

File 091121

Petitions and Communications received from September 5, 2009, through September 14, 2009, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on September 22, 2009.

From Office of the District Attorney, submitting the District Attorney's Office Real Estate Fraud Annual Report for FY 2008-2009. (1)

From Arts Commission, submitting the Arts Commission Annual Report and the Sole Source Contracts entered into for FY 2008-2009. (2)

From Office of the Controller, submitting response to the 2008-2009 Civil Grand Jury Report titled "Nonprofits, The Good, The Bad, The Ugly." Copy: GAO Clerk (3)

From Office of the Mayor, submitting notice that Mayor Newsom will be out of state from September 9, 2009, until September 10, 2009. Supervisor Elsbernd will serve as Acting Mayor. Copy: Each Supervisor (4)

From the Ozolos family, submitting support for proposed legislation that bans cat-declawing in San Francisco. File No. 091039, Copy: CONS Clerk (5)

From Planning Department, submitting notice of environmental review for the Water Supply System Projects at 199 Marview Drive, 1234 Clayton Street, 1239 Jones Street, 122-126 Leroy Street, 698 Second Street and Pump Station No. 2 (within Fort Mason). Copy: Each Supervisor (6)

From Office of the Controller, responding to inquiry regarding steps that the Airport has taken to prevent lawsuits for non-payment. File No. 090784, Copy: Rules Clerk (7)

From State Public Utilities Commission, submitting notice that PG&E has filed an application to allow the utilities to recover uninsured costs associated with wildfires. (8)

From Arthur Evans, submitting support for Police Chief George Gascon. 2 letters (9)

From Ahimsa Porter Sumchai, urging Supervisor Chiu to sponsor a resolution opposing SB792. (10)

From Anthony Belway, submitting letter entitled Sunday bikes in Golden Gate Park. (11)

From Office of the Controller, submitting the results of the City's recent annual rating agency meetings with Standard and Poor's, Moody's and Fitch Ratings. Copy: Each Supervisor, Budget Clerk (12)

From State Fish and Game Commission, submitting notice of proposed regulatory action relating to the commercial take of White Seabass. (13)

From Jessica Lindsey, commenting on how long it took her to get onto the Bay Bridge on Wednesday, September 9, 2009. (14)

From Francisco Da Costa, submitting letter entitled U.S. Navy complicit with nefarious activities joins dubious entities to adversely impact all San Francisco and beyond. (15)

From Aaron Goodman, regarding proposed legislation that sets San Francisco's property tax rate and establishes a pass-through rate for residential tenants. File No. 090985, Copy: Each Supervisor (16)

From Ivan Pratt, submitting letter regarding the EPA's inspection and enforcement of organizations, industry, and individuals that are polluting our drinking water in the United States. (17)

From Francisco Da Costa, submitting letter entitled Candlestick Recreation Area in San Francisco not for sale. (18)

From Francisco Da Costa, submitting letter entitled Mark Leno lies while innocent children die. (19)

From Francisco Da Costa, submitting letter entitled Shame of San Francisco Labor Council and one Tim Paulson. (20)

From State Fish and Game Commission, submitting notice of proposed regulatory action relating to hybrid animals and plants. (21)



City and County of San Francisco

Master Report

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

File Number: 091121		File Type: Communication		Status: Filed	
Enacted:			Effective:		
Version: 1		In Control: Board of Supervisors			
File Name: Petitions and Communications			Date Introduced: 09/22/2009		
Requester:		Cost:		Final Action:	
Comment:		Title: Petitions and Communications received from September 5, 2009, through September 14, 2009, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on September 22, 2009. From Office of the District Attorney, submitting the District Attorney's Office Real Estate Fraud Annual Report for FY 2008-2009. (1) From Arts Commission, submitting the Arts Commission Annual Report and the Sole Source Contracts entered into for FY 2008-2009. (2) From Arts Commission, submitting the Arts Commission Annual Report and the Sole Source Contr From Office of the Controller, submitting response to the 2008-2009 Civil Grand Jury Report titled "Nonprofits, The Good, The Bad, The Ugly." Copy: GAO Clerk (3) From Office of the Mayor, submitting notice that Mayor Newsom will be out of state from September 9, 2009, until September 10, 2009. Supervisor Elsbernd will serve as Acting Mayor. Copy: Each Supervisor (4) From the Ozolos family, submitting support for proposed legislation that bans cat-de-clawing in San Francisco. File No. 091039, Copy: CONS Clerk (5) From Planning Department, submitting notice of environmental review for the Water Supply System Projects at 199 Marview Drive, 1234 Clayton Street, 1239 Jones Street, 122-126 Leroy Street, 698 Second Street and Pump Station No. 2 (within Fort Mason). Copy: Each Supervisor (6) From Office of the Controller, responding to inquiry regarding steps that the Airport has taken to prevent lawsuits for non-payment. File No. 090784, Copy: Rules			

Clerk (7)

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notice of proposed regulatory action relating to hybrid
animals and plants. (21)

Indexes:

Sponsor(s):

History of Legislative File 091121

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
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CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE DISTRICT ATTORNEY



KAMALA D. HARRIS
District Attorney

A. ALAN KENNEDY

Assistant District Attorney

DIRECT DIAL: (415) 551-9552

E-MAIL: ALAN.KENNEDY@SFGOV.ORG

August 31, 2009

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

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

Dear Ms. Calvillo:

Please find enclosed the San Francisco District Attorney's Office's Real Estate Fraud Annual Report for fiscal year 2008-2009. Beginning this year, this report is required to be submitted by District Attorney's Offices statewide to their local Board of Supervisors, and to the California Legislative Analyst's Office, by September 1 of each year, pursuant to California Government Code § 27388(d). Copies of this report have also been submitted to David Chiu, President of the Board of Supervisors, and to Ms. Dana Curry at the state Legislative Analyst's Office. I am submitting these reports both by email and U.S. mail.

Should you have any questions about this report, please feel free to contact me at 415-551-9552, or at Alan.Kennedy@sfgov.org.

Very truly yours,

KAMALA D. HARRIS
District Attorney

A. ALAN KENNEDY
Assistant District Attorney

Enclosure

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①

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 SEP -2 AM 11:47
BY h

①

FISCAL YEAR 2008-2009 REAL ESTATE FRAUD REPORT
SAN FRANCISCO DISTRICT ATTORNEY'S OFFICE
(Government Code § 27388)

I. Case Statistics

A. number of ongoing referrals: 2

1. entering FY 2008-2009: 0

2. initiated during FY 2008-2009: 2

B. number of ongoing investigations: 34

1. entering FY 2008-2009: 15

2. initiated during FY 2008-2009: 19

C. number of filed cases: 26

1. entering FY 2008-2009: 6

2. initiated during FY 2008-2009: 20

D. number of victims in filed cases: 26

1. entering FY 2008-2009: 6

2. initiated during FY 2008-2009: 20

E. number of convictions obtained in FY: 1

F. total aggregated monetary loss suffered by victims in cases in which there has been an investigation, filing, or conviction: \$14.1 million

1. for cases entering FY 2008-2009: \$1.8 million

2. for cases initiated during FY 2008-2009: \$12.3 million

II. Accounting

A. Ending balance in Real Estate Fraud Prosecution Trust Fund FY 2007-2008: \$93,640

B. FY 2008-2009 revenues were: \$80,009

C. FY 2008-2009 expenditures were: \$148,516

D. Non Real Estate Fraud Prosecution Trust Fund monies used to fund activities in FY 2008-2009: none

E. Ending balance in Real Estate Fraud Prosecution Trust Fund 2008-2009: \$25,133

F. Uses to which funds were put: investigation & prosecution

G. Was Real Estate Fraud Prosecution Trust Fund money distributed to a law enforcement agency other than the district attorney's office in FY 2008-2009? Yes, SF Police Department

III. Contact Person

- A. A. Alan Kennedy/Assistant District Attorney
- B. 732 Brannan Street, San Francisco, CA 94103
- C. 415-551-9552
- D. Alan.Kennedy@sfgov.org



SAN FRANCISCO ARTS COMMISSION

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 SEP -8 PM 1:32
BY 6


GAVIN NEWSOM
MAYOR


LUIS R. CANCEL
DIRECTOR OF
CULTURAL AFFAIRS

MEMORANDUM

TO: Honorable Board of Supervisors
c/o Clerk of the Board

FROM: Luis R. Cancel, Director of Cultural Affairs, Arts Commission

DATE: September 8, 2009 

SUBJECT: FY 2008-09 Annual Report and Sole Source Contracts List 

PROGRAMS
CIVIC ART COLLECTION
CIVIC DESIGN REVIEW
COMMUNITY ARTS
& EDUCATION
CULTURAL EQUITY GRANTS
PERFORMING ARTS
PUBLIC ART
STREET ARTISTS LICENSES

ARTS COMMISSION GALLERY
401 VAN NESS AVENUE
415.554.6080

WWW.SFARTSCOMMISSION.ORG

ARTSCOMMISSION@SFGOV.ORG

In pursuance to Charter Section 4.103 and Sunshine Ordinance Section 67.24(e), please see the attached Annual Report and the Sole Source Contract List for the Arts Commission for the fiscal year 2008-09.

