

091283

Petitions and Communications received from October 27, 2009, through November 2, 2009, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on November 10, 2009.

From Office of the Mayor, submitting letter vetoing proposed legislation regarding the "Confidentiality of Juveniles' Immigration Status" an amendment to the Sanctuary Ordinance. File No. 091032, Copy: Each Supervisor (1)

From Supervisor David Campos, submitting copy of letter sent to Mayor Newsom regarding his veto of legislation concerning the "Confidentiality of Juveniles' Immigration Status" amendment to the Sanctuary Ordinance; and extending a formal invitation to Mayor Newsom to debate the matter publicly. File No. 091032, Copy: Each Supervisor, City Attorney (2)

From Supervisor Eric Mar, submitting copy of letter sent to Mayor Newsom regarding his veto of legislation concerning the "Confidentiality of Juveniles' Immigration Status" amendment to the Sanctuary Ordinance. File No. 091032, Copy: Each Supervisor, City Attorney (3)

From Human Services Agency, submitting the interim plan to coordinate all foster care placement improvement plans among the Juvenile Probation Department, Department of Public Health, and the Human Services Agency for children and youth in need of high-end residential treatment. Copy: Each Supervisor (4)

From Clerk of the Board, submitting Form 700 Statement of Economic Interest for Jennifer Stuart, Legislative Aide to Supervisor Alioto-Pier, leaving. (5)

From the Airport, submitting request for release of reserved funds for workforce development in the amount of \$1,000,000. (6)

From State Office of Historic Preservation, submitting notice that the Tobin House was placed on the National Register of Historic Places, this property has also been listed in the California Register of Historical Resources, pursuant to Section 4851(a) (2) of the Public Resources Code. Copy: Each Supervisor (7)

From Office of the Controller, submitting report concerning the review of franchise fee payments Pacific Gas and Electric Company made to the City and County of San Francisco to use its streets to transmit, distribute, and supply electricity and gas within the City. (8)

From Office of the Controller, submitting report concerning the audit of DFS Group, L.P. DFS has a ten year agreement through December 2010 with the Airport Commission. (9)

From Department of Public Works, submitting the "2000 Branch Library Improvement Bond Quarterly Report" for the third quarter of 2009 (July through September). (10)

From T-Mobile, submitting a notification letter regarding placement of cellular antennas at 959 Peralta Avenue. (11)

From concerned citizens, regarding the "Confidentiality of Juveniles' Immigration Status" an amendment to the Sanctuary Ordinance. File No. 091032, 7 letters (12)

From concerned citizens, submitting support for the expansion of Redwood Park to 555 Washington Street. 10 letters (13)

From Office of the Controller, submitting the annual year-end performance measure report for FY 2008-2009. (14)

From Department of Public Works, regarding status of removing graffiti from garbage cans and mailboxes located at various locations in District 5. (Reference No. 20090922-002) (15)

From Department of Public Works, regarding status of removing graffiti from metal and wood poles located at various locations in District 5. (Reference No. 20090922-004) (16)

From Department of Public Works, regarding status of removing graffiti from utility and emergency boxes located at various locations in District 5. (Reference No. 20090922-005) (17)

From Planning Department, regarding notice of environmental review for the Auxiliary Water Supply System Seismic Upgrade. (18)

From Arthur Evans, regarding Supervisor Campos and Mayor Newsom and the "Confidentiality of Juveniles' Immigration Status" an amendment to the Sanctuary Ordinance. File No. 091032 (19)

From Aaron Goodman, submitting request for a public hearing on District 7 and future transit plans of Parkmerced and the San Francisco Municipal Transportation Agency. (20)

From Aaron Goodman, submitting support proposed legislation concerning just cause eviction protections for residential tenants, extend to non-rent controlled units. File No. 090583 (21)

From Francisco Da Costa, regarding Mayor Newsom and the Lennar Corporation. (22)

From Graham Raithel, commenting that the City and County of San Francisco has so much money invested in enforcing parking laws while not addressing quality of life issues for people who work and live here. Copy: Supervisor Daly (23)

From Richard Petersen, urging the Mayor and the Board of Supervisors to reconsider closing the Park Branch Library. (24)

From Brandon, regarding crime in the Bayview District. (25)

From Eric Brooks, regarding Clean Power in San Francisco. File 091161 (26)

From Janie Bray, regarding the ban on plastic bags in San Francisco. (27)

From Adele Framer, regarding take-out cartons and recycling in San Francisco. (28)

From Joyce Hammond, regarding the Mission SRO Collaborative and the American Red Cross workshop on how to protect yourself in case of a disaster. (29)

From Frank Price, regarding the forced closure of a Synagogue in Indonesia. (30)

From Glenn Riddell, commenting on the Board of Supervisors priorities. (31)

From Denise Hoover, regarding proposed legislation prohibiting onychectomy (declawing) and tendonectomy procedures on cats. File No. 091039 (32)

From concerned citizens, regarding Civil Service clerical positions. 3 letters (33)

From Department of Public Health, submitting the annual 2009 Title XV evaluation reports on detention facilities. (34)

Office of the Mayor
City & County of San Francisco



BOS-11
COB
Cpage
Gavin Newsom

(1)

October 28, 2009

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

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Honorable Clerk,

I am vetoing the legislation the Board of Supervisors passed to amend our Sanctuary Ordinance (File No. 091032). I have long supported our sanctuary policy and a range of policies and programs designed to assist our immigrant community. Our Sanctuary Ordinance struck the appropriate balance between offering a welcoming hand to the immigrant community and protecting the public safety of the city. However, the legislation passed by the Board of Supervisors makes changes to the ordinance that contradict this core tenet of our sanctuary policy.

The vast majority of undocumented residents in San Francisco are hard-working, law-abiding community members. Immigrants work long hours and send their children to school with the hope that they will have a better life. Undocumented youth in the juvenile justice system are the extreme exception and not the norm in the immigrant community. The sanctuary ordinance as originally conceived and adopted was designed to protect those residents of our city who are law abiding. It was never meant to serve as a shield for people accused of committing serious crimes in our city.

The amendments to the sanctuary ordinance adopted by the Board of Supervisors alter the sanctuary ordinance by restricting the ability of local law enforcement officers to report juveniles who are in custody after being booked for the alleged commission of a felony and are suspected of violating the civil provisions of the immigration laws. These changes threaten the very existence of our sanctuary ordinance. "[T]here is a serious risk that a court will find that federal law preempts the proposed Amendment, and possibly the entire Sanctuary City ordinance." (*City Attorney Memo to Mayor Newsom dated August 18, 2009, page 2*).

Our Sanctuary Ordinance was never meant to prevent federal immigration officials from discovering the identity of suspected felons. The change made to our Juvenile Probation Department policy last year was a measured response to comply with the local sanctuary ordinance, and state and federal law. Many other counties in California have a similar policy of reporting suspected juvenile felons to Immigration and Customs Enforcement at the booking stage. The courts have held that the collection and dissemination of such information does not deny the person equal protection of the laws or due process.

(1)



As the City Attorney's memo on the new legislation warns, "[f]ederal law does not permit a local government entity to prohibit its officials from providing information to federal immigration authorities about any individual's immigration status." (*City Attorney Memo*, pg. 1, citing *8U.S.C. sec. 1373*). The memo goes on to explain that the "Amendment imposes a new restriction on the authority of City employees to communicate with federal authorities about a juvenile's immigration status." (*City Attorney Memo*, pg. 2). Restrictions on an employee's ability to communicate with federal authorities are prohibited by Federal law, making the proposed legislation a per se violation of federal law.

According to the City Attorney's Office, the Juvenile Probation Department's policy that was adopted in 2008 should remain in place even upon passage of the legislation. "Based on the primacy of federal law and in light of potential federal criminal liability, we historically have advised and will continue to advise City officials, including the Juvenile Probation Department, that until further clarification by the federal courts, federal law prohibits the City from taking any adverse action against a City official or employee who reports a juvenile to federal immigration authorities." (*City Attorney Memo*, pg. 2).

Moreover, the courts have been clear that due process is not violated when law enforcement personnel collect and provide information to federal immigration officials about an individual's immigration status. To suggest otherwise is legally incorrect and an attempt to mislead the public. The courts have stated that when an officer "legitimately comes across information in the course of investigating a crime which reasonably leads to the belief the person arrested is illegally present in this county, nothing in either state or federal constitution prevents the officer from advising INS of this data." (*Gates v. Superior Court*, 193 Cal.App.3d 205, 1219 (1987), *American G.I. Forum v. Miller*, 218 Cal.App.3d 859 (1990)). Therefore, reporting information about a person who is suspected of violating the federal immigration laws upon booking, rather than after conviction, does not violate that person's due process or equal protection rights, nor his/her right to privacy under the California Constitution.

We continue to be an international leader in our efforts to protect law-abiding immigrants in our community. We excel in providing services to our diverse immigrant community and have developed a comprehensive sanctuary policy that ensures access to city services for all people. I am proud of our varied programs that assist every resident of our city, including Healthy San Francisco, our Municipal ID program, and our Bank on SF program.

Our sanctuary policy was written to clarify San Francisco's unwillingness to perform the civil immigration duties of the federal government. It was never meant to shield those accused of committing serious crimes. I therefore, respectfully submit my veto of the amendments to the sanctuary ordinance.

Sincerely,

Gavin Newsom
Mayor

BDS-11
C-pages
copy - AC
City Attorney

2

Member, Board of Supervisors
District 9



City and County of San Francisco

DAVID CAMPOS

November 2, 2009

The Honorable Gavin Newsom
Mayor, City & County of San Francisco
City Hall, Room 200
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Dear Mayor Newsom:

I have received your veto message regarding the "Confidentiality of Juveniles' Immigration Status" amendment to the Sanctuary Ordinance and would like to take this opportunity to respond. The Board of Supervisors passed the amendment to restore due process to immigrant children by a vote of 8 to 3 because it advances the public safety, inclusion, and anti-discrimination goals of our City's twenty-year-old Sanctuary Ordinance; and because it was carefully vetted with the City Attorney's Office, which approved it as to form. Your letter makes a number of points and actually raises more question than it answers, which is why I would like to extend a formal invitation for you and I to debate the matter publicly. I hope you accept this invitation.

There has been a lot of misinformation about what federal law does and does not require in this context. To be clear, City officials have no affirmative legal duty under federal law to expend limited local resources and funding on immigration enforcement. According to a public memo issued by the City Attorney on July 1, 2008, federal civil law does not require the City to give federal authorities information about children in our juvenile justice system that are suspected of being undocumented. (See Linda M. Ross and Molly Stump, Deputy City Attorneys, *Undocumented Youth Detained in the Juvenile Justice System* (July 1, 2008), p.2). In fact, a plethora of legal experts from Yale Law School, Stanford Law School, and UC Davis Law School have all agreed that there is no federal duty to inquire or to report. Moreover, the confidentiality of juvenile records is protected under state law.

As the City Attorney and legal experts have made clear, the proposed amendment to the Sanctuary Ordinance is a legally tenable measure that is within the prerogative of the Board of Supervisors to enact. The point at which a referral of a minor is made to ICE is ultimately not a legal decision but a policy decision. You may not agree with the Board; however, the current tenor of the argument is not helpful to the effective governance of the City, and we feel a public discussion is appropriate in light of recent comments that you will not enforce this amendment. The Board and the people of San Francisco deserve to understand more fully why you intend to ignore this policy and the time honored democratic processes followed in enacting it.

City Hall • 1 Dr. Carlton B. Goodlett Place • Room 244 • San Francisco, California 94102-4689
(415) 554-5144 • Fax (415) 554-6255 • TDD (415) 554-5227 • David.Campos@sfgov.org

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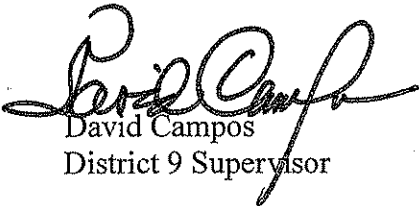
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BY [signature]

It is important to clarify that there is a huge distinction between a child who is merely *suspected* of committing a crime, and a child who is *found by a court* to have committed a crime. Indeed, our criminal justice system rests on the principle that every person is innocent until proven guilty; that is why providing youth with the opportunity to contest a charge in court is a matter of basic due process. Statistics from San Francisco Juvenile Probation Department confirm that the majority of children who are arrested are later found to be innocent of the alleged charges. According to the Juvenile Probation Department, in 2008, 68% or 1100 of the 3446 referrals to Juvenile Probation by law enforcement did *not* result in a sustained petition, meaning the child was found to be innocent. (William Sifferman, Chief Probation Officer, *San Francisco Juvenile Probation Department 2008 Statistical Report 2* (Apr. 17, 2009), p. 2).

At stake is the protection of innocent immigrant children that have been unjustly separated from their families. This policy affects the hard-working, law-abiding immigrant families who comprise a part of our community that we have all pledged to take into account and represent. It is our duty to address this issue with the serious consideration it deserves.

