMAN RIGHTS COMMISSION

## S.F. ADMINISTRATIVE CODE CHAPTERS 12B and 14B WAIVER REQUEST FORM (HRC Form 201)

FOR HRC USE ONLY	
Request Number:	6610
OCT 1 2012 HUMAN RIGHTS COMMISSION	

### Section 1. Department Information

Department Head Signature: [Signature] 9/28/12

Name of Department: Department of Human Resources

Department Address: One So. Van Ness Ave., San Francisco 94103

Contact Person: Joron Coleman

Phone Number: 551-8941

Fax Number: 551-8945

### Section 2. Contractor Information

Contractor Name: Holiday Inn Fisherman's Wharf

Contact Person: Jana Sherne

Contractor Address: 1300 Columbus Ave. San Francisco

Vendor Number (if known): 09338

Contact Phone No.: 415-273-4051

### Section 3. Transaction Information

Date Waiver Request Submitted: 9/28/12

Type of Contract: Hotel Facilities Q50 Oral Exam

Contract Start Date: 11/3/12

End Date: 11/9/12

Dollar Amount of Contract: \$72081

### Section 4. Administrative Code Chapter to be Waived (please check all that apply)

Chapter 12B

Chapter 14B - Note: Employment and LBE subcontracting requirements may still be in force even when a 14B waiver (type A or B) is granted.

### Section 5. Waiver Type (Letter of Justification must be attached, see Check List on back of page.)

A. Sole Source

B. Emergency (pursuant to Administrative Code §6.60 or 21.15)

C. Public Entity

D. No Potential Contractors Comply – Copy of waiver request sent to Board of Supervisors on: 10-2-12

E. Government Bulk Purchasing Arrangement – Copy of waiver request sent to Board of Supervisors on:

F. Sham/Shell Entity – Copy of waiver request sent to Board of Supervisors on:

G. Local Business Enterprise (LBE) (for contracts in excess of \$5 million; see Admin. Code §14B.7.1.3)

H. Subcontracting Goals

### HRC ACTION

12B Waiver Granted:   
12B Waiver Denied:

14B Waiver Granted:   
14B Waiver Denied:

Reason for Action: No compliant source meets facility requirements for police sergeant examination.

HRG Staff: [Signature] Date: 10-2-12

HRG Staff: [Signature] Date: 10/2/2012

HRC Director: [Signature] Date: 10/2/2012

### DEPARTMENT ACTION – This section must be completed and returned to HRC for waiver types D, E & F.

Date Waiver Granted: \_\_\_\_\_ Contract Dollar Amount: \_\_\_\_\_

City and County of San Francisco

Edwin M. Lee  
Mayor



Department of Human Resources

Micki Callahan  
Human Resources Director

September 28, 2012

Theresa Sparks, Acting Director  
Real Estate Department  
25 Van Ness Avenue  
San Francisco, CA 94102

Dear Ms. Sparks:

The DHR Public Safety Team is requesting approval to use the Holiday Inn Fisherman's Wharf, 1300 Columbus Ave., San Francisco 94133, from November 3 through November 9, 2012 for the administration of the SFPD Q-50 Police Sergeant test components.

The Holiday Inn Fisherman's Wharf has been used effectively in the past to administer SFPD examinations. Rooms will be needed to hold the interviews and also for lodging the raters. This event also requires meeting room facilities to accommodate rater training and candidate orientation. The use of a hotel is necessary because there are unfortunately no City-owned or leased facilities within the City and County that will meet the testing and meeting space requirements.

After surveying a number of properties we selected this facility because they were able to accommodate our room specifications, test dates, and security requirements at the most competitive rates. A copy of the waiver request form approved by the Human Rights Commission for our use of this facility is attached.

The DHR Public Safety Team is in the process of completing the Q-50 test materials. To ensure that we are able to administer the test components in November 2012, we must secure the hotel rooms now.

The Holiday Inn is offering a room rate of \$105.00/night. The contract fee is detailed below:

Guest Rooms	\$105/day	\$53,510.94
Food	\$49.95/per	\$16,860.60
Meeting Rooms	\$300/day	\$1,710
		<b>\$72,081.54 (Total)</b>

If you have any questions regarding this request, please call Joron Coleman of my staff at 551-8941. We would appreciate your returning this letter with the required approval as soon as possible so that we can finalize the contract to reserve this facility for our use. Our facsimile number is 551-8945.