Attachments 3 pages.



CITY AND COUNTY OF
SAN FRANCISCO



ARTS COMMISSION					
FY 08-09 ANNUAL REPORT					
Year Ending: June 30, 2009					
EXPENDITURES					
Description	FY08-09 Budget	FY08-09 Actual	Encumbrance	Balance	Comment
Subfund: 1G AGF AAA General Fund - Non-Project					
Index Code: 285004 Administration					
001 Salaries	439,664	439,664	-	-	
013 Mandatory Fringe Benefits	118,450	118,450	-	-	
021 Non Personal Services	-	-	-	-	
080 Expenditure Contingency	140,000	-	-	140,000	Mayor's contingency remains.
081 Services of Other Depts	174,493	165,006	9,487	-	DTIS did not bill fully.
Administration Total	872,607	723,120	9,487	140,000	Mayor's contingency remains.
Subfund: 1G AGF AAP General Fund - Annual Project					
1 Index Code: 28CAE050/PAR045 Cultural Centers					
001 Salaries	70,510	84,002	-	(13,492)	Deficit met with savings below.
013 Mandatory Fringe Benefits	25,758	26,954	-	(1,196)	Deficit met with savings below.
021 Non Personal services	3,573	7,366	-	(3,793)	Deficit met with savings below.
038 City Grant Programs	2,317,881	2,269,863	29,340	18,678	Surplus used for deficit above.
040 Material & supplies	-	197	-	(197)	Deficit met with savings below.
081 Services of Other Depts	108,773	108,708	-	65	Reproduction cost.
086 Expenditure Recovery	(493,458)	(377,303)	-	(116,155)	Controller's monthly adjustments deficit based on hotel tax revenue.
Cultural Centers Total	2,033,037	2,119,787	29,340	(116,090)	Per actual hotel tax recorded by the Controller.
2 Index Code: 28CAE051/PART01 Art Enhancement					
001 Salaries	249,855	268,992	-	(19,137)	Deficit met with savings below.
013 Mandatory Fringe Benefits	79,349	79,623	-	(274)	Deficit met with savings below.
021 Non Personal services	54,921	60,607	17,307	(22,993)	Deficit met with savings below.
038 City Grant Programs	561,724	369,545	149,775	42,404	Surplus used for deficit above.
040 Expenditure Contingency	420,000	-	-	420,000	Mayor's contingency remains.
06P Services of Other Depts	85,000	85,000	-	-	
081 Art Enhancement Total	1,450,849	863,767	167,082	420,000	Mayor's contingency remains.
3 Index Code: 28CAE041/PAR041 GFTA PIC Program					
021 Non Personal services	-	22,455	-	(22,455)	Deficit met with savings below.
038 City Grant Programs	234,510	175,167	36,888	22,455	Surplus used for deficit above.
CAE PIC Total	234,510	197,622	36,888	-	
4 Index Code: 28CAE322/FAR322 Cultural Centers Facilities maintenance					
081 Services of Other Depts	191,361	156,474	34,887	-	
Facilities Maintenance Total	191,361	156,474	34,887	-	
5 Index Code: 28COL211/FAR211 Collection Maintenance					
021 Non Personal services	172,535	136,237	52,048	(15,750)	Deficit met with budget below.
06F Facilities Maintenance	15,750	-	-	15,750	Budget used above.
Collection Maintenance Total	188,285	136,237	52,048	-	
6 Index Code: 28GAL050/PAR046 City Hall Exhibition					
038 City Grant Programs	25,000	23,810	1,190	-	
Total	25,000	23,810	1,190	-	
7 Index Code: 28POP004/PAR004 Symphony Orchestra					
027 Personal Services	1,773,997	1,773,997	-	-	
Total	1,773,997	1,773,997	-	-	

ARTS COMMISSION					
FY 08-09 ANNUAL REPORT					
Year Ending: June 30, 2009					
EXPENDITURES					
Description	FY08-09 Budget	FY08-09 Actual	Encumbrance	Balance	Comment
Subfund: 1G AGF ACP General Fund - Continuing Project					
1 Index Code: 28CEG197A/PAR197 Cultural Equity Grant					
001 Salaries	231,306	229,106	-	2,200	Surplus used for deficit above.
013 Mandatory Fringe Benefits	70,202	65,981	-	4,221	Surplus used for deficit above.
021 Non Personal services	17,990	404,624		(386,634)	Deficit met with savings below.
038 City Grant Programs	2,715,821	1,122,171	923,995	669,655	Surplus used for deficit above.
040 Materials & Supplies	2,535	6,631	1,777	(5,873)	Deficit met with savings below.
069 Project Carryforward	97,805	-	-	97,805	Last year carryover used above.
081 Services of Other Depts	2,292	2,292	-	-	
CEG Total	3,137,951	1,830,805	925,772	381,374	
				-	
Subfund: 1G AGF WOF Work Order Fund					
1 Index Code: 28CAE532/PAR532 WritersCorps Project					
001 Salaries	105,812	114,543		(8,731)	Deficit met with savings below.
013 Mandatory Fringe Benefits	43,182	43,458		(276)	Deficit met with savings below.
021 Non Personal services	211,006	201,999		9,007	Surplus used for deficit above.
086 Expenditure Recovery-Library	(170,000)	(170,000)		-	
086 Expenditure Recovery-DCYF	(190,000)	(190,000)		-	
WritersCorps Total	-	-	-	-	
				-	
2 Index Code: 28COL562/PAR562 Airport Civic Collection					
001 Salaries	7,591	7,082	-	509	Surplus used for deficit above.
013 Mandatory Fringe Benefits	2,656	2,231	-	425	Surplus used for deficit above.
021 Non Personal services	19,753	20,687	-	(934)	Deficit met with savings below.
086 Expenditure Recovery	(30,000)	(30,000)	-	-	
Collection Total	-	-	-	-	
ARTS COMMISSION					
FY 08-09 ANNUAL REPORT					
Year Ending: June 30, 2009					
REVENUE					
Description	FY08-09 Budget	FY08-09 Actual	Encumbrance	Balance	Comment
Subfund: 1G AGF AAA General Fund - Non-Project					
Index Code: 285004 Administration					
601 Civic Design Fee	50,000	55,000	-	5,000	2 reviews completed than target.
Total	50,000	55,000	-	5,000	
Subfund: 1G AGF AAP General Fund - Annual Project					
Index Code: 28CAE050/PAR045 Cultural Centers					
122 Hotel Room Tax	2,020,700	1,620,117	-	(400,583)	Per actual hotel tax recorded by the Controller.
9501G GFTA grant	250,000	250,000	-	-	PIC & City Hall Exhibition.
Total	2,270,700	1,870,117	-	(400,583)	
Subfund: 1G AGF ACP General Fund - Continuing Project					
Index Code: 28CEG197A/PAR197 Cultural Equity Grant					
122 Hotel Room Tax	2,288,000	1,834,425	-	(453,575)	Per actual hotel tax recorded by the Controller.
Total	2,288,000	1,834,425	-	(453,575)	

Arts Commission**Fiscal Year: 2008-2009****Page - 3 -****List of Sole-Source Contract**