Sincerely,



David Campos
District 9 Supervisor

Member, Board of Supervisors
District 1
市參議員、第一區



City and County of San Francisco

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November 2, 2009

The Honorable Gavin Newsom
Mayor, City & County of San Francisco
City Hall, Room 200
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Dear Mayor Newsom:

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There has been a lot of misinformation about what federal law does and does not require in this context. To be clear, City officials have no affirmative legal duty under federal law to expend limited local resources and funding on immigration enforcement. According to a public memo issued by the City Attorney on July 1, 2008, federal civil law does not require the City to give federal authorities information about children in our juvenile justice system that are suspected of being undocumented. (See Linda M. Ross and Molly Stump, Deputy City Attorneys, *Undocumented Youth Detained in the Juvenile Justice System* (July 1, 2008), p.2). In fact, a plethora of legal experts from Yale Law School, Stanford Law School, and UC Davis Law School have all agreed that there is no federal duty to inquire or to report. Moreover, the confidentiality of juvenile records is protected under state law.

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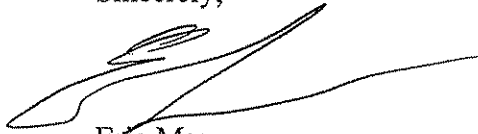
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It is important to clarify that there is a huge distinction between a child who is merely *suspected* of committing a crime, and a child who is *found by a court* to have committed a crime. Indeed, our criminal justice system rests on the principle that every person is innocent until proven guilty; that is why providing youth with the opportunity to contest a charge in court is a matter of basic due process. Statistics from San Francisco Juvenile Probation Department confirm that the majority of children who are arrested are later found to be innocent of the alleged charges. According to the Juvenile Probation Department, in 2008, 68% or 1100 of the 3446 referrals to Juvenile Probation by law enforcement did *not* result in a sustained petition, meaning the child was found to be innocent. (William Sifferman, Chief Probation Officer, *San Francisco Juvenile Probation Department 2008 Statistical Report 2* (Apr. 17, 2009), p. 2).

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Sincerely,

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

Eric Mar
District 1 Supervisor

cc: Clerk of the Board, Board of Supervisors

City and County of San Francisco



Gavin Newsom, Mayor

805-11
Human Services Agency

Department of Human Services
Department of Aging and Adult Services

Trent Rhorer, Executive Director

4

October 19, 2009

Angela Cavillo, Clerk
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, #244
San Francisco, CA 94102

Dear Ms. Calvillo:

On behalf of the San Francisco Task Force on Residential Treatment for Youth in Foster Care, and as required by Ordinance No. 241-08, Sec. 4.500 (c) (1), enclosed is the report on the interim plan to coordinate all foster care placement improvement plans among Juvenile Probation, Department of Public Health, and Human Services Agency for children and youth in need of high-end residential treatment. This is the second of three reports required by the Ordinance; this second report outlines a plan to coordinate the existing placement systems across the three public agencies for children in need of high-end residential treatment. The first report was submitted in May, 2009. The final report will further describe improved placement coordination between the three public placing agencies.

The Task Force has continued in its efforts to lay solid groundwork for strong agency collaboration in serving these children and youth. Please let me know if you have questions.

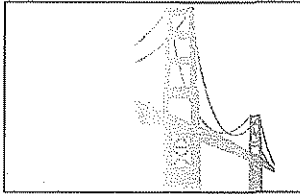
Sincerely,

Trent Rhorer
Executive Director

Enclosure

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The San Francisco Task Force on Residential Treatment for Youth In Foster Care

Providing the right help, at the right time, in the right place for San Francisco's children and youth with severe emotional and behavioral disabilities and their families

Finding a Way Back Home

A Transition Plan for Helping Youth in Distant Placements Reconnect with Their
Families and Communities

October 1, 2009

Introduction

Imagine that you are a 15-year-old boy from San Francisco, living in a group home in a subdivision of dusty bungalows in California's Central Valley. The house is okay, a little beat up, but that's to be expected when 6 teenagers live in one place. The walls are scuffed and the furniture shows the beatings it takes when kids tumble into and over the couches, chairs and tables. You share a room with a 16 year old from Modesto who, just like you, has some good days and some bad days, but who in other ways is not like you at all. He doesn't listen to the same music you do, he puts you down for liking to read books, and he tells you that if you cause him trouble his gang will kill you; but you suspect, based on what the other boys tell you and the fact that he cries in his sleep most nights, that he doesn't have much of a gang and is mostly just scared. You cry in your sleep some nights, too, but you've learned not to let anyone hear it. This is the 12th place you've lived since you were taken away from your mother when you were 4 years old and you don't have the energy to care much about anything any more.

Now imagine that things begin to change in your life. Your grandmother, who is raising your 5-year-old stepsister, has talked about having you live with her, but you and your grandmother and your various social workers have always thought that it would be too much for her to handle because she's getting older and your bad days can sometimes be pretty bad. Then the kinship care support agency that has been helping your grandmother with your stepsister tells you that there is hope: they have new resources to help relatives taking care of older kids. Your grandmother won't have to deal with you all by herself. This agency can also help you get back into school in San Francisco and can assist you with some issues with juvenile probation. The move back to your grandmother's goes a little slower than you would have liked, and you do some things you wish you hadn't, but the support team from the kinship care center helps you make it through the rough start. Now you have your own room, you and your stepsister and your grandmother are starting to come together as a family, and you feel like you just might make it after all.

Stories like this¹ are happening now in San Francisco, but the Task Force has been charged with finding ways to make them happen more often and for more children and youth. For this second of the three reports required pursuant to Ordinance 241-08, the Board of Supervisors instructed the Task Force to “prepare a transition plan to bring San Francisco’s higher need children and youth currently in higher level placements outside San Francisco back to their home communities whenever possible.”²

In response the Task Force has developed a plan with four objectives:

- To improve the collective service matching and evaluation capacity of San Francisco’s three child placing departments;
- To establish an overarching continuum of prevention and aftercare services for children, youth and families with complex needs;
- To increase the quality, capacity and diversity of San Francisco’s community-based alternatives to residential placement; and,
- To increase the quality, capacity and diversity of San Francisco’s local options for residential services.

These objectives have been chosen based on an analysis of:

- The range of needs being presented by the children and youth who are currently being served through distant group home placements and those of their families;
- The trends in San Francisco’s use of local and distant group home placements; and,
- What has been learned to date through the efforts of San Francisco’s three placing agencies about implementing more efficient and effective ways of helping children, youth and families with complex and enduring needs.

As directed by the Board of Supervisors, the goal of the Task Force in preparing this Transition Plan has been “to ensure that children and youth, wherever possible, are safely placed within their own community, that placements are individualized, family and youth guided, least restrictive, family and community based, clinically appropriate, and culturally and linguistically relevant; that family reunification and return to a safe home-like setting as soon as possible is the goal; and, that adequate support is provided to foster care parents and other foster care providers.”

¹ The above story and the others in this report are composites blended from several cases in order to protect the confidentiality of children, youth and their families.

² The third and final report requested by the board of supervisors relates to the permanent plan for managing and coordinating decisions about placement in high-level group homes. This report will be submitted in two parts. Part One, which is a description of the new system, which is called MAST, will be submitted soon after this report. The new system will be activated on October 28, 2009. Part Two of the final report will be submitted in January and will summarize the results of the first month of operation of the new system.

Through its analysis, the Task Force has found that no single strategy or resource is sufficient to accomplish the goal established by the Board of Supervisors. Rather, a coordinated effort on multiple fronts will be needed to create more local alternatives to distant placements while also insuring that children, youth and families achieve and sustain the critical outcomes of permanency, safety and well-being. Some of these efforts, such as developing and implementing a new, more integrated and coordinated placement decision-making system, can be implemented without additional funding or action by the Board of Supervisors. Others, like the need for more community-based alternatives to group home placement, cannot be implemented without more fiscal support.³

When the needs of children and youth cannot be met by either the current array of community-based alternatives or the remaining local⁴ group home and residential treatment providers,⁵ the only alternative is placement in programs in distant areas of California or out of state. Some distant placements provide an effective solution for certain youth by offering a combination of structure and programs that local agencies cannot match within the available funding and regulatory restrictions. But over-reliance on long-term, distant placements makes reunification more difficult, further erodes what are often already tenuous family connections, and can contribute to an “out of sight, out of mind” mentality that leads people to avoid dealing with the underlying driving forces that contribute to children and youth repeatedly engaging in the behaviors that result in those distant placements.

The report that follows will illustrate the types of child, youth and family situations that are resulting in distant placements for residential treatment, provide a statistical breakdown of the current utilization of local and distant facilities and the trends in placement, and present specific actions that could be carried out to reduce the use of distant placements while improving the outcomes being achieved by children, youth and families.

Who are the children and youth in distant placements?

³ A frustrating aspect of the funding issues is that federal dollars are available to support group home placements, but community-based child welfare services can only be supported with state and county dollars.

⁴ There are two ways of classifying local placement: in San Francisco itself, or in both San Francisco and the neighboring Bay Area counties - Marin, Sonoma, Solano, Contra Costa, Alameda, Santa Clara, San Mateo and Sacramento. Generally in this report local is used to refer to any placement in San Francisco or the Bay Area. Distant placements can either be throughout the rest of California or in other states. The most distant regularly used placements are juvenile justice youth who are placed in group homes in Pennsylvania that specialize in serving this population. Other out of state facilities that are frequently used are located in Colorado, Utah, Wyoming, Arizona and Nevada.

⁵ To distinguish the two highest-level types of group homes (RCL level 12 and 14) from the others, they are referred to as residential treatment programs. This reflects their emphasis on serving children and youth who have serious emotional and behavioral challenges.

Before distant placements are considered, most children and youth will have been in the child welfare, juvenile justice or mental health systems for several years. It is the policy of the three departments to try all local options whenever possible before a distant placement for residential treatment is considered.⁶ This policy has resulted in a dramatic decline in the use of group home and residential treatment placements that will be described in the next section of this report. However, this also means that most of the children and youth who are now in distant placements have very complex needs and will have already received a variety of in-home services and been in a series of local kinship, foster care and group home options prior to placement away from the San Francisco area.

The following three stories are offered to illustrate the range of situations experienced by the children and youth that this transition plan is designed to serve. In order to protect confidentiality, each story reflects a composite of several child and family situations, but all of the elements in the stories are found regularly among the children and youth who are currently placed in distant facilities. These are the children and youth who are currently still being placed distantly, despite the many improvements that have been made in San Francisco's system of care. These are the needs that will have to be addressed through continued advancement in the depth, variety and consistency of San Francisco's local services.

Brin

Brin is 12 years old and was recently placed in a residential treatment center outside of the Bay Area. He was first removed from his mother's home when he was 4 years old. That placement came after child protective services (CPS) had received and responded to several prior reports that Brin was at risk because of his mother's battles with substance abuse. Prior to removal several services that are often effective with other families with similar situations were attempted, including parent support and effectiveness training, linking his mother with both outpatient and inpatient substance abuse treatment, and connecting his mother with the Family Resource Center in their neighborhood. However, ultimately CPS determined that he was unsafe in his mother's care and placed him out of the home.

In the six years following that first placement, Brin lived in 8 different placements, including 3 relative placements, two foster homes, two local group homes and twice returned to his mother's care after she had made significant progress in her recovery from substance abuse. Standing in the way of maintaining any stable placement were Brin's persistent challenging behaviors. Although very bright, Brin could quickly become angry and aggressive. He was also extremely talented at pushing all of the buttons of both his peers and his adult caregivers. His mother, his relatives, his foster parents and the group home staff were able to put up with his tantrums, biting, kicking and property

⁶ The exception to this rule are circumstances in which a child or youth is placed in a more distant facility because it is close to a family member who has agreed to become the child's primary caregiver following the course of treatment in that program. Two of the four children currently placed out of state by the child welfare department fall into this category.

damage for a while, but then when nothing seemed to work, they had to ask HSA to find somewhere else for him to live.

His last placement prior to the current one was in a high level San Francisco group home where he was able to stay for almost 5 months, but then he was in a fight with another resident and his nose was broken. HSA was required to remove him from that placement and no other local agency would accept him. The only recourse was an agency with a residential treatment program designed to manage aggressive behaviors by children with extreme attachment disorders. He has been in that program for about 3 months at this point and appears to be making slow progress. The transition plan for bringing him home involves transporting his mother to the program on a monthly basis for intensive therapy with him, and developing a highly supported kinship care arrangement that will involve the participation of several of his relatives along with extensive aftercare support through wraparound.

Capi

Capi is 13 years old and is now placed in an out of state residential treatment center. She was removed from her family home when she was 8 years old after it was discovered that her father and an uncle had repeatedly victimized her. Following removal, she was initially placed in an intensive treatment foster home and began receiving ongoing individual therapy to address the impact of the sexual abuse and the separation from her mother and the rest of her family. Despite the therapy and the other social, behavioral and emotional supports that were offered, by age 10 Capi was regularly cutting herself and running away, and by age 11 she was becoming sexually active with older men she would meet while on the run. She has been hospitalized twice after suicide attempts.