Sincerely,

Micki Callahan  
Human Resources Director



FW: HRC FORM 201  
Coleman, Joron  
to:  
Board of Supervisors  
10/03/2012 02:26 PM  
Hide Details  
From: "Coleman, Joron" <joron.coleman@sfgov.org>  
To: Board of Supervisors <board.of.supervisors@sfgov.org>,

1 Attachment



DHR 6610.pdf

Board of Supervisors Clerk,

Attached is a signed copy of OCA/HRC Form 201 waiver request #6610 for HOLIDAY INN – FISHERMAN'S WHARF and justification.

Please feel free to contact me if there are any questions.

Thank you

---

**From:** Viterbo, Domenic  
**Sent:** Tuesday, October 02, 2012 3:45 PM  
**To:** Coleman, Joron  
**Subject:** HRC FORM 201

Attached is a signed copy of OCA/HRC Form 201 waiver request #6610 for HOLIDAY INN – FISHERMAN'S WHARF and justification.

Domenic Viterbo  
Administrative Assistant  
Equal Benefits Program  
Contract Monitoring Division  
Office of the City Administrator  
City and County of San Francisco  
25 Van Ness Avenue, Suite 800, San Francisco, CA 94102  
Ph: (415) 252-2541  
Main: (415) 252-2500  
Fax: (415) 431-5764  
Contract Monitoring Division website: [sf.cmd.org](http://sf.cmd.org)  
Email: [domenic.viterbo@sfgov.org](mailto:domenic.viterbo@sfgov.org)



To: BOS Constituent Mail Distribution,  
Cc:  
Bcc:  
Subject: Nora Roman Letter Asserting Rights on Bernal Mural -

From: Library Users Association <libraryusers2004@yahoo.com>  
To: LHerrera@sfpl.org, SBlackman@sfpl.org, Frank.W.Lee@sfdpw.org,  
Cc: mayoredwinlee@sfgov.org, joaquin.torres@sfgov.org, board.of.supervisors@sfgov.org,  
David.Campos@sfgov.org, tom.decaigny@sfgov.org  
Date: 10/03/2012 03:34 PM  
Subject: Nora Roman Letter Asserting Rights on Bernal Mural -

---

Dear City Librarian Luis Herrera, Each Member of the Library Commission, and Director of Public Works M

Library Users Association has received the attached letter from Nora Roman asserting her rights to 90 days n  
this morning.

Consequently, we join with her in asking that the Bernal mural not be painted out.

We attach the letter, should there have been any problem with your receipt or reading of it.

The text is also provided below (with formatting anomalies), should you have difficulty opening the attached

Thank you for your attention to this.

Peter Warfield  
Executive Director  
Library Users Association  
415/7 5 3 - 2 1 8 0



lua-NoraRomanLetterAssertingBernalMuralRights10-3-12.doc



Nora Roman  
68 Arnold Avenue  
San Francisco, CA

October 3, 2012

Luis Herrera, City Librarian  
San Francisco Public Library  
San Francisco, CA

By Fax: (415) 557-4240

Subject: Asserting My Rights Regarding Mural on Bernal Heights Branch Library

Dear Mr. Herrera:

I am one of the artists who painted the mural in 1980-1982 that is on three sides of the Bernal Heights Branch Library, 500 Cortland Street, in San Francisco, and I want 90 days notice prior to destruction of this mural, which I have learned is scheduled to occur very shortly, this month.

I have been made aware of plans to paint out this mural by Peter Warfield, Executive Director of Library Users Association, but have not received any notice from anyone else about this. I understand that I have rights under the California Art Protection Act (CAPA), and I ask to receive the required 90-day notice from the library, or the City of San Francisco, prior to any alteration or removal of the mural.

Sincerely yours,

Nora Roman

cc: By fax or email to:

--Mayor Edwin Lee, fax (415) 554-6474

-- City Attorney Dennis Herrera

--San Francisco Public Library Commission – each member via Sue Blackman,  
Secretary, fax (415) 557-4240

--Mohammed Nuru, Director of Public Works, fax (415) 554-6161

--Arts Commission – each member through Commission Secretary Sharon Page-Ritchie

--Tom DeCaigny, Director of Cultural Affairs

Peter Warfield  
415/7 5 3 - 2 1 80

10/2/12

S. F. Board of Supervisors,

In reference to your plastic bag ban, stupid is  
as stupid does.

The quiet revolution against your ban began  
months ago.

Have fun.