Name of Vendor	Service Provided	Amount \$	Terms	Justification
1. San Francisco Symphony	Perform "Summer in the City Concert Series" at the Davies Symphony Hall and free concerts at the Dolores Park in accordance with the City Charter.	1,773,997	From July, 2008 through December 31, 2008.	In accordance with the City Charter Sec. 16.106 the City and County of San Francisco has to maintain a symphony orchestra. The SF Symphony performs Summer in the City concerts. These Summer concerts for 2008-09 took place at the San Francisco Davies Symphony Hall in July, 2008 and a free concert at the Dolores Park. This service has been provided by the San Francisco Symphony for the last 56 consecutive years. The SF Symphony is the sole orchestra in the City.
2. Bill Fontana DBA Echo Designs	Perform "Spiraling Echoes" a sound sculpture for the Rotunda of San Francisco City Hall" by Bill Fontana.	45,000	From January, 2009 to October, 2009	San Francisco Artist Bill Fontana was identified as the only artist in Northern California that has produced internationally-based, successful sound installations in large, public architectural spaces. He is uniquely qualified to successfully execute this project. The Mayor's Office and Luis R. Cancel, Director of Cultural Affairs, support the proposal for a sound installation in City Halls' Rotunda.
3. Daub & Firmin Studios LLC	Perform "Design and Fabricate a Bronze Plaque" honoring past Airport Commissioner, William Cobelentz.	17,000	From April, 2009 until completion of project	On behalf of the Airport, the Arts Commission formerly contracted with Daub Firmin to design and fabricate similar bronze portrait for two former commissioners, Henry Berman and Mo Bernstein. The Airport, in a letter dated December 3, 2008 has requested that the Cobelentz plaque be created by the same artists so that all three honorary plaques will be consistent in style and execution.



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

To INFO CC: Angelo —
Orig. original GAO Clerk

c page

Ben Rosenfield
Controller

Monique Zmuda
Deputy Controller

August 25, 2009

The Honorable James J. McBride
Presiding Judge
Superior Court of California
County of San Francisco
400 McAllister Street
San Francisco, CA 94102

(3)

Re: Office of Controller's Response to the 2008-2009 Civil Grand Jury of San Francisco Report titled "Nonprofits, The Good, The Bad, The Ugly"

Dear Judge McBride:


This letter is in response to the findings and recommendations related to the 2008-2009 San Francisco County Civil Grand Jury Report titled "Nonprofits, The Good, The Bad, The Ugly."

Finding 17: The City Nonprofit Task Force focused on the fiscal monitoring of the contracts/grants between the City departments and nonprofits. Joint monitoring of nonprofits in fiscal matters is efficient for both the City departments and the nonprofits in that staff time utilized is reduced.

Response: We agree with this finding—fiscal monitoring was one of the many issues highlighted by the City Nonprofit Task Force. The Controller's Office implemented joint fiscal and compliance monitoring in 2005. The Citywide Fiscal and Compliance Nonprofit Monitoring Program creates efficiencies for City departments and nonprofit contractors while establishing consistent standards and improved oversight by City departments.

If you have any questions or concerns about this response, please do not hesitate to contact me.

Sincerely,


Ben Rosenfield
Controller

cc: Grand Jury Office
Board of Supervisors

(3)

Office of the Mayor
City & County of San Francisco



Orig: cpage, 3 Deputies
C: BOS-11, COB, Renee C, Cheryl

RECEIVED
Gavin Newsom
SUPERVISORS
SAN FRANCISCO

2009 SEP -8 PM 4:46

BY MR

September 8, 2009

Ms. Angela Calvillo
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94109

Dear Ms. Calvillo,

Pursuant to Charter Section 3.100, I hereby designate Supervisor Sean Elsbernd as Acting-Mayor from the time I leave the state of California at 7:15AM on Wednesday, September 9, 2009, until 12:46AM Thursday, September 10, 2009.

In the event I am delayed, I designate Supervisor Elsbernd to continue to be the Acting-Mayor until my return to California.

Sincerely,

A handwritten signature in black ink, appearing to be "Gavin Newsom", written over a horizontal line.

Gavin Newsom
Mayor, City and County of San Francisco

cc: Mr. Dennis Herrera, City Attorney



"A. Ozols"

09/11/2009 11:09 AM

To board.of.supervisors@sfgov.org, Chris.Daly@sfgov.org,
Carmen.Chu@sfgov.org, David.Chiu@sfgov.org,
David.Campos@sfgov.org, Michela.Alioto-Pier@sfgov.org
cc Ross.Mirkarimi@sfgov.org, Sophie.Maxwell@sfgov.org,
Eric.L.Mar@sfgov.org, Sean.Elsbernd@sfgov.org,
Bevan.Dufty@sfgov.org, John.Avalos@sfgov.org

bcc

Subject Please ban the horrible practice of cat declawing

5

We are urging you to pass Supervisor Mirkarimi's ban on cat declawing.

Cat declawing is the horrible practice where cats lose the equivalent of the last digits of their toes -

please prevent this inhumane practice from occurring.

Sincerely,
the Ozols family

5



SAN FRANCISCO PLANNING DEPARTMENT

Bos-11, cpage
RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 SEP 10 AM 11:08
BY PC

Notification of Project Receiving Environmental Review

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: September 9, 2009
Case No.: 2009.0568E
Project Title: City & County of San Francisco Auxiliary Water Supply System Project
Address: 199 Marview Drive (a.k.a. Twin Peaks Reservoir);
1234 Clayton Street (a.k.a. Ashbury Tank);
1239 Jones Street and 122-126 Leroy Street (a.k.a. Jones Street Tank);
698 Second Street (a.k.a. Pump Station No. 1);
Pump Station No. 2 (within Fort Mason)

Block/Lot: Twin Peaks Reservoir: 2719C/011, and associated maintenance tunnels within an easement on 2721/011
Ashbury Tank site: 2655/026
Jones Street Tank site: 0220/004 and 013
Pump Station No. 1: 3788/006
Pump Station No. 2: 0409/002

Zoning District: Twin Peaks Reservoir: P (Public)/Reservoir maintenance tunnels: RH-1 (Residential, House, One-Family)
Ashbury Tank: RH-2 (Residential, House, Two-Family)
Jones Street Tank: 1239 Jones St.: RM-4 (Residential, Mixed, High Density) and 122-126 Leroy St.: RM-3 (Residential, Mixed, Medium Density)
Pump Station No. 1: East SoMa (South of Market) Mixed-Use Office District
Pump Station No. 2: P (Public) District

Height and Bulk District: Twin Peaks Reservoir: OS (Open Space)
Ashbury Tank site: 40-X
Jones Street Tank site: 65-A
Pump Station No. 1: 65-X
Pump Station No. 2: OS (Open Space)/40-X

Lot Size: Twin Peaks Reservoir site: 877,995 square feet (sq. ft.)
Reservoir maintenance tunnels: 5,047 sq. ft.
Ashbury Tank site: 7,810 sq. ft.
Jones Street Tank site: Lot 004 is 3,380 sq. ft., and Lot 013 is 4,791 sq. ft.
Pump Station No. 1: 15,753 sq. ft.
Fort Mason property, Pump Station No. 2: 2,906,691 sq. ft.

Staff Contact: Irene Nishimura – (415) 575-9041
e-mail address: irene.nishimura@sfgov.org

PROJECT DESCRIPTION:

The proposed project would involve seismic retrofit and upgrade construction work to ensure seismic safety of the City's supplementary fire-fighting water resource and pumping capabilities; removal and replacement of old pipes, machinery and equipment; and installation of modern equipment and machinery related to the operation of the existing City and County of San Francisco (CCSF) Auxiliary Water Supply System (AWSS). Seismic upgrade, repair and modernization work would involve all the five existing water storage and pumping facilities of the AWSS, but would not extend to the below-ground AWSS distribution pipe network.

The AWSS is managed and operated by the San Francisco Fire Department (SFFD). The AWSS was built after the 1906 Great Earthquake and Fire, between 1909 and 1913. It augments the CCSF domestic water resource and pumping system, and is used in emergency situations when the SFFD must fight multiple fires simultaneously in the city or when there is a major earthquake and the domestic water system has failed or needs augmentation to fight ensuing fires raging simultaneously.