Following her most recent hospitalization she was placed in a local residential treatment center, but after a month refused to agree to remain there. HSA then attempted to reunify her with her mother, who had left her father and was living alone. Extensive support for the reunification was provided through the SB 163 wraparound program. This placement lasted for four months, but ended when it was discovered that Capi's mother had secretly allowed another man with a known history of sexual misconduct with minors to move in with them. Capi refused to go back to the local facility and was placed in an East Bay residential treatment program but quickly ran away from there and was on the street for several months before she was arrested for prostitution and placed in juvenile hall.

At that point it was determined that the only remaining option was placement at the out of state program, which specialized in the long term care and treatment of sexually exploited girls and young women. The transition plan for returning her to the San Francisco area is on hold because the therapist in the out of state program is concerned that the triggers in the local environment would increase the likelihood that she would return to a life on the streets. The long-term plan is to find a halfway house that serves as a community reintegration program for young women who have been sexually exploited and have repetitive self-harm behaviors.

Elon

Elon is 15 years old and is currently placed in a Pennsylvania residential treatment facility that specializes in helping youth with a history of serious and habitual delinquent behavior. He first came to the attention of the system when he was 5 years old. A court found that he had been physically and emotionally abused by his mother, who whipped him with an extension cord leaving scars across the backs of his legs, and by his father, who put out cigarettes on the sides of his arms, among other abusive acts.

For several years he circulated through placements with relatives, usually never staying long enough in any one place to complete a full year at the same school. He was also placed in a four different foster homes over the years, but was sent back to HSA from each one for refusal to obey house rules and for stealing from the foster parents.

When he was 12 Elon was placed in a group home in the Bay Area where he was able to complete a full year of education in the on-grounds school. At that point he returned to live with an uncle and aunt for about a year and a half, until the uncle was arrested on drug charges and sent to prison.

From the time he was about 10, Elon began being stopped and occasionally arrested by the police for a variety of offenses including trespassing, shoplifting, theft and assault. At the disposition hearing resulting in the order for placement in Pennsylvania, Elon had at least 30 police contacts on his record. The last offense before that placement involved using a knife to hold up a young woman coming out of a store, taking her purse and purchases and threatening to kill her if she said anything to the police. In ordering the placement out of state, the judge noted on the record that not only his uncle and father but also several other family members had criminal records and had involved or attempted to involve Elon in criminal activities with them.

The Pennsylvania facility was chosen because it offered a wide range of vocational opportunities, tight structure, comprehensive therapeutic services, had a good record of rehabilitation and because it would keep Elon far from the gang and criminal structures he was beginning to fall into. The judge said that it was his last stop before the Youth Authority. The transition plan for Elon will be to find a Bay Area residential treatment program that can provide a continuation of the vocational training program from Pennsylvania and that can also provide extended post-placement aftercare supervision.

Learning from the stories

The Task Force gleaned a number of lessons from its consideration of the stories of the children and youth in distant placements, from assessing what is working and what isn't in the current system, and from a review of the literature. Several of these lessons are summarized below:

Rarely the first option. Residential treatment placements, and especially distant placements, are rarely if ever a first, or even a second option. Children and youth currently in group home and residential placements at all levels have had an average of 5.7 prior

placements.⁷ This statistic includes both local and distant placements. Many children and youth in distant programs have had 10 or more out of home placements.

Fewer placements overall, but bigger needs for those who are placed. What these stories don't show is that for every Brin, Capi and Elon who is now in a distant placement, there are many other children and youth living at home or in kinship arrangements who are doing well. San Francisco's child welfare, juvenile justice and behavioral health systems have individually and collectively implemented numerous programs that successfully provide local, community-based alternatives to group home placement for many children and youth with high levels of emotional and behavioral needs. However, when children or youth are placed now, they present intense and complex needs for which there are no easy answers.

The population in placement is both shrinking and aging. In the last 10 years, San Francisco's use of group home placements has been reduced by about 40%. This has resulted in a gradual aging of the group home population, as fewer younger children come into placement, and those youth already in placement reach the age of emancipation. Overall, the median age of children and youth in group home placement has risen from 10.8 in 2000 to 13.2 in 2008.⁸ However, the impact of the current array of community-based options is beginning to level out. While most new situations can be dealt with effectively, some remain that go beyond the current capabilities of those resources. Fewer children and youth are going into group home placements, but the ones who are being placed have exceptional needs.

Local group home services are declining and adapting. Group home capacity in San Francisco has diminished significantly since 2005. According to the data maintained by the state office that licenses group home facilities, in 2005 there were 25 San Francisco group homes with a licensed capacity of 260 beds. In June of 2009 that same database shows 14 group homes with a total capacity of 148 beds. In addition, San Francisco has one Community Treatment Facility that provides secure psychiatric residential care with a licensed capacity of 22 beds.⁹ The impending 10% reduction in FFA and group home rates being imposed by the legislature will also affect the ongoing availability of out-of-home placements.

The residential treatment providers who remain open in San Francisco report that they know that their world is changing and that to be effective in meeting the needs of the children and youth who are now being referred for care their facilities and programs will need to operate with greater therapeutic intensity, incorporate more family involvement,

⁷ Appendix A provides a complete report on the best available data on group home placements by Juvenile Probation and HSA.

⁸ Because many of the youth in both local and distant residential treatment placements are over the age of 16, their successful return to the community will require an increase in the availability of therapeutic transition age programs, since many of them will be living independently.

⁹ The actual number of available beds at any given time has always been less than the licensed number. For a variety of reasons, many of the larger providers do not operate at their full licensed capacity.

provide more evidence-based treatments, use shorter placements that are connected with extended follow-up and aftercare support, and offer comprehensive care coordination with the other services and interventions that are a part of the lives of these children, youth and families. The challenge for them is to find the resources to accomplish these major programmatic changes at the same time as the funding for their operations are being cut, greater regulatory barriers are being put in place, and options for locating new programs in local neighborhoods are disappearing.

The bigger the needs, the bigger the differences. The stories of Brin, Capi and Elon also show how different both the history and the needs of children and youth who reach the highest levels of care can be. While all three have difficult behaviors that are more than what can be safely and reliably managed at home and in the community with our current array of services, the driving forces behind those behaviors are very different, as are their nature and impact. Brin's behaviors are chaotic, as likely to cause hurt to himself as to others and in large part communicate his lack of connection with any adult or parental figure and his inability to see himself as being safe in any place or relationship. Capi's behaviors are explicitly self-destructive and reflect the horrible damage that repeated sexual abuse has done to her. Elon has adopted a serious and habitual pattern of aggressive delinquent behavior that can only be redirected through participation in an extended program that shapes, teaches and reinforces pro-social behaviors and skills.

Each system has its own goals and perspective. The child welfare, juvenile probation and mental health systems have different mandates, roles and responsibilities. These distinctions are reflected in the way that each system uses group home and residential treatment center placements to address the needs of the children, youth and families it is serving. For example, in Elon's story, juvenile probation has to balance its three-fold duties of protecting public safety, insuring accountability for misdeeds, and helping youth become more competent and trustworthy members of their communities. In Brin's story, the child welfare department is obligated to find a pathway to permanency for him, despite the multiple barriers his behaviors present. Capi is an example of a child with profound emotional and behavioral needs that challenge the resources of the mental health system, but she is also a youth whose experiences and behaviors place her within the purview of the child welfare and juvenile justice systems as well.

Racial bias has to be addressed. Although cultural and racial identifiers are removed from the stories presented above, the statistics on which those stories are based demonstrate that San Francisco continues to show significant minority over-representation in the use of group home and residential treatment center placement, and particularly in the placement of African-American children and youth. Although the number of African-American children and youth entering any type of foster care each year has declined by 75% from a high of 596 in 1988 to 138 in 2007, that rate is still too high, and the collateral impact of the previously higher rate is that the majority of children and youth in group homes and residential treatment centers are African-American.

Because of this situation, the three departments are redoubling their efforts to improve cultural competency in assessment, referral, response and resources. For this transition plan to be effective, the new local resources that are developed must understand, reflect

and build on the cultural strengths of the African American communities in San Francisco, while at the same time responding realistically, effectively and appropriately to the needs of the children, youth and families in those communities. The services have to be local, reliable and, to the greatest extent possible, delivered by people who are grounded in the culture and language of the neighborhoods they are serving.

Educational needs are a critical factor. Solutions for bringing children and youth in distant placements back home must address their educational as well as their emotional, behavioral and family relationship challenges. The majority of children and youth in high level placements qualify for special educational services and many require very complex individual educational plans in order to address a combination of needs including learning disabilities, developmental delays, and psychiatric issues that impact learning, as well as sensory, physical and medical issues that have to be addressed in order for them to make reasonable educational progress.

Most of the high-level residential treatment centers have on-grounds Non-Public Schools (NPS). A key element for reintegration of youth in distant group homes is helping them step down to programs in their local school district. This requires good communication and coordination and also intensive work helping the student acquire the skills and understanding needed to function effectively in a less restrictive educational environment.

Educational issues are also a key factor when using local placement options. The goal is to find ways of helping a child or youth stay connected with their original school, unless there are other factors favoring the development of a new long-term educational relationship. But in San Francisco and the Bay Area the mileage between where a child or youth is placed and where her or his school and home are located are not the only factors to take into account. Transportation logistics may trump a simple measurement of distance. For example, a place that is a little farther from home might still be the best option if BART can be used to get back and forth, or if there is a relative who travels in the needed directions each day and is willing to give the child or youth a ride.

We need to apply best practices. Current research gives us a better idea of what works and what doesn't. Better outcomes are associated with intensive family involvement, short lengths of stay in residential treatment, providing intensive, best-practice therapeutic interventions, insuring continuity of care as children and youth change placements, and providing ongoing aftercare following the return to family and community.¹⁰ Alternatives to long-term placement in congregative care settings like group homes and residential treatment centers, such as Intensive Treatment Foster Care, Wraparound, and the various types of research-based intensive in-home treatment programs like Multi-Systemic

¹⁰ A summary of the research findings identifying the aspects of residential treatment services that are most frequently associated with positive outcomes can be found in Hair, H. J. (2005) Outcomes for Children and Adolescents After Residential Treatment: A Review of Research from 1993 to 2003. *Journal of Child and Family Studies*, Vol. 14, No. 4, pp. 551-575.

Therapy and Functional Family Therapy are producing better outcomes more frequently.¹¹

The challenge to bringing about more change in our systems of care to reflect the research findings is not only that there are not enough of the community-based alternatives, but also that many of the elements in the system, such as the courts, the advocates, the schools, the placing agencies and the providers are tied together in an network that is dependent on high level group homes as a final fall back for taking care of children and youth when nothing else works or is available. Bringing about the changes proposed in this report requires getting all of the players in the system comfortable with using the new approaches and confident in the ability of the practitioners who are applying these approaches to keep children and youth and their families and communities safe, to reconnect children and youth with their families and help them achieve and maintain permanency, and make measurable and sustainable improvement in the well-being of the parent and child.

One size doesn't fit all. All of the above lessons drive home the point that San Francisco's community and residential treatment services cannot be one-size-fits-all. For good matches between needs and services to occur, the three public agencies must have the ability and capacity to accurately assess the nature and severity of the needs presented by each child or youth and their families and the type of help each provider agency is best at delivering to meet those needs.

What do we know about the trends in utilization of local and distant group homes?

While the total number of San Francisco children and youth in group home placements continues to decline, the percentage of those remaining in care who are placed out of state is slowly increasing, with most of that increase consisting of juvenile probation placements. Also within the overall decline in placements, the use of more distant in-state facilities has remained stable, although there has been a shift with more of the distant in-state placements being made by the child welfare department and fewer by probation (reflecting the increased use of out of state options).

A complete chart of the changes in group home placements from 2008 to 2009 is included in Chart One of Appendix A, but the basic facts are as follows:

¹¹ The report of the U.S. Surgeon General on mental health found that there was limited evidence to support the effectiveness of residential treatment. U.S. Public Health Service (2000). *Panel 3: State of the Evidence on Treatments, Services, Systems of Care, and Financing*. Summary proceedings from the Report of the Surgeon General's Conference on Children's Mental Health: A National Action Agenda. Washington, DC: Department of Health and Human Services. Retrieved on September 28, 2009 from <http://www.surgeongeneral.gov/library/mentalhealth/chapter3/sec7.html>. A review of services with better documented outcomes can be found in Burns, B. J., Hoagwood, K., & Mrazek, P. J. (1999). Effective treatment for mental disorders in children and adolescents. *Clinical Child and Family Review*, 2, 199-254.

- The total number of children and youth placed in group homes and residential treatment by HSA and Juvenile Probation dropped from 242 in June of 2008 to 224 in June of 2009.¹² This is a decline of about 8% in one year.
- Juvenile Probation had the same number of children and youth placed in group homes and residential treatment in June of 2008 as in June of 2009 (90 placements).
- HSA had 152 children and youth placed in group homes in June of 2008, and 134 in June of 2009. This is about a 12% reduction.
- The total number children and youth who were placed in San Francisco group homes and residential treatment programs dropped from 88 in June of 2008 to 66 in 2009. This is a decline of about 25%.
- The number of children in out of state placements rose from 14 in 2008 to 25 in 2009, an increase of about 78%, although the base against which this percentage gain has occurred is small, meaning that a relatively small increase in the actual number of children and youth placed can produce a high percentage change.
- Juvenile Probation had 11 youth placed in out of state group homes in June 2008 and 21 at the same time in 2009. HSA had 3 out of state placements in 2008 and 4 in 2009.
- The total number of children and youth placed in California group homes located outside of the Bay Area¹³ was 63 in June of 2008 and 64 in June of 2009. However, the number of Juvenile Probation placements in distant California group homes declined from 39 to 25, and the number of HSA placements rose from 24 to 39.
- Total placements in the Bay Area counties other than San Francisco declined from 77 to 69, however within that total, placements by Juvenile Probation rose from 14 to 27, and placements by HSA in the Bay Area counties declined from 63 to 42.