San Franciscans

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2012 OCT -4 PM 2:48  
AK



Date/ Time: 2012-10-04 16:25:51.473

Service Request Number: 1511761

# Request for City Services

### CUSTOMER CONTACT INFORMATION:

Name:

Phone:

Address:

Email:

### DEPARTMENTS:

Department: \*

Sub-Division:\*

### PROPERTY ADDRESS:

Point of Interest:

Street Number:

Street Name:

Street Name 2:

City:

ZIP Code:

X coordinate:

Y coordinate:

Latitude:

Longitude:

CNN:

Unverified Address:

### ADDITIONAL LOCATION INFORMATION:

Location Description:

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

### REQUEST DETAILS:

Nature of Request: \*

Complaint

**ADDITIONAL REQUEST DETAILS:**

Additional Request Details: \*

A dime a bag is unfair. What happened to the moc plastic bags. Resind the 10 cent law and put out the moc plastic that is water proof. Paper bags dont work in the rain. Seniors dont have cars, handles break when they get wet. It ruins shopping for everyone that cant

**BACK OFFICE USE ONLY \*\*\*\*\***

Source Agency Request Number:

Responsible Agency Request Number:

Service Request Work Status:

Work Status Updated:

Submit Cancel

Print

A dime a bag is unfair. What happened to the moc plastic bags. Resind the 10 cent law and put out the moc plastic that is water proof. Paper bags dont work in the rain. Seniors dont have cars, handles break when they get wet. It ruins shopping for everyone that cant use paper bags. There are no alternatives. Everytime you go shopping is 6 bags because they double the bags. If they dont, they will brake. It probably affects the grocery stores bottom line as people buy less to make sure they go home ok. They are just buying essentials and not extras. When bring you reusable bags, you dont know how much you are going to buy and it takes the spontenaity out of shopping.



To: BOS Constituent Mail Distribution,  
Cc:  
Bcc:  
Subject: HSBG and Fleet Week same weekend . .

From: canyondogh <canyondogh@sbcglobal.net>  
To: Board.of.Supervisors@sfgov.org,  
Date: 10/04/2012 01:51 PM  
Subject: HSBG and Fleet Week same weekend . .

---

I would politely like to ask how . . . Hardly Strictly Bluegrass and Fleet Week ended up being scheduled on the same weekend again this year ? Last year they were a week apart and everything worked well.

Now, I'm a Vet . . . spent 8 years in the Army, and I appreciate our military. I spent an entire afternoon on the Marina Green last year checking out the exhibits. Great for The City !

But I also Luv Alt-Americana Music ! And Hardly Strictly is one of my favorite events of the year, even though the media likes to play it down as second rate music. ( And they do . . . ) Besides, it's not just bluegrass, but a little something for everyone, 60s rockers, and Gen Y alike. And we don't want those jets blastin' over Golden Gate Park in the middle of the music ! !

Could someone tell me please . . . how the schedule for Fleet Week is determined, especially since it occurred 'After' HSBG last year. My gut instinct tells me someone with influence decided it would be nice to drown out the fun and games of the more liberal set over in The Park. Very serious about that. Get my drift ?

Would you please provide me the appropriate information as to Who . . . has the final say on these matters. I'm initially directing my inquiry to you folks, thinking that may well be you (?)

Thanks . . .

Paul Lanyi  
151 Blake Street  
San Francisco, CA 94118

415-386-0561

canyondogh@sbcglobal.net



**CIVIL SERVICE COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO**

EDWIN M. LEE  
MAYOR

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

October 3, 2012

KATE FAVETTI  
PRESIDENT

SCOTT R. HELDFOND  
VICE PRESIDENT

MARY Y. JUNG  
COMMISSIONER

E. DENNIS NORMANDY  
COMMISSIONER

JENNIFER C. JOHNSTON  
EXECUTIVE OFFICER

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

SUBJECT: Prevailing Wage Certification Legislation

Dear Ms. Calvillo:

At its meeting of October 1, 2012 the Civil Service Commission had for its consideration the certification of the highest prevailing rate of wages of the various crafts and kinds of labor paid in private employment in the City and County of San Francisco (CSC File No. 0327-12-3). A copy of the report prepared by the Department of Human Resources is attached.

It was the decision of the Civil Service Commission, in accordance with Charter Section A7.204 and Administrative Code Section 6.22, to adopt the Department of Human Resources' report.

The Civil Service Commission requested the City Attorney to draft legislation to accompany the report being forwarded to the Board of Supervisors as required by the Administrative Code. The draft legislation prepared by the City Attorney will be forwarded to you.

Please call me at 252-3250, if there are questions or if further information is needed related to the action of the Civil Service Commission.

Sincerely,

CIVIL SERVICE COMMISSION

JENNIFER JOHNSTON  
Executive Officer

Attachment

c: Sallie Gibson, Deputy City Attorney

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2012 OCT -5 AM 9:36  
AK

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