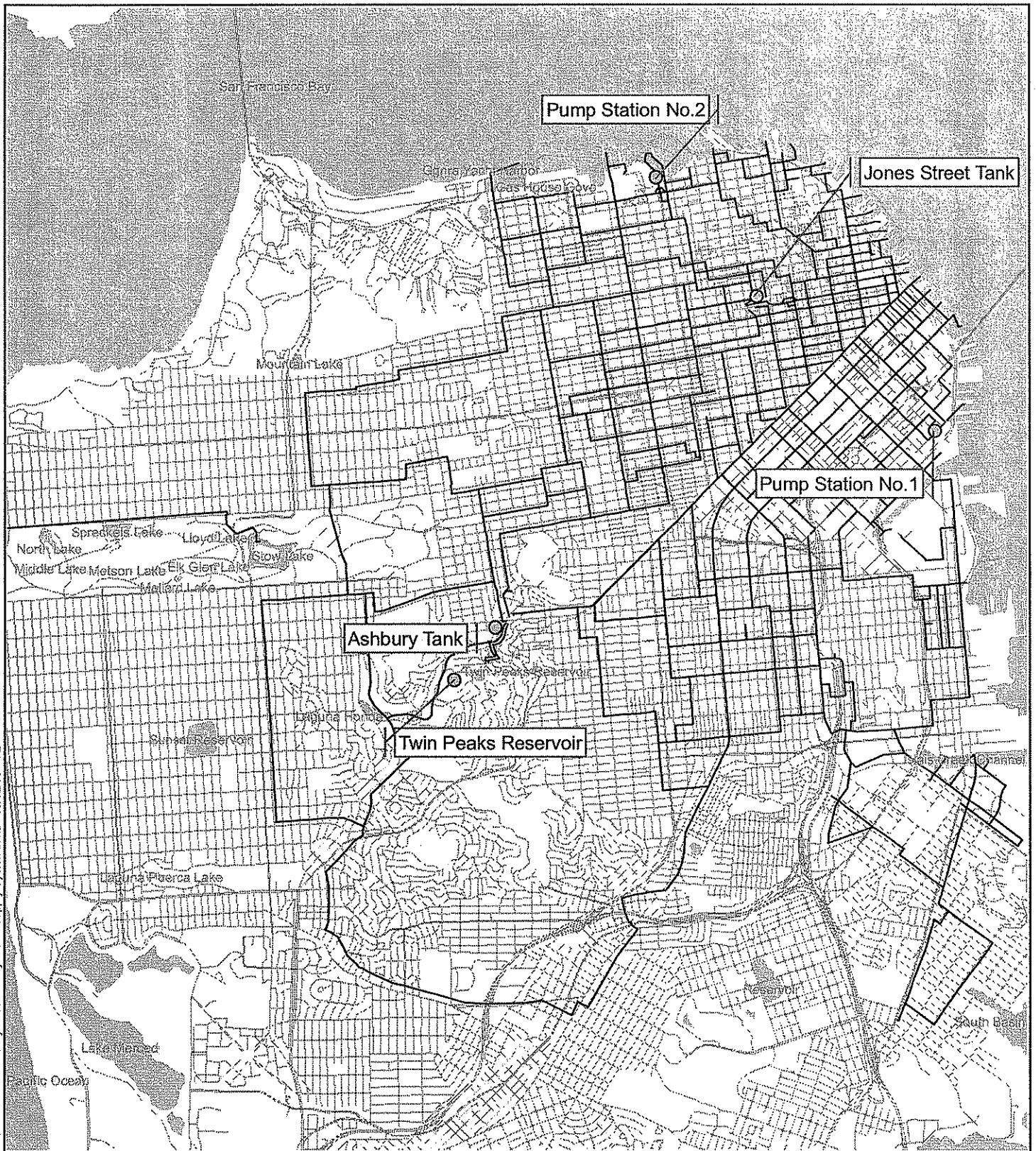
The project would affect the following five AWSS facilities: 1) Twin Peaks Reservoir, water storage facility on top of Twin Peaks; 2) Pump Station No. 1 on the northwest corner of Second and Townsend streets (which is also the SFFD Headquarters); 3) Pump Station No. 2 in the northeast corner of Fort Mason, near the northwest edge of Aquatic Park; 4) 1239 Jones Street, on the west side between Clay and Sacramento streets, where one of the two AWSS water tanks and its associated valve control house (also known as the Jones Street Tank) are located; and 5) 1234 Clayton Street, on the east side between 17th and Deming streets, where the other AWSS water tank and its associated valve control house (also known as the Ashbury Tank) are located.

PURPOSE OF NOTICE:

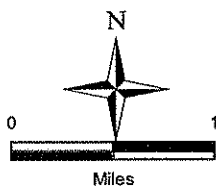
The project is being studied by the Planning Department's Major Environmental Analysis section to determine its potential environmental effects. No environmental documents have been issued for this project. Public comments concerning the potential environmental effects of this project are welcomed. In order for your concerns to be fully considered or to ensure your receipt of future environmental review documents for this project, **please contact the staff identified above by September 23, 2009**. This notice is routinely sent to community organizations, tenants of the affected property and properties adjacent to the project site, and those persons who own property within 300 feet of the project site. Anyone receiving this notice is encouraged to pass on this information to others who may have an interest in the project.

Environmental review provides information on physical environmental effects and does not make recommendations on the project itself. Other review or approval actions may be required for the project, including San Francisco Board of Supervisors' review and approval. These actions may involve further public notification and public hearings.

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Auxiliary Water Supply System





CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

- File # 090784
✓ Rules Clerk, cpage

Ben Rosenfield
Controller

Monique Zmuda
Deputy Controller

September 4, 2009

Supervisor David Campos
Supervisor Chris Daly
Supervisor Michela Alioto-Pier
Board of Supervisors Rules Committee
1 Dr. Carlton Goodlett Place
San Francisco, Ca. 94102

Re: Rules Committee Inquiry regarding lawsuit filed by Tony Nguyen

Dear Committee Members

At its meeting of July 13, 2009, the Committee requested the Airport Director and the Controller to respond to an inquiry regarding steps that the Airport has taken to prevent lawsuits for non-payment. The Airport responded to this inquiry in a letter to the Committee dated August 6, 2009. The Controller agrees with the Airport Director's statement that the Department has improved and standardized its procedures to comply with the City's purchasing policies and ordinances since the lawsuit was filed by Mr. Nguyen.

If you have any questions regarding this issue, please contact me at 554-7500. Thank you.

Very truly yours,

Monique Zmuda
Deputy Controller

cc. John Martin
Angela Calvillo
Linda Wong

RECEIVED
BOARD OF SUPERVISORS
SALER MOSCOW
2009 SEP 11 AM 10:04
BY DP

7

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
TDD No. 554-5184
Fax No. 554-5163
09 JUL 26 AM 11:11
CITY & COUNTY OF S.F.
CONTROLLERS ADMINISTRATION

July 23, 2009

File 090784

Ben Rosenfield, Controller
1 Dr. Carlton B. Goodlett Place, Room 316
San Francisco, CA 94102

Dear Mr. Rosenfield:

At the Special Rules Committee meeting of July 13, 2009, the Committee considered a lawsuit filed by Tony Nguyen against the City. Mr. Nguyen alleges he was unpaid for services rendered to the airport despite having submitted invoices. The Committee requests the Controller to provide a report on (1) what actions the department has taken since the lawsuit was filed; and (2) what actions the department will take to prevent similar lawsuits from reoccurring in the future.

Please lodge your response to this letter by writing to the committee at your earliest convenience.

If you have any questions regarding this letter, please contact Linda Wong, Clerk of the Rules Committee, at 554-7719.

Thank you.

Angela Calvillo, Clerk of the Board


By: Linda Wong, Clerk
Rules Committee

cc: Supervisor Chris Daly
Supervisor Carmen Chu
Supervisor David Campos
John Martin, Director, San Francisco International Airport



San Francisco International Airport

August 6, 2009

P.O. Box 8097
San Francisco, CA 94128
Tel 650.821.5000
Fax 650.821.5005
www.flysfo.com

The Honorable David Campos
The Honorable Chris Daly
The Honorable Michela Alioto-Pier
Members, Rules Committee
Board of Supervisors, City and County of San Francisco
1 Dr. Carlton B. Goodlett Place
Room 244 City Hall
San Francisco, CA 94102

Subject: Tony Nguyen dba MicroLAN v. CCSF

Dear Committee Members:

The San Francisco International Airport ("Airport") is in receipt of your letter dated July 27, 2009 to Controller Ben Rosenfield regarding the above referenced litigation settlement in which the Rules Committee requested the following information:

1. What actions the Airport has taken since the lawsuit was filed; and
2. What actions the Airport will take to prevent similar lawsuits from reoccurring in the future.