Interviews with probation staff indicated that two factors primarily contribute to that department's growing reliance on out of state placements. First, certain placements in out of state programs cost less than California placements while offering good vocational and therapeutic programs¹⁴. Second, as was the case with Elon in the story related above, a

¹² Only HSA and Probation placements are tracked on the CWS/CMS system, from which this data is drawn. Placements made through Children's Mental Health are difficult to track for comparisons such as these. However, CMH usually has fewer than 10 children in group home placement, most of whom are placed in San Francisco or the Bay Area.

¹³ For the purposes of this report, Bay Area counties include: Alameda, Contra Costa, Marin, San Mateo, Santa Clara, Sonoma, Solano and Sacramento.

¹⁴ Most notably, the current monthly rate for Glenn Mills in Pennsylvania, where the largest single group of probation placements occurs, is \$4,168 per month (not including transportation costs), compared with the

distant placement can help to break the connections between a youth and his or her criminogenic social network. Most of the youth who are placed out of state are older, are not likely to reunify with family, and are adjudicated for serious crimes such as stabbings, shootings, violent assaults and robberies where great bodily harm has been inflicted. These are youth who traditionally (and still are in other counties) being sent to the California Youth Authority.

Interviews with HSA staff indicate that for a small number children and youth with complex needs like Brin and Capi, a point is reached where no remaining in-state community- or residentially-based treatment program, whether local or distant, provides an effective match with the child and family's needs. Often these children and youth progress from one treatment option to another, in search of one that will work. At a certain point, when there is no local or nearby resource that can address the complexity and acuity of need that a child or youth in this situation presents, the department may have to look to an out of state program that focuses on a specific area of need, such as sexually exploited females, or children with severe attachment orders, and these will be selected when nothing closer has been effective.

Reflecting on what has been learned by analyzing the trends in utilization and looking at the needs of the children and youth currently in placement leads to the conclusion that a major commitment of resources and energy will be required for San Francisco to serve more of its children and youth with high level needs in their home communities. The principles the Task Force believes should guide this effort are listed in the next section. The actions necessary to put these principles into action are described in the section that follows.

Guiding Principles

The Task Force has adopted the following principles to guide the implementation of this transition plan:

- All children and youth deserve a home, a family, a community, and a voice in their care – we cannot give up until each child and youth achieves permanency, stability and well-being.
- Families and kin in the broadest sense are the backbone of every child and youth's life, and family voice must be the foundation upon which our interventions are constructed.

current RCL 12 rate of \$5,891 and the RCL 14 rate of \$6,694. Most other out of state probation placements are at about the RCL 14 rate. It is important to remember, however, that out of state placement rates are not regulated and counties have to pay whatever the facilities charge, and that transportation costs are on top of the placement rates.

- Residential treatment, when used, must be a short-term intervention that helps children, youth and families on their road to permanency, safety and well-being.
- Insuring continuity and consistency in caring relationships and in the places in which care is provided is critical.
- Accountability for achieving progress and effective outcomes should become a key element of further system development.
- One family – One system: Public agencies must develop a single, integrated, flexible and transparent system focused on insuring continuity and resolution to cross-system barriers.

What actions can be taken to reduce or eliminate the need for distant group home placements?

As noted in the introduction, the Task Force has boiled the strategies for continuing improvement in services and outcomes for the children and youth who are now placed and being placed in high-level group homes and residential treatment centers into 4 objectives:

- Improving coordination of placement decision making
- Providing continuity of care from prevention through aftercare
- Increasing the quality, capacity and effectiveness of community-based services
- Increasing the quality, capacity and effectiveness of residentially-based service

In the section that follows, this report will discuss each of the objectives, and then propose a series of activities that would help San Francisco achieve this objective. Some of these activities can be carried out without a great deal of additional investment in the system of care. Others, particularly those that would be needed to provide effective community-based care for the children, youth and families who present the greatest level of risk, cannot be implemented without significant increases in the current levels of funding.

First objective: To improve the collective service matching and management capacity of San Francisco's three child-placing departments.

Discussion: When three different placing agencies all use the same resources, the challenge of achieving a good fit between the needs of a particular child or youth and family and the range of effectiveness of a particular resource becomes critical. Doing so requires more than good communication among the three agencies (which was addressed in the Task Force's first deliverable) it also requires a cross-agency assessment, data collection and outcome evaluation system that tracks openings, placements, and progress in real time.

The goal of the Task Force is to create a system of care that gets the right help to the right children, youth and families, at the right time. Only when the people making placement

choices have both good information about the nature of the needs of the children and families who are being considered for care and also accurate readouts of the current array of available service options with indicators of which options are showing the best results in addressing the particular type of needs that a given child, youth or family are presenting, can placement decisions move beyond intuition and hope to become well-targeted interventions. To that end the three departments will be implementing a new interagency coordination system at the end of October that will implement many of the actions listed below.

Besides good data and good data analysis, effective service matching and evaluation also requires active involvement by the children, youth and families who the systems are supposed to be helping. Good information systems are necessary but not sufficient. They must work in partnership with consumer voice, perspective and decision-making.

Therefore Task Force is recommending the following *actions* to accomplish this objective:

1. To continue to use the Child and Adolescent Needs and Strengths (CANS), a validated and objective screening instrument to identify both the level and the nature of needs that of each child, youth and family who is being considered for possible placement in a residential treatment program.¹⁵
2. To adopt a common information management system for tracking utilization of residential treatment by the three placing agencies, and to regularly collect, analyze and build upon what this system reveals about what works, what doesn't work and how things can be done more effectively.
3. To establish and maintain a consistent process for placement decision-making that takes into account the roles and responsibilities of the courts and legal advocates, the placing agencies, and the children, youth and families involved. (This action is scheduled for implementation on October 28th: an interdepartmental Multi-Agency Services Team (MAST) will look at every current and proposed residential placement to make sure that it is the best possible option for helping that child or youth and their family move toward the achievement and maintenance of positive outcomes. A detailed description of the new MAST Care Review Process will be included in Part One of the Task Force's third and final report.)
4. To provide for active and informed youth and family voice and participation at each level of system operation. This includes supporting meaningful involvement in the family meetings that should precede any

¹⁵ The use of the CANS as a screening and planning tool reflects a partnership between the departments of mental health and child welfare, with mental health staff administering the instrument onsite in the child welfare programs and providing additional assessment and consultative services to improve the agencies' understanding of child and family needs, and their ability to match the right services from both their departments with those needs.

referral for placement in a residential treatment program. This is a practice that is being implemented across all of the systems.

Second objective: To establish an overarching continuum of prevention and aftercare services for children, youth and families with complex needs.

Discussion: Many, if not all of the children and youth who are in distant group home placements and their families display one factor in common despite the many differences between their various challenges and circumstances – repeated discontinuity in their service and treatment relationships. San Francisco children and youth now in group homes have had more than 5 placements prior to the one that they are in now, and some youth experience dozens of placements prior to emancipating from care. Not only are their family and personal relationships severely disrupted, so too are their professional and service relationships. They accumulate one diagnosis after another as they move from placement to placement, they learn never to bond with any caregiver because that person will soon be gone from their lives, and they find themselves engaged in different plans of care every time they turn around.

In order to interrupt this harmful and non-productive movement from place to place and provider to provider, every child, youth and family with high-level needs must have their care anchored in a single point of service coordination that stays with them through the various stages of change that are an inevitable aspect of the recovery process. By providing an overarching continuum of care within which decisions are made about how to address various needs and challenges as they occur, the opportunity to improve the fit between need and response will improve, with the ultimate goal being to arrange for the right help the first time. That way children, youth and families will not have to fail their way to the assistance they need, and we can reduce or eliminate the cascade of successive interrupted placements that has been the life story of far too many children and youth.

Currently some children or youth and their families can receive overarching community care through wraparound, but this support becomes discontinuous when the child or youth enters an extended or distant group home placement. The point of this objective is to insure continuity of care for all children and youth and their families across any changes in service location.

To this end, the Task Force recommends the following *actions*:

1. To insure that children, youth and families who present with highly complex needs as measured by the screening instrument suggested above are supported with a consistently facilitated and ongoing child and family team that helps to design, target and implement outcome-oriented plans of care, including any use of residential treatment, and that stays in place over time as the child, youth and family proceeds through the process of recovery from the circumstances that brought them into contact with one or more of the three service systems. The child and family team will be the anchor

throughout all changes in care type and location throughout the duration of system involvement.

2. To create a network of service options supported by a flexible funding system that will allow child and family teams to quickly and efficiently access a full range of prevention, intervention and aftercare services well targeted to the needs and situation of children, youth and families even as those needs and situations change with time.
3. To build a bridge with San Francisco's educational systems through the use of these enduring child and families teams so that continuity in service planning and delivery is combined with continuity in the child or youth's educational career.
4. To insure that aftercare support is available for every child or youth and their family or other primary community caregiver for at least 6 months during the transition back to the community following a residential treatment placement.
5. To advocate at the state and federal level for a reversal of policies and funding models that discourage permanency and act as barriers to continuity of care.¹⁶

Third objective: To increase the quality, capacity and diversity of San Francisco's community-based alternatives to residential placement

Discussion: The next phase of improvement in community-based alternatives to long term care in residential facilities, whether distant or close by, will build on the successes that our current system of alternatives is having, and address the weaknesses that have been exposed in the array that we already have in place.

On the success side, the use of kinship care, wraparound, therapeutic behavioral services, intensive in-home services, mobile crisis services, day treatment, and intensive treatment foster care has led to a dramatic decline in the use of group home placements.

On the weaknesses side, these resources are not as available as they should be, nor are they being implemented with the level of consistency, focus and effectiveness that will be needed to meet the needs of the remaining children and youth who are still being referred for residential treatment despite the availability of the above listed community resources.

¹⁶ For example, current requirements under the Federal Title IV-E program (which pays for the board, care and supervision components of out of home placement) incentivize continued placement, since federal support is only available to keep children in placement, not to help them reunite with their families and communities.

Increasing and improving the availability of these resources will require additional investment. However, the return on the investments already made in terms of improved outcomes, reductions in the number of children and youth placed out of their homes and communities, and shortened lengths of stay for those who do require some time in residential care demonstrates the value that these resources can contribute.

Therefore the Task Force recommends the following *actions* to shore up the community-based components of our systems of care and to continue to reduce the need for group home placements:

1. To increase the availability of the evidence-based, intensive, in-home services that have been shown to reduce the need for group home placement, including Therapeutic Behavioral Services, Multi-Systemic Therapy and Functional Family Therapy.
2. To use wraparound more effectively by developing more providers and by implementing a systematic program that effectively trains the staff of those providers in all elements of wraparound, including child and family team facilitation, child, youth and family support services, clinical assessment and intervention, accessing and utilizing additional formal and informal services and supports, and improving their ability to work effectively with children, youth and families who have specialized high-end needs in the child welfare, juvenile probation and mental health systems.
3. To develop a centralized and effective cross-system emergency stabilization service that combines mobile crisis response teams and short-term crisis and behavioral stabilization units that can prevent the need to place children and youth outside their homes, or forestall the collapse of existing placements.
4. To increase the capacity and effectiveness of the kinship care options available for San Francisco children and youth and their families, including recruitment, engagement, training and support for kinship providers so that relatives have the resources to maintain children and youth with significant behavioral and emotional needs in their homes positively and successfully.
5. To develop more treatment foster homes in San Francisco.¹⁷

¹⁷ There are two types of treatment foster homes. Intensive Treatment Foster Homes (ITFC) use specially trained and reimbursed foster parents who are supported by case managers from the Foster Family Agencies (FFAs) who license these homes. Multi-Dimensional Treatment Foster Care Homes, are a special type of ITFC that apply an evidence-based practice model in the treatment of the children and youth in these homes, as well as the support provided to their families, that has been shown to produce good outcomes with children and families in challenging situations. Developing any type of new foster homes in San Francisco is difficult because of the city and county's changing demographics, but the child welfare department is working in partnership with the school district and local FFAs to increase recruitment, enlistment, training and support for new foster families

Fourth objective: To increase the quality, capacity and diversity of local residential treatment options.

Discussion: The Task Force does not envision ending the use of group homes, but does believe that the nature of residential treatment is changing. Recent research has shown that targeting specific outcomes with the residential intervention, insuring active family involvement from the beginning of the intervention, using evidence-based therapeutic interventions, providing parallel services to the family during the residential intervention to help them prepare for reunification, keeping the lengths of stay as short as possible, and providing an extended period of aftercare services following the end of the intervention greatly increases effectiveness and impact.

This type of highly focused and structured residential intervention will be required to address the needs of children, youth and families whose immediate life challenges cannot be safely and reliably addressed through even the enhanced community-based options proposed in the first three objectives. Providers will need help redesigning their programs, retraining their staff, and realigning their efforts to reflect best practice elements. San Francisco's three placing agencies, the courts, the schools and the advocacy systems will also need help restructuring the current service approaches to shift from using group home placement as the default option when nothing seems to work, to proactively targeting referrals to residential treatment providers in order to help children, youth and families address specific needs and accomplish specific outcomes.

Therefore the Task Force recommends four specific *actions* to create a network of local residential treatment services that will reduce the need to place children and youth far from their communities and achieve better results with shortened lengths of stay:

1. Redesign the Log Cabin program for Juvenile Probation youth to provide a wider range of resources and supports such as those that can now only be obtained from out of state programs, so that the public can be protected, youth can be held accountable for their actions, and youth and families can gain the competencies they need to function effectively and pro-socially. These resources should include not only empirically supported therapeutic and behavioral services but also practical educational and vocational training programs. This effort is in progress and has begun showing positive outcomes with the first graduates.
2. Provide additional support so that those local residential treatment programs that remain in the San Francisco area can complete their transformation to reflect the service elements required to effectively address the treatment needs of the ever more specialized populations being referred for care. These children and youth often combine severely disrupted family attachments, repeated dangerous behavior toward self and others, successive psychiatric hospitalizations, frequent runaways, multiple prior placements, and large delays in their educational progress. Options are required for meeting the needs of both younger and older children and

youth, as well as children and youth entering through the child welfare, juvenile probation and children's mental health systems. These interventions must be designed to be culturally responsive and competent.

3. To insure the availability of intensive, community-based aftercare services that will maintain and build upon the gains made during placement. These services should include approaches that provide continuity of care strategies and care relationships from the residential placement into the community.
4. To create at least 10 more supportive housing opportunities for transition aged youth (ages 18-24) with serious emotional or developmental disabilities who are likely to emancipate from group and foster home placements while still under court supervision and who will require continuing support as they transition into adult services.
5. To advocate at the state and county level for changes in the regulatory and fiscal environment that will encourage the development of new and better residential treatment options.

Conclusion

To accomplish the mission set for the Task Force by the Board of Supervisors, a comprehensive and coordinated array of local services options must be established and maintained. This array will include enhanced community-based alternatives to group home placement, restructuring of local group homes to provide intensive, short-term residential treatment combined with consistent aftercare services, a cross-agency data management system, and a mechanism for insuring continuity of care throughout the course of system involvement.

San Francisco would not be starting from zero in building this array. In fact most of its elements are already in place. Rather, the Transition Plan required by the Board of Supervisors can be best accomplished by taking what exists now to a higher level of operation.

The Task Force believes that implementing the actions listed in this Transition Plan will produce a stronger and more effective system of care for San Francisco's children, youth and families with the highest needs: one that will build enduring positive connections between these children and youth and their families and communities, and one that will produce the changes that have been mandated by the Board of Supervisors.

In order to begin the transition back to the community for those children and youth who are now in distant placements, the primary resources that will be needed are an effective system of aftercare services that build on the progress made during placement, combined with the ability to actively involve the family members or other primary caregivers with whom the children or youth will be living in the residential treatment program. The remainder of the options and actions listed above will be needed to reverse the increasing reliance on distant placements.

The third deliverable requested by the Board of Supervisors, a permanent plan for coordinating foster care placements by the child welfare, behavioral health and juvenile probation departments has been developed and is being put into action at the end of October. A report describing this plan and how it is being implemented will be submitted to the Board by November. A follow-up report describing the impact that implementing this new model is having on the placement system will be submitted in January.

Appendix A, following, provides charts of the data that were discussed throughout this report.

Appendix A

Trends In Group Home Utilization In San Francisco

Chart One: Changes in Group Home Placements from June 2008 to June of 2009

	GH Caseload June 2009							GH Caseload June 2008					
	HSA.		Probation		Total			HSA.		Probation		Total	
	#	%	#	%	#	%		#	%	#	%	#	%
San Francisco	49	37%	17	19%	66	29%		62	41%	26	29%	88	36%
Alameda	15	11%	4	4%	19	8%		11	7%	1	1%	12	5%
Contra Costa	4	3%	0	0%	4	2%		2	1%		0%	2	1%
Marin	8	6%	0	0%	8	4%		13	9%		0%	13	5%
San Mateo	7	5%	4	4%	11	5%		25	16%	3	3%	28	12%
Santa Clara	4	3%	2	2%	6	3%		3	2%		0%	3	1%
Sonoma	2	1%	0	0%	2	1%		7	5%	1	1%	8	3%
Solano	2	1%	7	8%	9	4%		0	0%	3	3%	3	1%
Sacramento	0	0%	10	11%	10	4%		2	1%	6	7%	8	3%
Non-Bay Area CA counties	39	29%	25	28%	64	29%		24	16%	39	43%	63	26%
Out of state	4	3%	21	23%	25	11%		3	2%	11	12%	14	6%
Total	134		90		224			152		90		242	

This chart contains data extracted from CWS/CMS and compared with data from CAL-WIN, as well as a by-hand analysis of all open files. Readers will note that the numbers in subsequent charts are not always identical. This is because most data that is drawn from CWS/CMS contains variations for a variety of reasons. However, the proportions and trends represented by the data are useful and accurate.

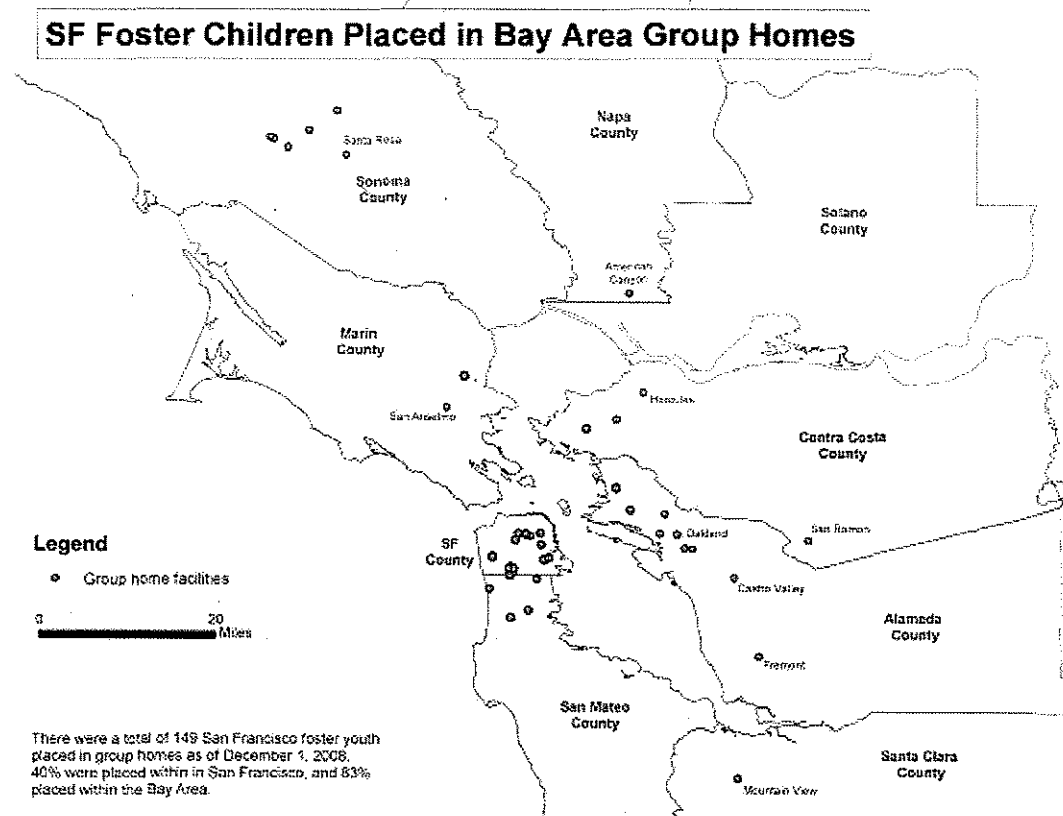
Chart Two: A Point in Time Comparison of the Types of Placements Used by San Francisco Children – December 2008

Placement type	Number of children	Average number of placements
Court Specified Home	30	2.9
Foster Family Agency	276	3.6
Foster Family Home	138	2.0
Group Home	132	5.7
Guardian Home	68	1.3
Relative/NREFM Home	815	2.5
Small Family Home	17	3.7
Total	1476	2.9

Source: CWS/CMS

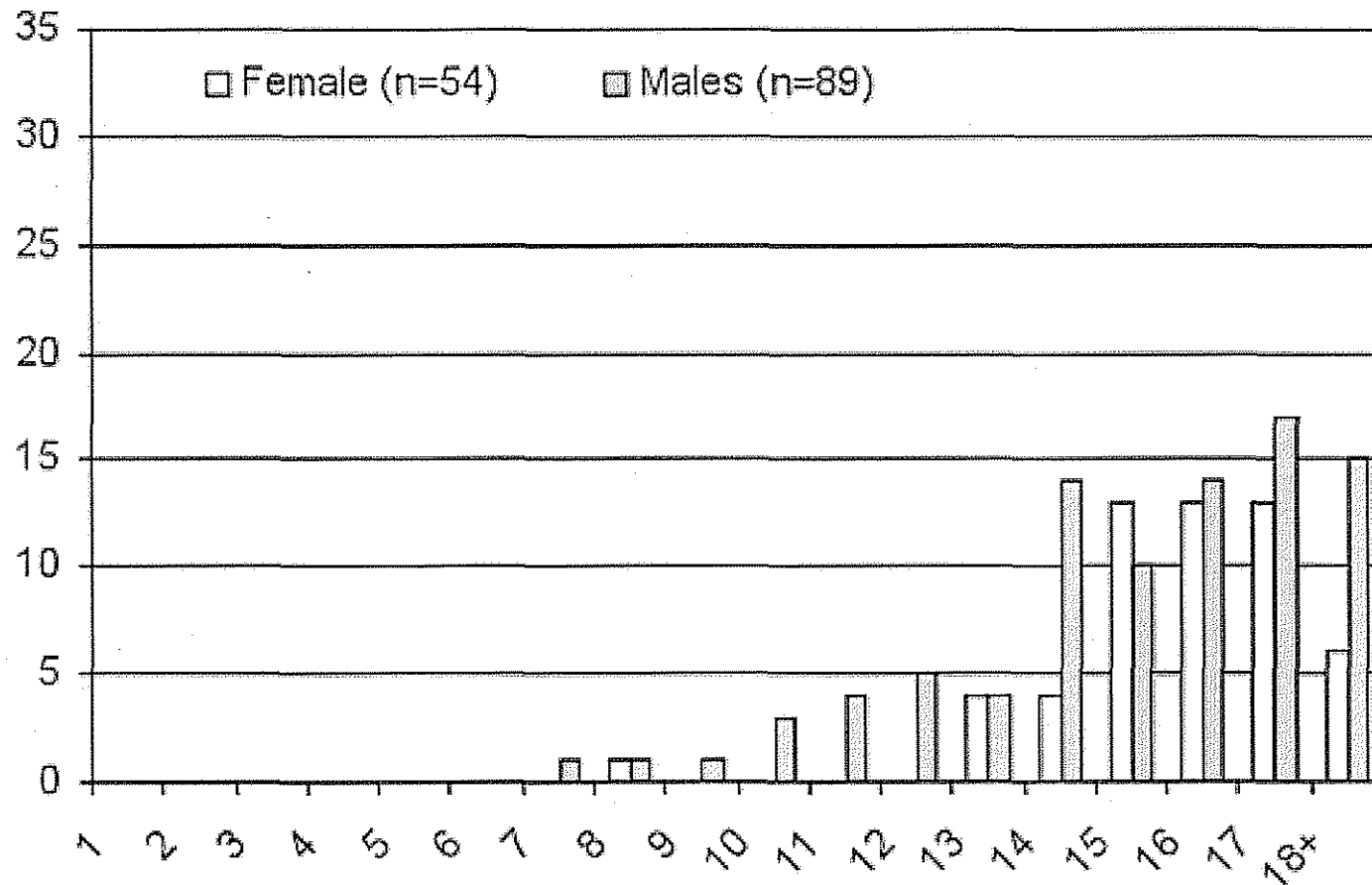
This chart shows that San Francisco now places nearly half of all foster children with relatives or non-relative extended family members and twice as many children and youth with foster family agencies as with group homes. This highlights the importance of increasing the availability and comprehensiveness of kinship care services.

Chart Three: An Example of the Distribution of Bay Area Group Home Placements, December 2008



This chart shows the geographic distribution of group home placements in nearby counties. However, it also illustrates that even placement in the Bay Area will present significant travel challenges in maintaining connections between these children and youth and their families during placement.