As background, the time period in which the events occurred at the Airport was from 1996 through 2000. The Airport acknowledges that it failed to insist on full compliance from the vendor in following the Airport's procurement rules.

In response to the question above, with the appointment of a new Airport Information Technology and Telecommunications ("ITT") Director, the Airport immediately enacted procedures to ensure that the Airport would not accept nor pay for equipment and/or services without documented prior approval.

Further, in 2006 the Airport established an Office of Contract Administration in order to standardize contracting procedures and to ensure full compliance with Controller's Office policies and with all the applicable laws and regulations. The Airport also established an internal audit function in 2002 to monitor staff compliance with all rules and regulations. All Airport divisions, including ITT, strictly comply with the current Office of Contract Administration and Controller's Office policies and procedures regarding the procurement of goods and services.

AIRPORT
COMMISSION
CITY AND COUNTY
OF SAN FRANCISCO

GAVIN NEWSOM
MAYOR

LARRY MAZZOLA
PRESIDENT

LINDA S. CRAYTON
VICE PRESIDENT

CARYL ITO

ELEANOR JOHNS

RICHARD J. GUGGENHIME


JOHN L. MARTIN
AIRPORT DIRECTOR

Members, Rules Committee
August 6, 2009
Page 2 of 2

As a result of the Airport's implementation of the above procurement policies, the Airport has not experienced similar problems with other vendors.

As noted in the settlement documents, the Airport believes the settlement of this litigation is in the best interests of the City and County of San Francisco.

Very truly yours,



John L. Martin
Airport Director

cc: Supervisor Carmen Chu
Angela Calvillo, Clerk of the Board
Linda Wong, Clerk, Rules Committee
Ben Rosenfield, Controller

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

September 2, 2009
TO: STATE COUNTY AND CITY
OFFICIALS

2009 SEP -8 AM 11:22

**NOTIFICATION OF APPLICATION FILING BY
PACIFIC GAS AND ELECTRIC COMPANY (PG&E):
WILDFIRE CLAIMS COST RECOVERY**

BY

Re

On August 31, 2009, Pacific Gas and Electric Company (PG&E), Southern California Edison Company, San Diego Gas and Electric Company, and Southern California Gas Company (the Utilities), jointly filed an Application requesting authority from the California Public Utilities Commission to approve a mechanism to allow the Utilities to recover uninsured costs associated with wildfires. In the face of a potential insurance crisis that may limit the Utilities' ability to obtain insurance coverage, the Application asks for CPUC approval for each Utility to establish a Wildfire Expense Balancing Account (WEBA) to record for future recovery all costs of third-party claims resulting from wildfires that would have been covered by insurance, as well as costs that would not have been incurred if insurance were available, including:

- (1) payments to satisfy wildfire claims, including any deductibles, co-insurance and other insurance expenses paid by the Utilities, but excluding costs that have already been authorized in the Utilities' General Rate Cases;
- (2) outside legal costs incurred in the defense of wildfire claims;
- (3) premium costs not in rates; and
- (4) the cost of financing these amounts. Insurance proceeds, as well as any payments received from third parties, will be credited to the WEBA as they are received.

The Application requests that amounts recorded in the WEBA be included in rates after review and approval by the Commission. However, while requesting approval of the mechanism, the Application does not request increases in current rates.

THE CPUC PROCESS

The CPUC's Division of Ratepayer Advocates (DRA) will review this Application. DRA is an independent arm of the CPUC, created by the Legislature to represent the interests of all utility customers throughout the state and obtain the lowest possible rate for service consistent with reliable and safe service levels. DRA has a multi-disciplinary staff with expertise in economics, finance, accounting and engineering. DRA's views do not necessarily reflect those of the CPUC. Other parties of record will also participate.

The CPUC may hold evidentiary hearings where parties of record present their proposals in testimony and are subject to cross-examination before an Administrative Law Judge (ALJ). These hearings are open to the public, but only those who are parties of record can present evidence or cross-examine witnesses during evidentiary hearings. Members of the public may attend these hearings, but are not allowed to participate, only listen.

After considering all proposals and evidence presented during the hearing process, the ALJ will issue a draft decision. When the CPUC acts on this application, it may adopt all or part of PG&E's request, amend or modify it or deny the application. The CPUC's final decision may be different from PG&E's proposed application filing.

FOR FURTHER INFORMATION

For more details call PG&E at 1-800-PGE-5000 • Para más detalles llame 1-800-660-6789
詳情請致電 1-800-893-9555 • For TDD/TTY(speech-hearing impaired) call 1-800-652-4712

You may request a copy of the application and exhibits by writing to:

Pacific Gas and Electric Company
Wildfire Claims Cost Recovery Application
P.O. Box 7442 San Francisco, CA 94120.

You may contact the CPUC's Public Advisor with comments or questions as follows:

Public Advisor's Office
505 Van Ness Avenue, Room 2103
San Francisco, CA 94102
1-415-703-2074 or 1-866-849-8390 (toll-free)
TTY 1-415-703-5282, TTY 1-866-836-7825 (toll-free)
E-mail to public.advisor@cpuc.ca.gov

If you are writing a letter to the Public Advisor's Office, please include the name of the application to which you are referring. All comments will be circulated to the Commissioners, the assigned Administrative Law Judge and the Energy Division staff.

Reviewed by the California Public Utilities Commission

8

8



AEvansf

09/07/2009 05:49 PM

To board.of.supervisors@sfgov.org

cc

bcc

Subject Top Cop Shames Supes

9

Dear Friends & Neighbors,

Police Chief George Gascón is like a new sheriff arriving at a Wild West town of yore, as noted by C.W. Nevius in a recent *Chron* column. In this case, the new sheriff has taken his initial stand against drug dealers and public alcoholics and addicts in the Tenderloin.

But there's something that Nevius didn't mention in his column. Many of the city's politicians either oppose Gascón's efforts or else are looking the other way, some even hoping he will fail. District Attorney Kamala Harris is a notable and honorable exception to this shameful pattern.

For example, Tal Klement of the Public Defender's Office recently attacked Gascón in the online paper *Fog City Journal*, deriding his efforts as a "War on Crumbs." Klement ignores the fact that drug dealing keeps a poor neighborhood from regaining its health. And it undermines the well-being of at-risk neighborhoods that could go either way. Anyone who thinks otherwise has never lived with open eyes in an inner-city neighborhood.

The Public Defender's Office isn't the only party distancing itself from Gascón's initiative. Supe Chris Daly, who represents the Tenderloin, has long and vigorously opposed every effort to make that neighborhood safe, clean, and peaceful. Yet Daly just bought two houses in Fairfield, moving his wife and children there so they can live in an environment that is safe, clean, and peaceful.

Then there's Ross Mirkarimi, the supe who represents the Haight, which is overrun with drug dealers and drunks. Mirkarimi has been silent about Gascón, which is no surprise. In the two years that Mirkarimi chaired the supes' Public Safety Committee, he scheduled 26 hearings on crime statistics, with very little to show for all the verbiage. He never once pushed for a crackdown on drug dealing and public drunkenness in his district.

David Campos, who succeeded Mirkarimi as chair of the Public Safety Committee, was even worse. His big priority was pushing the city to provide sanctuary to illegal immigrants suspected of committing felonies, especially in drug-dealing cases. After Campos abruptly resigned from the committee, David Chiu took his place. So far, Chiu has shown no interest in having the committee tackle drug dealers.

The situation is no better in the State Assembly. Tom Ammiano is the chair of its Public Safety Committee. He's putting most of his energy into legalizing marijuana. Which is fine, except that Ammiano has always been hostile to efforts to control the abusive

9

public behavior of dealers, addicts, and alcoholics. He once denounced an effort to outlaw public drinking in the Panhandle as "an attack on the homeless."

In trying to bring civilized standards to this Wild West town, Gascón has gone out on a limb. He's infuriating not only the drug dealers but also the politicians who enable them, whether intentionally or through ineptitude.

If you support Gascón's efforts, now is the time to let him know, as well as those at City Hall who are scoffing at him, looking the other way, or secretly hoping he will fail.

Yours for rationality in government,

Arthur Evans

* * * * *



AEvans'

09/09/2009 01:57 PM

To board.of.supervisors@sfgov.org

cc

bcc

Subject Post-Progressive San Francisco

Dear Friends and Neighbors,

When the supes return this week from their long summer vacation, they'll find a changed political climate at City Hall. It's been building for a long time, but the tipping point occurred in the last few weeks. The winds have changed direction.

For starters, consider our local progressive movement, so inspiring and popular in the 70s and 80s. What a transforming experience it was in those days! However, in 2001, the movement ossified into a sect, having been co-opted by politicians (nearly all men). Today the sect is crumbling.

Its leader, Chris Daly, just moved to Fairfield. He remains a San Franciscan in the eyes of the City Attorney only. Even Daly's most devoted followers now find it embarrassing to do damage control for him.

Ross Mirkarimi, the sect's most intelligent voice at the supes, has gone off on petty ideological tangents in the last year, squandering his political capital. He should have pushed for effective law enforcement in his district and the city. Instead, he settled for vague rhetorical posturing about "community policing." The voters are tired of his abundant hot air and minimal results.

Many in the sect hope for a savior in the person of Public Defender Jeff Adachi. He's articulate, smart, and charismatic. But he's not the rigid ideologue that many of them hanker for. They would all be in for a big jolt, should he become their leader. In any case, the Zeitgeist is not right for someone whose job is defending accused criminals.

The sect's ideological organ, *The SF Bay Guardian*, has become a boring slogan-slinger, slowly slouching towards economic collapse. Neither its political nor cultural writers have anything of significance to say anymore. What do you expect from a staff of stoners?

The sect's principal political tool, the Milk Club, has become a fringe group in the

service of perk-packing political hacks and self-serving interest groups. Carole Midgen, Rafael Mandelman, and the cannabis capitalists have soiled its reputation forever.

All of the above factors have been in play for some time. Nonetheless, the sect has continued to enjoy considerable clout at City Hall. That's because there has been no leader to energize and focus alternative views.

Certainly not the mayor, who lost interest in the nuts and bolts of local politics a long time ago. These days, there are more sightings of Jerry Garcia in SF than Gavin Newsom.

However, the city's political constellation just got hit by an incoming comet. The new police chief, George Gascón, is revving up the political dynamic at City Hall. He comes across as a smart professional, setting an example of practical leadership in the face of vexing problems. Next to him, the usual suspects, especially the supes, look like bumbling amateurs, running on hot air.

Gascón has a wide appeal among residents. They're disgusted with the colonization of public spaces by nomadic alcoholics, addicts, and psychotics. In sharp contrast to both the progressive sect and the absentee mayor, Gascón frankly acknowledges the existence of the problem and has a practical plan to deal with it.

So far, he seems adept in dealing with both media cynics and political snipers. If his promising skills hold out, he could become the focus and standard-bearer for a long overdue post-progressive reform movement in the city.

That's a big "if," of course. We'll have to watch and see. There are no guarantees in this game, and plenty of disappointments. Still, with a savvy and principled leader at their head, the post-progressive reformers could re-open the windows of City Hall to refreshing breezes of change.

Wouldn't it be nice to have hope again?

Yours for rationality in government,

Arthur Evans

* * * * *

Board of
Supervisors/BOS/SFGOV

09/09/2009 04:31 PM

To BOS Constituent Mail Distribution,

cc

bcc

Subject Fw: Board President Chiu please sponsor the resolution
opposing SB792 Don't privatize our state park! SB 792 could
enrich Lennar by as much as \$950,000 a year

10

Please join with me and my State senate representative Senator Leland Yee in opposing SB792. Do not let Senator Leno disrespect the BOS voice in land use decisions and bypass the California Environmental Quality Act.

AHIMSA PORTER SUMCHAI, M.D. 

To: sfbayview@lists.riseup.net; communityfirstcoalition@yahoogroups.com;
ENOUGH_BVHP@yahoogroups.com; John.Avalos@sfgov.org; Bevan.Dufty@sfgov.org;
superdaly@yahoo.com; Eric.L.Mar@sfgov.org; David.Chiu@sfgov.org;
Michela.Alioto-Pier@sfgov.org; Sophie.Maxwell@sfgov.org; David.Campos@sfgov.org;
Sean.Elsbernd@sfgov.org; Ross.Mirkarimi@sfgov.org; Carmen.Chu@sfgov.org;
senator.leno@senate.ca.gov; speaker.bass@assembly.ca.gov;
Assemblymember.Torrico@assembly.ca.gov; leland.yee@sen.ca.gov;
tom.ammiano@asm.ca.gov; quintin.mecke@asm.ca.gov; jrizzo@sprintmail.com;
Senator.Steinberg@senate.ca.gov; Bruce@sfbg.com; mjeserich@gmail.com;
Fiona.Ma@sfgov.org; nora@riseup.net; lvpsf@igc.org
From: editor@sfbayview.com
Date: Tue, 8 Sep 2009 19:39:51 -0700
Subject: [CommunityFirstCoalition] Don't privatize our state park! SB 792 could enrich
Lennar by as much as \$950,000 a year

<http://www.sfbayview.com/2009/don%E2%80%99t-privatize-our-state-park/>

Don't privatize our state park!

SB 792 could enrich Lennar by as much as \$950,000 a year

Editorial by Mary Ratcliff

10



Anthony Belway

09/06/2009 12:13 PM

To board.of.supervisors@sfgov.org

cc

bcc

Subject Fw: sunday bikes in the park-Eric Mar

(11)

This message is being forwarded to Eric Mar-
thank you

--- On Sun, 9/6/09, Anthony Belway <[redacted]> wrote:

From: Anthony Belway <[redacted]>
Subject: sunday bikes in the park
To: gavin.newsom@sfgov.org, eric mar@sfgov.org
Date: Sunday, September 6, 2009, 12:08 PM

Mr. Newsom and Mr. Mar:

I would like to address the closure of the park down to the great highway.

1. I live in the outer Richmond District of San Francisco.
2. For the past 2 weejkends-the park has been shut down-first by the band/concerts that was held for 3 days a

The city does not seem to realize what this does to the outer richmond area.

1. the only way to get across the park is through 19th avenue or up to stanyan and then over to lincoln.
2. If we are trying to save energy-this is not the way to do it. the park is already shut down every sunday from
3. before the statement is made to take the bus (which arrives approximately) or walk with groceries and erra

I strongly disapprove of the way that this was handled. Why does the travel have to also block out the great h
way-spending time and gas and polluting the environment-

you have to consider people that live out here. please do one road closure or another but to block everyone in
the 19th avenue is crowded in both directions on a good day

add the closure of the bridge - where the golden gate bridge is the only outage of the city or down south-but i

to add insult to injury-some poor soul was trying to go to colma for final resting-which blocked off west bout

so with your decisions to close the park and the support of critical mass and bike coalition-

it is a great opportunity to get out and enjoy the fresh air BUT

FOR PEOPLE THAT LIVE AND WORK OUT HERE-THERE IS NO WAY TO GET OUT OF THE AREA

WE LIVE OUT HERE-REMEMBER-

WE WORK OUT HERE-REMEMBER-

WE HAVE TO DO THINGS ON OUR DAY OFF-SO NOT M==F.

I AM NOT RETIRED. I WORK LONG HOURS AND MY WEEKEND IS FOR ERRANDS-SHOPPING F

I DO NOT FEEL LIKE I SHOULD HAVE TO WAIT TIL 2:00 TO DO MY ERRANDS WHEN THE ENTI

I would like a response and not just - that is the way it is -

I would like to know who decided the driving routes.

I would like to know how shutting down the park but putting people that have to travel in their cars for a long

There are other people in the Richmond and I think the city forgets that we do exist out here and not just for t

out here, safety, etc. and road closure.

please start thinking about other portions of the park and not those that are just travelled by tourists and speci

(11)

Thank you very much for your thoughtfulness and prior planning for this event
I look forward to hearing from both of you regarding this situation

Perrin Belway

Richmond District homeowner



Nadia Sesay/CON/SFGOV

08/25/2009 07:31 PM

To Nadia Sesay/CON/SFGOV@SFGOV

cc

bcc Board of Supervisors/BOS/SFGOV

Subject Results of City's Annual Rating Meeting

AC
C. BOS-11, B+F clerk
(12)

The following is being sent to provide a quick overview of the results of the City's recent annual rating agency meetings with Standard and Poor's, Moody's and Fitch Ratings. The City concluded those meetings on August 7, 2009. In addition, the City is requesting ratings for the upcoming Street Improvement Project certificates of participation (the "COP") and 525 Golden Gate COP expected to be sold in September 2009.