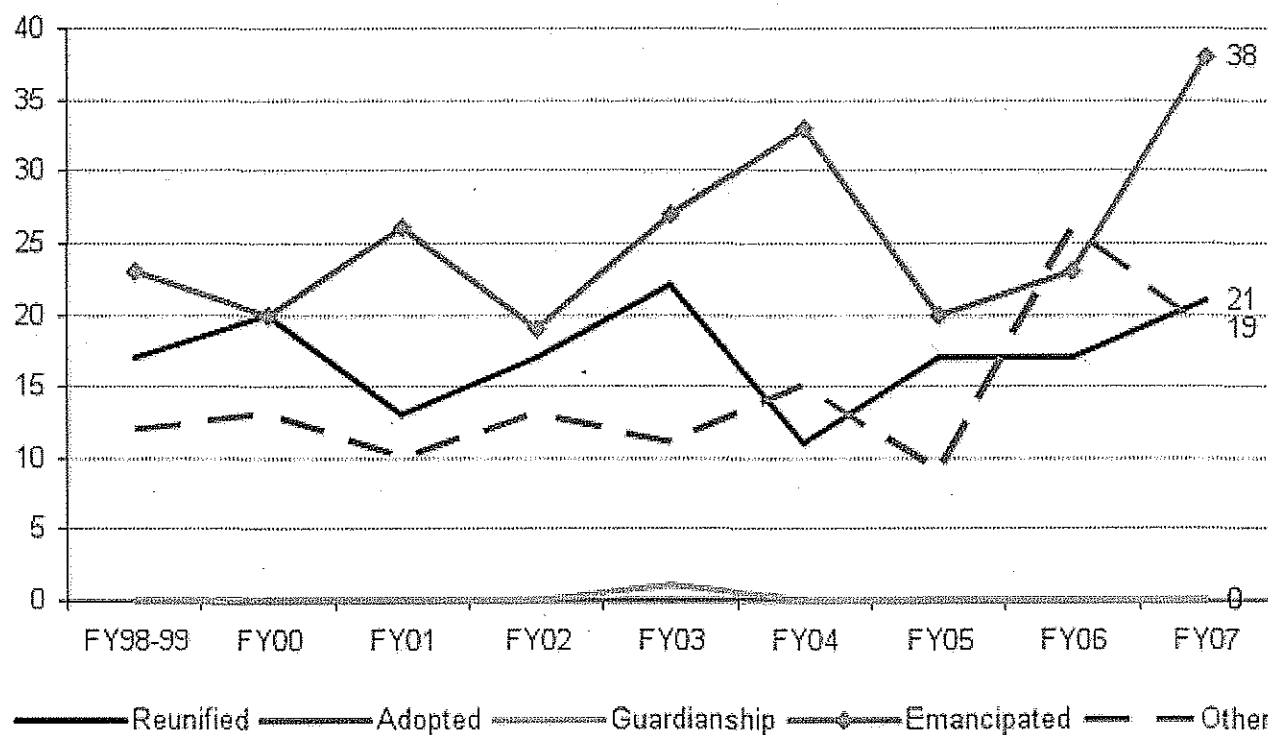
Chart Four: Group Home Placements by Age and Gender, December 2008



Source: CWS/CMS; n=143

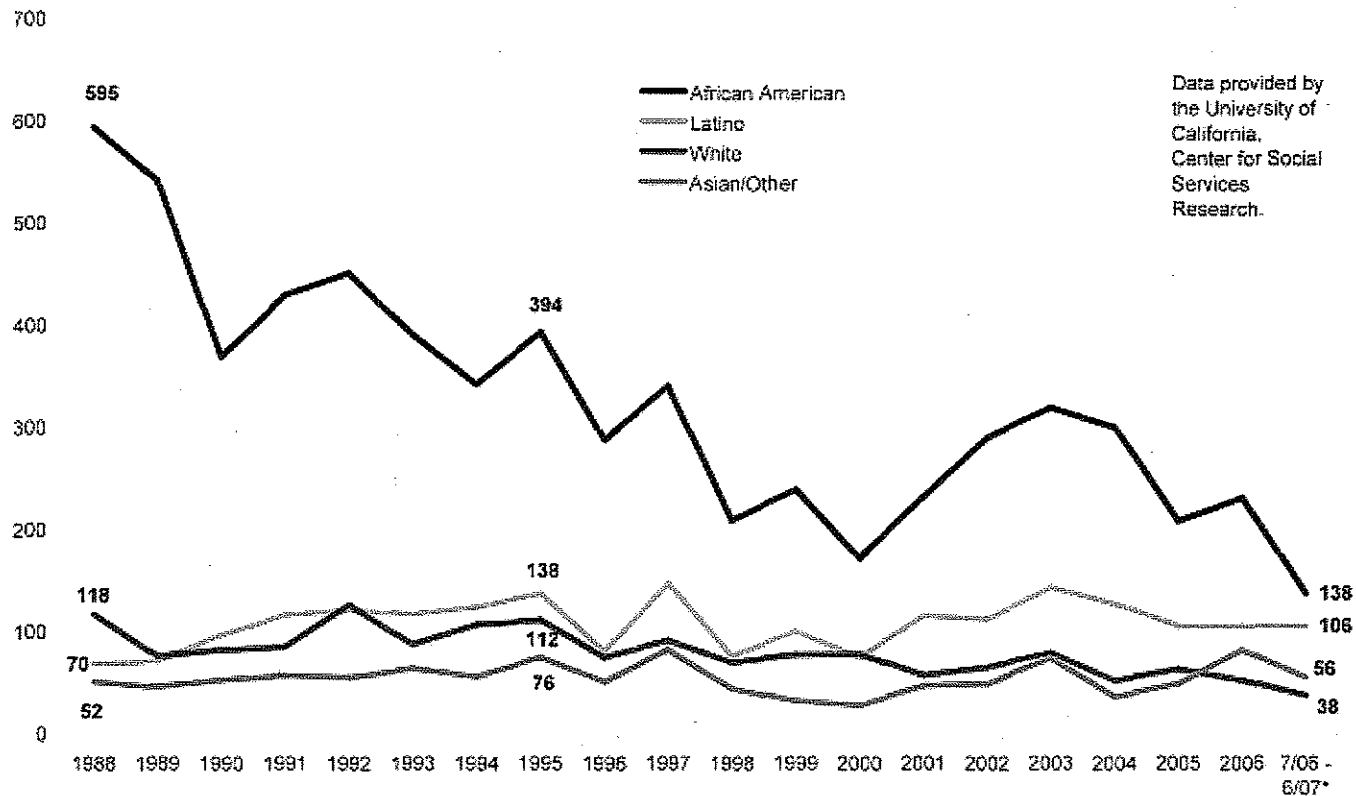
This chart shows that most children and youth in group homes are now well into their teen years. This is a population that is aging out of care and will require an increase in transition age services during the next 3 to 5 years.

Chart Five: Reasons for Exit from Group Home Care, years 1998 - 2007



This chart shows that most children leave group home care by aging out of the system. Half of the remainder exit for “other” reasons that typically include incarceration or running away. About 25% of the exits are through reunification with family.

Chart Six: Entries into Foster Care by Ethnicity

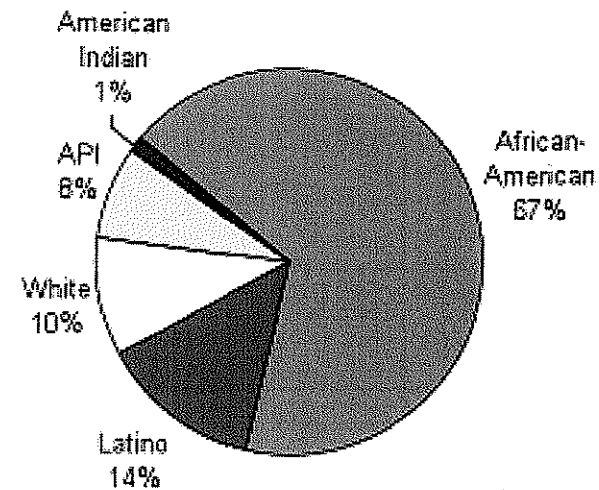


This chart shows that while the rate of placement of all children and youth into any type of foster care has dropped significantly in the last 20 years, the largest single change is the 63% decline in the rate of placement of African American children and youth.

Chart Seven: San Francisco Children in Foster Care Overview

- 1,476 foster children in care
- 52% male
- Predominantly African-American (67%)
- 42% Placed within San Francisco County, ≈ 30% East Bay, 10% San Mateo and Santa Clara
- 470 entries into SF foster care during fiscal year 2006-2007. 593 children exited over the same period.
- By primary language spoken: 93% English, 6% Spanish, 1% other.

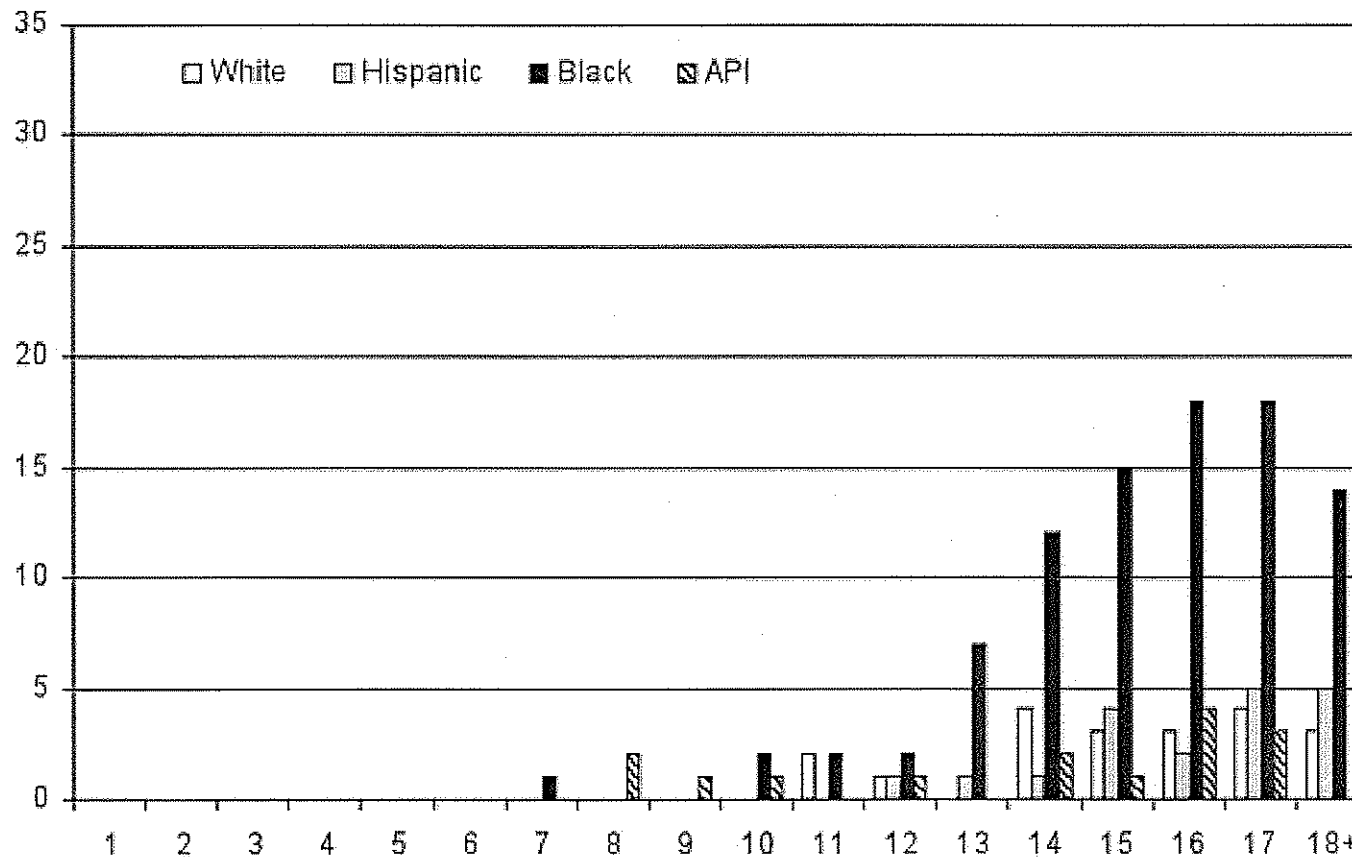
SF Foster Children in Care by Ethnicity



Sources: UC Berkeley, CWS/CMS

This chart shows the distribution and characteristics of children and youth in all forms of foster care as of December 2008. These numbers continue to change over time.

Chart Eight: Minority Overrepresentation in Group Home Placement



Source: CWS/CMS, n=145

This chart illustrates the high percentage of African American youth who remain in group care, but also shows that the majority of these youth are older and that the disproportionality is less severe with younger (and often newer) placements.

Chart Nine: Outcomes from Group Home Placement versus Foster Home Only Placement, December 2008

Foster children and youth with a history of group home placement, versus those without are:

- 11 times more likely to be incarcerated (10.98% v .99%)
- 6 times less likely to be adopted (3.73% v 21.65%)
- Twice as likely to emancipate from care (36.22% v 15.64%)
- 11 times more likely to have run away from placement (2.33% v .21%)

This data shows how challenging the needs of children and youth in group home placement have become and how important it is that the recommendations in the Transition Plan be implemented.