All three ratings agencies have affirmed the City's ratings and outlook in connection with the Street Improvement Project COP transaction as follows;

<u>Agency</u>	<u>Rating</u>	<u>Outlook</u>
Standard and Poor's	AA-	Stable
Moody's	A1	Stable
Fitch Ratings	A+	Stable

Moody's also affirmed the City's general obligation bond rating (Aa2). The assigned long-term ratings from all three rating agencies reflect the following key strengths and challenges;

Strengths:

- Strong fiscal management practices such as conservative forecasting, regular, detailed mid-year budgeting monitoring, timely implementation of the budget adjustments to address variances
- Healthy, long-term assessed valuation growth trend
- Moderate overall debt burden; structurally sound direct debt
- Diverse local economy
- Strong socioeconomic profile
- Well-funded employee retirement system

Challenges:

- Continued, moderate structural budget imbalance
- Below average financial reserves
- High-level of required revenue set-asides
- Sizeable future borrowing
- Large unfunded other post-employment benefit (OPEB) liability
- Weakening revenue base

These ratings were affirmed with the expectation that the City will continue to make regular and timely adjustments to address mid-year budget variations.

(12)

The annual rating agency meetings are very important, and I want to make sure that you are aware that your hard work and dedication are sincerely appreciated. The fact that we could maintain our ratings is a solid result and one for which we can all be proud.

Nadia Sesay
Director, Office of Public Finance
City & County of San Francisco
City Hall, Room 336
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
(415) 554-5956
(415) 554-4864 Fax
nadia.sesay@sfgov.org

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Jim Kellogg, President
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Santa Barbara

ARNOLD SCHWARZENEGGER



Governor

JOHN CARLSON, JR.
EXECUTIVE DIRECTOR

1416 Ninth Street

Box 944209

Sacramento, CA 94244-2090

(916) 653-4899

(916) 653-5040 Fax

fgc@fgc.ca.gov

RECEIVED
BOARD OF SUPERVISORS
SANTA BARBARA

2009 SEP 11 AM 11:20

STATE OF CALIFORNIA
Fish and Game Commission

September 8, 2009

TO ALL AFFECTED AND INTERESTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to Section 155, Title 14, California Code of Regulations, relating to Commercial Take of White Seabass, which will be published in the California Regulatory Notice Register on September 11, 2009.

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

Mr. Rob Allen, Enforcement Branch, Department of Fish and Game, phone (916) 651-9953, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Sheri Tiemann
Staff Services Analyst

Attachment

13

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

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Section 7071, of the Fish and Game Code and to implement, interpret or make specific Section 7071 of said Code, proposes to amend Section 155, Title 14, California Code of Regulations, relating to Commercial Take of White Seabass.

Informative Digest/Policy Statement Overview

The current wording of CCR Title -14 Section 155 needs to be more concise and clear in order to make it better enforceable. Current section wording refers to the United States–Mexico International Boundary. This wording differs from the Fish and Game Code (Code) Section 2362 amendment which went into effect January 1, 2008. The border between the United States and Mexico is not an extension of the land-based border. As shown on NOAA charts, the marine boundary line extends into the ocean much differently than the Code describes. Additionally, the Exclusive Economic Zone (EEZ) of the United States extends beyond the maritime boundary line out to 200 miles. The maritime boundary was established in a 1970 treaty between United States and Mexico in 1970, and this line is recognized by both countries. Additionally, the EEZ was established by Proclamation 5030 in 1983. The boundary line for this zone separates our fishing waters from Mexican fishing waters. The zone is also recognized by both countries. Historically, the Department has told fishermen that the boundary line in Section 2362 is the EEZ line. Since the amendment to Code Section 2362 addresses the international boundary in terms that include the EEZ and as it specifically relates to commercial take of yellowtail, barracuda and white seabass, CCR Title -14 Section 155 simply needs to reference the area south of Point Conception. CCR Title -14 only regulates what occurs within the jurisdiction of California and therefore "south of Point Conception" would only regulate the area that falls within the area governed by the Fish and Game Code and CCR Title -14. That inference is all that is needed within the section.

The current wording of the closure dates in this section, for the take of white seabass, allows for different interpretations. The use of the word "between" used in conjunction with the two listed dates may lead some to interpret that the listed dates are not inclusive. The amendment instead uses the words "from" and "through". That wording more clearly indicates the listed dates are inclusive.

Current section wording allows for the landing of white seabass taken in Mexico, if the person landing the fish is in possession of a Mexican fishing permit. According to the current wording the Mexican permit is adequate proof that white seabass were taken in Mexico. Currently, the Department is not aware of any permit issued by the Mexican authorities that would allow for the take of white seabass in Mexico waters, and then allowed to be landed in California. Fish and Game Code Section 2353 already covers importation requirements for fish brought into California. This wording is not needed for this CCR Title -14 section.

Current wording allows for misinterpretation of the amount of white seabass that can be taken on a multi-day commercial fishing trip. A trip may last three days and the wording referring to "each day" can open the door to the argument that the section allows for three white seabass to be taken, possessed and sold each day.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Yolo Fliers Club, Ballroom,

17980 County Road 94B, Woodland, California, on Thursday, October 1, 2009, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Yolo Fliers Club, Ballroom, 17980 County Road 94B, Woodland, California, on Thursday, November 5, 2009, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before October 29, 2009 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on November 2, 2009. All comments must be received no later than November 5, 2009, at the hearing in Woodland, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sheri Tiemann at the preceding address or phone number. **Mr. Rob Allen, Enforcement Branch, Department of Fish and Game, (916) 651-9953 has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

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

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

Impact of Regulatory Action

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposal makes the intent of the section more enforceable and allowing those who are in compliance to more ably compete within this industry.

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

No significant impact.

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

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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

None.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs Mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

- (h) Effect on Housing Costs:

None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

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

FISH AND GAME COMMISSION

Dated: September 1, 2009

John Carlson, Jr.
Executive Director

C-Pages



Request for City Services - Clerk of the Board

Enter Personal Details > Enter Service Request Details > Review & Submit > Attach Photo(s) / File(s) > **Print & Track**

Successfully Submitted

Thank you for your submission. You will receive an email confirmation with a link to follow the progress of your submission. (14)

If you have any additional requests or questions, you can call us 7 days a week, 24 hours a day at 311 (for calls outside of San Francisco please dial 415.701.2311).

Your Tracking Number is: 502755

Sep 10 2009 1:17PM.

Please print a copy for your records. You may close your browser when done.

Location Information:

Incident Location:

Location Type:

Type Details:

Corner Information:

Location Description: Embarcadero at Bay Street/ Bay Bridge on-ramps

Request Details:

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

Additional Information:

Additional Request
Details:

Hello! I was wondering if you'd be willing to pass on a message to the Board of Supervisors. It took me one hour and 56 minutes to get onto the Bay Bridge on Wed - from the Embarcadero at Bay steet until I reached the bridge on-ramp. Nothing on 511. org was mentioned and I had Mel call the SFPD to tell them about the problem. In the almost two hours I sat in traffic (and it only 20 mins to get home to Alameda, once I was on the Bay Bridge) I did not see any police or traffic enforcement. Unfortunately, this is the second time in two months that it's taken me more than two hrs. to get home, after 6:00PM, during the middle of the week. Sorry to rant but I thought the that someone should be aware of this situation. Thanks! Jessica Lindsey

Customer Contact Information:

First Name: jessica
Last Name: lindsey
Primary Phone: _____
Alternate Phone: _____
Address Number: _____
Street Name: _____
City, State: _____
ZIP Code: _____
Email: _____

Customer requested to be contacted by the department
servicing their request: ☒

Print



Francisco Da Costa

09/06/2009 01:37 PM

To Francisco Da Costa

cc

bcc Board of Supervisors/BOS/SFGOV

Subject U.S. Navy complicit with nefarious activities joins dubious entities to adversely impact all of San Francisco and beyond.