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

5

Date: October 30, 2009
To: Members of the Board of Supervisors
From: Angela Calvillo, Clerk of the Board
Subject: Form 700

RECEIVED
BOARD OF SUPERVISORS
CITY OF SAN FRANCISCO
2009 OCT 30 PM 4:24
BY PN

This is to inform you that the following individual has submitted a Form 700 Statement of Economic Interests to my office.

Jennifer Stuart – Legislative Aide (leaving)

5

6



San Francisco International Airport

orig: Joy
C: COB, C Page

October 21, 2009

P.O. Box 8097

San Francisco, CA 94128

Tel 650.821.5000

Fax 650.821.5005

www.flysfo.com

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

RECEIVED
OCT 25 PM 1:21

AIRPORT
COMMISSION
CITY AND COUNTY
OF SAN FRANCISCO

Subject: Request for Release of Reserve in the amount of \$1,000,000 for Workforce Development

GAVIN NEWSOM

MAYOR

Dear Ms. Calvillo:

LARRY MAZZOLA

PRESIDENT

The Airport is respectfully requesting a release of reserve funds in the amount of \$1,000,000 that had been placed by the Budget and Finance Committee for workforce development.

LINDA S. CRAYTON

VICE PRESIDENT

The Airport is proposing to reallocate the \$1,000,000 in funds to enable the hiring of vacant entry level positions. These positions will offer additional job opportunities in a difficult economy and provide a direct operational benefit for the Airport.

CARYL ITO

ELEANOR JOHNS

RICHARD J. GUGGENHIME

JOHN L. MARTIN

AIRPORT DIRECTOR

The Airport respectfully requests that the Budget and Finance Committee schedule a hearing to consider this request for the release of reserve. If you have any questions or require additional materials, please contact Cindy Nichol, Airport Finance Director, at 650-821-2802.

Very truly yours,

John L. Martin
Airport Director

cc: Greg Wagner, Mayor's Budget Office
Ben Rosenfield, Controller
Monique Zmuda, Deputy Controller
Harvey Rose, Budget Analyst
Leo Fermin, Deputy Airport Director, Business & Finance
Cindy Nichol, Finance Director
Julia Dawson, Budget Manager

6

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6624 Fax: (916) 653-9824
calshpo@ohp.parks.ca.gov

7



October 26, 2009

City and County of San Francisco
Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102-4689

RE: Tobin House Listing on the
National Register of Historic Places

Dear Board of Supervisors:

I am pleased to notify you that on October 5, 2009, the above-named property was placed on the National Register of Historic Places (National Register). As a result of being placed on the National Register, this property has also been listed in the California Register of Historical Resources, pursuant to Section 4851(a)(2) of the Public Resources Code.

Placement on the National Register affords a property the honor of inclusion in the nation's official list of cultural resources worthy of preservation and provides a degree of protection from adverse affects resulting from federally funded or licensed projects. Registration provides a number of incentives for preservation of historic properties, including special building codes to facilitate the restoration of historic structures, and certain tax advantages.

There are no restrictions placed upon a private property owner with regard to normal use, maintenance, or sale of a property listed in the National Register. However, a project that may cause substantial adverse changes in the significance of a registered property may require compliance with local ordinances or the California Environmental Quality Act. In addition, registered properties damaged due to a natural disaster may be subject to the provisions of Section 5028 of the Public Resources Code regarding demolition or significant alterations, if imminent threat to life safety does not exist.

If you have any questions or require further information, please contact the Register Unit at (916) 653-6624.

Sincerely,

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

Enclosure: National Register Notification of Listing

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 OCT 28 AM 10:54
BY

7

October 16, 2009

The Director of the National Park Service is pleased to send you the following announcements and actions on properties for the National Register of Historic Places. For further information contact Edson Beall via voice (202) 354-2255, or E-mail: <Edson_Beall@nps.gov> This and past Weekly Lists are also available here: <http://www.nps.gov/history/nr/nrlist.htm>

Our physical location address is:

National Park Service 2280, 8th floor
National Register of Historic Places
1201 "I" (Eye) Street, NW,
Washington D.C. 20005

WEEKLY LIST OF ACTIONS TAKEN ON PROPERTIES: 10/05/09 THROUGH
10/09/09

KEY: State, County, Property Name, Address/Boundary, City, Vicinity, Reference
Number, NHL, Action, Date, Multiple Name

CALIFORNIA, NEVADA COUNTY,
Commercial Row--Brickelltown Historic District, Roughly the N. side of Donner Pass Rd.
from Bridge St. westwards approx. 1,700 ft., Truckee, 09000803, LISTED, 10/08/09

CALIFORNIA, SAN BERNARDINO COUNTY,
Shady Point,
778 Shelter Cove Dr.,
Lake Arrowhead, 09000804,
LISTED, 10/05/09

CALIFORNIA, SAN FRANCISCO COUNTY,
Roos House,
3500 Jackson St.,
San Francisco, 09000805,
LISTED, 10/08/09

CALIFORNIA, SAN FRANCISCO COUNTY,
Tobin House,
1969 California St.,
San Francisco, 09000806,
LISTED, 10/05/09

CALIFORNIA, TUOLUMNE COUNTY,
Sonora Youth Center,
732 S. Barretta St.,
Sonora, 09000807,
LISTED, 10/08/09

City and County of San Francisco

Office of the Controller – City Services Auditor

To: Angela Calvillo,
Clerk of the Board
From: Office of the Controller
City Services Auditor

C-RAC

8

BOARD OF SUPERVISORS:

Franchise Fee Audit of Pacific Gas & Electric Company

BY

RC

2009 OCT 29 PM 2:16

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO



October 29, 2009

8

**CONTROLLER'S OFFICE
CITY SERVICES AUDITOR**

The City Services Auditor was created within the Controller's Office through an amendment to the City Charter that was approved by voters in November 2003. Under Appendix F to the City Charter, the City Services Auditor has broad authority for:

- Reporting on the level and effectiveness of San Francisco's public services and benchmarking the city to other public agencies and jurisdictions.
- Conducting financial and performance audits of city departments, contractors, and functions to assess efficiency and effectiveness of processes and services.
- Operating a whistleblower hotline and website and investigating reports of waste, fraud, and abuse of city resources.
- Ensuring the financial integrity and improving the overall performance and efficiency of city government.

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

We conduct our audits in accordance with the Government Auditing Standards published by the U.S. Government Accountability Office (GAO). These standards require:

- Independence of audit staff and the audit organization.
- Objectivity of the auditors performing the work.
- Competent staff, including continuing professional education.
- Quality control procedures to provide reasonable assurance of compliance with the auditing standards.

Audit Team: Helen Storrs, Audit Manager
Renato Lim, Associate Auditor



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Ben Rosenfield
Controller

Monique Zmuda
Deputy Controller

October 29, 2009

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

President and Members:

The Controller's Office, City Services Auditor, presents its report concerning the review of franchise fee payments Pacific Gas and Electric Company (PG&E) made to the City and County of San Francisco (City) to use its streets to transmit, distribute, and supply electricity and gas within the City. PG&E is required to report its gross receipts and pay each year a total of 0.5 percent of its gross receipts for the sale of electricity and 1 percent of its gross receipts on the sale of gas. PG&E collected electricity and gas surcharge fees pursuant to requirements in the California Public Utilities Code, and remitted those amounts to the City when PG&E paid its franchise fees.

Reporting Period: January 1, 2006, through December 31, 2008

Fees Paid:	Franchise Fees	\$ 17,772,975
	Surcharge Fees	2,606,600
	Additional Franchise Fees	<u>52,639</u>
	Total	\$ 20,432,214

Results:

PG&E submitted its franchise fees to the City on a timely basis, and correctly collected and remitted electricity and gas franchise surcharge fees to the City. PG&E also disclosed and paid additional franchise fees due totaling \$86,368 for calendar years 2005 through 2007. PG&E included the additional amounts with the annual remittances for 2007 and 2008, instead of remitting them earlier.

The responses of the San Francisco Public Utilities Commission (SFPUC) and PG&E are attached to this report. The Controller's Office, City Services Auditor will work with the SFPUC to follow up on the status of the recommendations made in this report.

Respectfully submitted,

Tonia Lediju
Director of Audits

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

INTRODUCTION

Audit Authority

The Office of the Controller (Controller) is required under the San Francisco Administrative Code, Chapter 11, Article 5, Section 11.44(a) to file a report with the Board of Supervisors analyzing whether each person owing a franchise fee is complying with the audit, reporting requirements, and payment obligations contained in the Chapter and any franchise, no less than every two years. In addition, the City Charter provides the Controller, City Services Auditor (CSA), with broad authority to conduct audits.

Background

In 1939, the City and County of San Francisco (City) granted Pacific Gas and Electric Company (PG&E) and its successors two franchises to use City streets to transmit, distribute, and supply electricity and gas. In consideration for the two franchises, PG&E agreed to pay the City annually a percentage of its gross receipts from the sales of electricity and gas in the City.

The electricity and gas franchise ordinances require PG&E to remit to the City, by April 15 of each year, a total of 0.5 percent of PG&E's gross receipts on the sales of electricity and 1 percent of PG&E's gross receipts on the sales of gas. In reporting the gross receipts subject to the City's franchise fees, PG&E deducts from its total revenues such amounts as uncollectible accounts and interdepartmental sales. Interdepartmental sales include the amounts recorded by PG&E for supplying electricity and gas to other PG&E departments within San Francisco.

PG&E collects electricity and gas surcharge fees pursuant to requirements in the California Public Utilities Code and remits those amounts to the City when it pays its franchise fees. PG&E collects the surcharge fee, which is a municipal surcharge for the use of public lands, from customers who purchase electricity and gas from a third party. The surcharge fee is to replace, but not to increase, franchise fees that would have been collected if not for changes in the regulatory environment such as the unbundling of the gas industry. PG&E started collecting and remitting surcharge fees for gas in 1994 and for electricity in 1998.

Additionally, PG&E has an Interconnection Agreement with the City to transmit electricity generated by the Hetch Hetchy project (Hetch Hetchy) inside and outside the City, distribute that electricity within the City, and sell supplemental power to the City. PG&E bills the City for services, including transmission and distribution charges, supplemental power charges, demand charges, and other special charges. PG&E includes the transactions for services it provides to the City as part of PG&E's gross receipts from the sales of electricity reported to the City.

The San Francisco Public Utilities Commission (SFPUC) is responsible for administering the Interconnection Agreement with PG&E. Administration includes verifying the accuracy of monthly billings prior to payment.

Scope and Methodology

The purpose of this audit was to determine whether PG&E correctly reported its gross receipts and timely paid to the City the correct franchise fees and surcharge fees under the terms of the electricity and gas franchise ordinances.

The audit covered the period January 1, 2006, through December 31, 2008.

To conduct the audit, the audit team:

- Reviewed the applicable provisions of the franchise ordinances and tested, on a sample basis, selected PG&E revenue components with amounts that materially impact the franchise fees payable to the City.
- Interviewed staff from PG&E and SFPUC to aid in documenting and testing PG&E's revenues.

To determine whether PG&E correctly reported its annual gross receipts, the audit team:

- Compared the amounts PG&E reported to the City to the amounts PG&E recorded in its monthly summary reports and monthly detailed reports.
- Tested the reasonableness of electricity and gas surcharge fees collected by PG&E.

The audit team limited the review of the revenues recognized from the Interconnection Agreement to tracing the amounts reported by PG&E to its monthly summary reports. The audit team did not test the accuracy of the detailed Interconnection Agreement billings because SFPUC staff is responsible for reviewing the billings to ensure they are accurate before paying PG&E.

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

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AUDIT RESULTS

PG&E Submitted Its Gross Receipts Reports and Paid Associated Franchise Fees on Time

For the audit period January 1, 2006, through December 31, 2008, Pacific Gas and Electric Company reported \$2,739,018,279 in electricity and gas sales within the City, and paid \$17,825,614 in franchise fees. PG&E correctly collected and remitted to the City electricity and gas surcharge fees of \$2,606,600 for the period under review.

EXHIBIT Gross Receipts Reported and Franchise Fees and Surcharge Fees Paid January 1, 2006, Through December 31, 2008

Reporting Period	Gross Receipts (1)	Franchise Fees (2)	Surcharge Fees (3)
<u>January 1, through December 31, 2006</u>			
Electricity	\$ 620,298,589	\$ 3,101,493	\$ 200,678
Gas	270,021,995	2,700,220	622,579
<u>January 1, through December 31, 2007</u>			
Electricity	654,380,460	3,271,902	227,011
Gas	259,086,527	2,590,865	569,562
<u>January 1, through December 31, 2008</u>			
Electricity	648,762,553	3,243,813	201,332
Gas	286,468,155	2,864,682	785,438
Additional Electricity (4)		52,639	-
Total	\$2,739,018,279	\$ 17,825,614	\$ 2,606,600

1: Gross receipts reported by PG&E are net of uncollectable accounts and interdepartmental sales.

2: Franchise fee rates are 0.5 percent of electricity receipts and 1 percent of gas receipts.