United States Navy complicit with nefarious activities on Hunters Point Naval Shipyard joins dubious entities to adversely impact all of San Francisco and beyond by disbanding the Restoration Advisory Board:

<http://www.franciscodacosta.com/articles/bayview151.html>

Francisco Da Costa

15

15

BOS - 11

To: Annette Lonich/BOS/SFGOV,
Cc:
Bcc:

Subject: Fw: SF BOS Meeting - Tuesday Sept.15th, 2009 [090985] - Pass-through Rate

From: Aaron Goodman
Sent: 09/14/2009 11:13 AM MST

Cc: Ted Gullicksen <ted@sftu.org>; dean@tenantstogether.org
Subject: SF BOS Meeting - Tuesday Sept.15th, 2009 [090985] - Pass-through Rate

090985 [Setting San Francisco FY 2009-2010 property tax rate and establishing a pass-through rate for residential tenants]

SF Board of Supervisors; Meeting Tuesday Sept. 15th 2009 [090985]

I wanted to remind supervisors of the mayor's "veto" of the "renter's relief package" and any form of assistance to renters during these troubling financial times. PRO as an organization has submitted memo's prior in regards to the tenants assistance package submitted, and strongly recommends the board take this into consideration during the meeting this tuesday.

Working class families, seniors, students, immigrants, of all groups are faced with considerable difficulties in regards to working, living, and continuing to find rental and home situations in SF that do not consume the majority of there income. It is critical to ensure that the "displacement/gentrification" occuring in multiple districts due to the financial issues is held back as much as possible to prevent ongoing loss of community and long-term residents. Students also are faced with back-breaking cost increases, in housing, and tuition. Families have lost jobs, and income which prevents saving for home purchases.

Please take the issue of the current financial problems of renter's into consideration, the governor cut back assistance, and the mayor vetoed the attempt to assist. Ensure fair-play and a reasonable amount on the increase proposed. Many tenants will be forced out this year if the increase is placed on the backs of an already stressed financially group.

Sincerely

Aaron Goodman @ PRO



Ivan E Pratt

09/14/2009 10:56 AM

To

, board.of.supervisors@sfgov.org,
chris.daly@sfgov.org, Chughes:

cc

bcc

Subject Corruption In Water Inspection Toxics And Waste Dumping
In Water

WATER POLLUTION AND TOXIC LEVELS IN THE UNITED STATES September 14 2009

According to the KPFA Radio Public Radio Reports this morning September 14, 2009, there is a great deal of neglect on the EPA's inspection and regulation enforcement of organizations, industry, and individuals pollution of drinking water in the United States - meaning that water inspection agencies may not be funded properly due to America's economic problems, and that wholesale dumping of waste in rivers and lakes etc. is in truth going on even with the EPA's awhereness of this activity of polluting drinking water sources. The toxic level of drinking water in the United States alone is absolutely horrifying, causing major diseases in long term consumption of such toxic drinking water.

Specific Categories in Drinking Water Pollution in the Environment:

WebPage:

<http://www.grinningplanet.com/2005/07-26/water-pollution-facts-article.htm>

KPFA Public Radio,

WebPage: <http://www.kpfa.org/>

IVAN EDGAR PRATT, "XERISCAPE / BUDDHA, INC." IEP55@juno.com, Internet direct quote and paraphrase transcription "Water Pollution And Toxic Levels In The United States September 14, 2009" information, Sustainable Systems Environmental Ecology, WebPage:
http://www.brookscole.com/cgi-brookscole/course_products_bc.pl?fid=M20b&product_isbn_issn=0534376975&discipline_number=22

Merritt College Ecology Department & Matriculations, WebPage:
<http://www.ecomeritt.org/>, NAM MYOHO RENGE KYO,
WebPage: <http://www.sgi-usa.org>

17

17



Francisco Da Costa

09/05/2009 08:00 AM

To Francisco Da Costa

cc

bcc Board of Supervisors/BOS/SFGOV

Subject Candlestick Recreation Area in San Francisco not for SALE.

Candlestick Recreation Area in San Francisco NOT for SALE:

<http://www.indybay.org/newsitems/2009/09/05/18620907.php#>

Francisco Da Costa

18

18



Francisco Da Costa

09/11/2009 08:48 AM

To Francisco Da Costa

cc

bcc Board of Supervisors/BOS/SFGOV

Subject Mark Leno lies while innocent children die.

Mark Leno LIES while innocent children DIE:

<http://www.indybay.org/newsitems/2009/09/11/18621593.php#>

Francisco Da Costa

19

19



Francisco Da Costa

09/07/2009 09:32 AM

To Francisco Da Costa

cc

bcc Board of Supervisors/BOS/SFGOV

Subject Shame of San Francisco Labor Council and one Tim Paulson.

Shame on one Tim Paulson and the San Francisco Labor Council :

<http://www.indybay.org/newsitems/2009/09/07/18621097.php#>

Francisco Da Costa

20

20

COMMISSIONERS
Jim Kellogg, President
Concord
Richard Rogers, Vice President
Carpinteria
Michael Sutton, Member
Monterey
Daniel W. Richards, Member
Upland
Don Benninghoven, Member
Santa Barbara

ARNOLD SCHWARZENEGGER



JOHN CARLSON, JR.
EXECUTIVE DIRECTOR
1416 Ninth Street
Box 944209
Sacramento, CA 94244-2090
(916) 653-4899
(916) 653-5040 Fax
fgc@fgc.ca.gov

STATE OF CALIFORNIA
Fish and Game Commission

September 8, 2009

TO ALL AFFECTED AND INTERESTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to Section 681, Title 14, California Code of Regulations, relating to hybrid animals and plants, which will be published in the California Regulatory Notice Register on September 11, 2009.

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

Mr. Rob Allen, Enforcement Branch, Department of Fish and Game, phone (916) 651-9953, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Sheri Tiemann
Staff Services Analyst

Attachment

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
SEP 11 AM 11:16

(21)

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

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 203, 205 and 2120, of the Fish and Game Code and to implement, interpret or make specific sections 1002, 2000, 2001, 2116, 2118, 2118.2, 2118.4, 2119-2155, 2190, and 2271 of said Code, proposes to add Section 681, Title 14, California Code of Regulations, relating to Hybrid Animals and Plants.

Informative Digest/Policy Statement Overview

The Department should have as an enforcement tool a general section regulating hybrid plants and animals. A hybrid of two or more species is not a specific species and therefore is not addressed within most regulations or code sections referring to limits, seasons, take, and possession. Potential examples are: a hybrid bass (i.e. largemouth and spotted bass that naturally occurs in a lake), hybrids of restricted exotic cats and non-restricted domestic cats, and hybrid canines such as coy-dogs (coyote and dog).

The mixing of species is expanding as scientific methods improve. Examples of potential problem areas are abalone, fin fish, falconry, waterfowl, aquaculture, and restricted exotic species. The proposal would not only help regulate true hybrids but would help in preventing violators from using a "hybrid defense". The proposal would give the Department flexibility in enforcing various laws and regulations. Nature and science can produce hybrids and an agency which enforces plant and animal laws is placed at a disadvantage if it lacks regulations to reasonably address hybrid issues.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Yolo Fliers Club, Ballroom, 17980 County Road 94B, Woodland, California, on Thursday, October 1, 2009, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Yolo Fliers Club, Ballroom, 17980 County Road 94B, Woodland, California, on Thursday, November 5, 2009, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before October 29, 2009 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on November 2, 2009. All comments must be received no later than November 5, 2009, at the hearing in Woodland, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sheri Tiemann at the preceding address or phone number. **Mr. Rob Allen, Enforcement Branch, Department of Fish and Game, (916) 651-9953 has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address

above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

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

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

Impact of Regulatory Action

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposal recognizes the heritage of animals and plants enabling the Department to maintain control of species, and their hybrids, that it already regulates.

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

No significant impact. Possible impact in those that deal in hybrids of restricted species.

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

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. However, undesirable hybrids can be affected and therefore those that commercially deal in such hybrids may be affected.

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

None.

(e) Nondiscretionary Costs/Savings to Local Agencies:

None.

(f) Programs Mandated on Local Agencies or School Districts:

None.

(g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

(h) Effect on Housing Costs:

None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

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

FISH AND GAME COMMISSION

Dated: September 1, 2009

John Carlson, Jr.
Executive Director