3: PG&E billed and collected electricity and gas franchise surcharge fees based on the formula specified in state law from its customers who purchased electricity and gas from a third party

4: The additional electricity franchise fee payment is the result of \$9,237,722 of gross receipts for services provided under the Hetch Hetchy Interconnection Agreement which were identified in January 2009 for January 1, 2005, through December 31, 2007. These additional receipts were the result of a change in PG&E methodology for allocating Hetch Hetchy Interconnection Agreement service revenues.

Sources: PG&E Certification of Gross Receipts and Hetch Hetchy Interconnection Agreement service revenue retroactive adjustment supporting documentation.

**A Change in Hetch
Hetchy Revenue
Allocation Resulted in
Additional Gross
Receipts Subject to
Franchise Fees**

In January 2009, PG&E made a change to its methodology of allocating gross receipts for services provided to the City under the Interconnection Agreement with the SFPUC. Of its own accord, PG&E recalculated, for the period 2005 through 2007, the amount of gross receipts and corresponding franchise fees due to the City. The recalculation resulted in an additional \$9,237,722 in reported gross electricity receipts within San Francisco and an additional \$52,639 in franchise fees due, including 7 percent interest. The audit found that PG&E's revised allocation methodology was adequate, and the additional reported gross electricity receipts and franchise fee amounts were accurate. However, other than including support for the recalculation and the additional payment in the 2008 franchise fee certification submitted with its payment, PG&E did not notify the City upon discovery of the matter. As a result the City had no involvement in the resolution of the matter, such as determining how far back PG&E should have applied the change in the allocation methodology. San Francisco Administrative Code Chapter 11, Article 2, Section 11.26 requires that, in the event of any good faith dispute between a person owing franchise fees and the City regarding the amount of franchise fees owed the City, the person alleged to owe the franchise fees shall place the amount in dispute in an escrow fund from which the franchise fees, plus interest at the rate of the City's pooled funds, shall be paid to the appropriate party, once the dispute is resolved.

**PG&E Underreported
2006 Gross Receipts and
Included the Amounts in
the 2007 Franchise Fee
Report**

In 2007, PG&E realized that it did not report \$6,545,746 of gross electricity receipts in its 2006 franchise fees certification because of a change in the database system it uses to prepare the certification. Of its own accord, PG&E added the 2006 underreported amount in its 2007 franchise fees certification. The end result was that 2006 gross receipts were underreported, and 2006 franchise fees were underpaid by \$32,729. In addition, the 2007 gross receipts were over reported and the 2007 franchise fees were overpaid by the same amount. PG&E did not notify the City upon discovery of this matter. However, PG&E did include these receipts and corresponding franchise fees in the 2007 certification. Furthermore, the City had no involvement in the resolution of this matter, including whether PG&E should have filed an amended franchise fee certification for 2006, instead of adding the underreported amount in question on its 2007 franchise fees certification.

**San Francisco Public
Utilities Commission Did
Not Issue Its Statutorily
Required Franchise
Compliance Report**

The San Francisco Public Utilities Commission (SFPUC) is required by San Francisco Administrative Code, Chapter 11, Article 5, Section 11.44(b) to file a report with the Board of Supervisors (Board) analyzing whether each franchise grantee is complying with all provisions of this chapter and its franchise, except for those addressed by the Controller's Report,¹ not less than every two years. The audit found that SFPUC has not complied with this statutory requirement.

Recommendations

The San Francisco Public Utilities Commission should take the following actions:

1. Consult with the City Attorney's Office to determine if PG&E needs to apply the Hetch Hetchy Interconnection Agreement service revenue allocation methodology change to receipts reported prior to 2005. If determined that the methodology change is applicable to years prior to 2005, the SFPUC should ensure that applicable franchise fees, plus interest, are collected from PG&E.
2. Remind PG&E to promptly remit any additional franchise fees discovered to be due.
3. Comply with its statutory requirement to file a report with the Board analyzing whether each franchise grantee is complying with all provisions of Chapter 11 of the San Francisco Administrative Code and its franchise, except for those addressed by the Controller's Report, not less than every two years.

¹ Controller's Report refers to the report requirement under San Francisco Administrative Code, Chapter 11, Article 5, Section 11.44(a) analyzing whether each person owing a franchise fee is complying with the audit, reporting requirements, and payment obligations contained in the Chapter.

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ATTACHMENT A: SFPUC'S RESPONSE



SAN FRANCISCO PUBLIC UTILITIES COMMISSION

POWER ENTERPRISE

1155 Market St., 4th Floor, San Francisco, CA 94103 • Tel: (415) 554-0725 • Fax (415) 554-3280 • TTY (415) 554-3488



October 1, 2009

GAVIN NEWSOM
MAYOR

F.X. CROWLEY
PRESIDENT

FRANCESCA VIETOR
VICE PRESIDENT

ANN MOLLER CAEN
COMMISSIONER

JULIET ELLIS
COMMISSIONER

ANSON B. MORAN
COMMISSIONER

ED HARRINGTON
GENERAL MANAGER

Tonia Lediju, Director of Audits
Controller's Office
City Hall, Room 476
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Dear Ms. Lediju:

The San Francisco Public Utilities Commission (SFPUC) has reviewed the Franchise Fee Audit of Pacific Gas & Electric Company (PG&E), prepared by Controller's Office, City Services Auditor, for the period of January 1, 2006 through December 31, 2008.

The SFPUC concurs with the Audit findings and recommendations and will work with the appropriate parties, including PG&E, to ensure that any changes to the Interconnection Agreement (IA) are communicated as they may affect the revenue allocation methodology associated with the Franchise Fees.

Sincerely,

Camron Samii
San Francisco Public Utilities Commission
Manager, Strategic & Resource Planning, Power Enterprise

cc: Helen Storrs, Audit Manager, Controller's Office
Barbara Hale, Assistant General Manager, Power Enterprise

Recommendation	Responsible Agency	Response
1. Consult with the City Attorney's Office to determine if PG&E needs to apply the Hetch Hetchy revenue allocation methodology change to receipts reported prior to 2005. If determined the methodology change is applicable to years prior to 2005, the SFPUC should ensure that applicable franchise fees, plus interest, are collected from PG&E.	SFPUC	The SFPUC will review the revenue allocation to determine if any action(s) are necessary for receipts reported prior to 2005 and going forward.
2. Remind PG&E to promptly remit any additional franchise fees discovered to be due.	SFPUC	The SFPUC will establish a process to notify and remind PG&E to incorporate any changes to the franchise fees.
3. Comply with its statutory requirement to file a report with the Board analyzing whether each franchise grantee is complying with all provisions of Chapter 11 of the San Francisco Administrative Code and its franchise, except for those addressed by the Controller's Report, not less than every two years.	SFPUC	The SFPUC will comply with its statutory requirement to file a report with the Board as required in Chapter 11 of the San Francisco Administrative Code.

ATTACHMENT B: PG&E'S RESPONSE



*Pacific Gas and
Electric Company*

77 Deale Street
P.O. Box 770000
San Francisco, CA 94177
415.973.7000

October 26, 2009

Tonia Lediju, Director of Audits
City Hall, Room 476
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: Audit of PG&E's Franchise Fees for 2006 through 2008

Dear Ms. Lediju:

Thank you for providing PG&E with an opportunity to comment on your draft report on the audit of PG&E's franchise payments for 2006, 2007 and 2008. We are pleased to see you have noted that PG&E submitted its franchise fees to the City on a timely basis and correctly collected and remitted electricity and gas franchise surcharge fees to the City.

We note that while you have found the change in methodology of allocating gross receipts for services under the Hetch Hetchy Interconnection Agreement was adequate, you have raised a question concerning whether the revised allocation methodology should be applied to receipts reported prior to 2005 and are seeking the advice of the City Attorney. Should the City Attorney's opinion identify concerns about PG&E's franchise fee reporting obligations, please advise us immediately.

Sincerely,

A handwritten signature in black ink, appearing to read "Cecilia Guiman".

Cecilia Guiman
Manager, Revenue & Statistics

City and County of San Francisco

Office of the Controller – City Services Auditor

AIRPORT COMMISSION:

Concession Audit of DFS Group,
L.P.

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 OCT 26 PM 1:13
BY



October 26, 2009

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**CONTROLLER'S OFFICE
CITY SERVICES AUDITOR**

The City Services Auditor was created within the Controller's Office through an amendment to the City Charter that was approved by voters in November 2003. Under Appendix F to the City Charter, the City Services Auditor has broad authority for:

- Reporting on the level and effectiveness of San Francisco's public services and benchmarking the city to other public agencies and jurisdictions.
- Conducting financial and performance audits of city departments, contractors, and functions to assess efficiency and effectiveness of processes and services.
- Operating a whistleblower hotline and website and investigating reports of waste, fraud, and abuse of city resources.
- Ensuring the financial integrity and improving the overall performance and efficiency of city government.

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

We conduct our audits in accordance with the Government Auditing Standards published by the U.S. Government Accountability Office (GAO). These standards require:

- Independence of audit staff and the audit organization.
- Objectivity of the auditors performing the work.
- Competent staff, including continuing professional education.
- Quality control procedures to provide reasonable assurance of compliance with the auditing standards.

Audit Team: Helen Storrs, Audit Manager
Annie Cheng, Associate Auditor
Helen Vo, Associate Auditor



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Ben Rosenfield
Controller

Monique Zmuda
Deputy Controller

October 26, 2009

San Francisco Airport Commission
P.O. Box 8097
San Francisco International Airport
San Francisco, CA 94128

President and Members:

The Controller's Office, City Services Auditor, presents its report concerning the audit of DFS Group, L.P. (DFS). DFS has a 10-year agreement, through December 9, 2010, with the Airport Commission of the City and County of San Francisco to operate retail shops at the San Francisco International Airport (SFO).

Reporting Period: January 1, 2005, through December 31, 2007

Fees Paid: \$74,270,425

Results:

Although DFS reported gross revenue of \$226,910,431 that are considered materially complete, the audit team noted slight differences in revenues reflected in DFS internal reports and sales tax returns when compared to revenues reported to the Airport. In addition, Sephora, a brand under DFS, was unable to provide support for reported 2005 revenues for two facilities.

DFS substantially complied with the reporting and payment provisions of the lease agreement. The audit team did note that DFS did not always submit timely rent payments and monthly statements with the required certification signature.

The responses from the Airport and DFS are attached to this report. The Controller's Office, City Services Auditor, will work with the Airport to follow up on the status of the recommendations made in this report.

Respectfully submitted,

Robert Tarsia
Deputy Audit Director

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

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INTRODUCTION

Audit Authority

The Office of the Controller (Controller) has authority under the San Francisco Administrative Code, Chapter 10, Article 1, Section 10.6-2 to audit, at regular intervals, all leases of city-owned real property where rent of \$100,000 or more a year is to be paid to the City and County of San Francisco (City). In addition, the City Charter provides the Controller, City Services Auditor (CSA), with broad authority to conduct audits. We conducted this audit under that authority and pursuant to an audit plan agreed to by the Controller and the Airport.

Background

DFS Group, L.P. (DFS) has a 10-year lease agreement with the City's Airport Commission (Airport), expiring on December 9, 2010, to operate 34 retail facilities at San Francisco International Airport (SFO). This included 15 facilities owned by DFS, 15 subleased facilities, and two facilities operated by Sephora, a brand owned by DFS' parent company, the Moët Hennessy Louis Vuitton (LVMH) group.¹ DFS is permitted to operate retail facilities that offer duty free and duty paid merchandise.

The lease agreement requires DFS to pay the Airport Department (Airport) the greater of a minimum annual guarantee (MAG) or a tiered percentage rent of its annual gross revenues. The amount of percentage rent depends on whether the retail facility is duty free, duty paid, or an additional facility.² Tiered percentage rent for duty free facilities ranged from 20 to 40 percent, while duty paid and additional facilities ranged from 12 to 16 percent during the audit period. The Airport has the authority to adjust the MAG annually.

Scope and Methodology

The purpose of this audit was to determine if DFS:

- Complied with the reporting and payment provisions of its lease agreement.
- Complied with other provisions of its lease agreement

¹ Although DFS was authorized in the lease to operate 34 facilities, only 32 were operational during the audit period.

² An additional facility is a sub-leased premise subject to the minimum annual guarantee and percentage rent as stated in the respective agreement.

with the Commission.

The audit covered the period January 1, 2005, through December 31, 2007.

To conduct the audit, the audit team:

- Examined the applicable terms of DFS' lease agreement.
- Assessed the adequacy of its procedures for collecting, recording, summarizing, and reporting its gross revenues to the Airport.

To determine whether DFS accurately reported its gross revenues to the Airport, the audit team:

- Tested, on a sample basis, DFS' monthly sales records and daily sales reports.
- Determined whether DFS had any outstanding payments for the period.
- Compared the gross revenues reported to the Airport with the gross revenue reported to the California State Board of Equalization for the audit period.
- Verified DFS' compliance with certain other provisions of its lease.

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

AUDIT RESULTS

DFS Properly Reported Its Gross Revenues

DFS reported gross revenues of \$226,910,431 and paid \$74,270,425 in rent to the Airport from January 1, 2005, through December 31, 2007. Exhibit 1 summarizes DFS' reported gross revenues and rent paid under its lease agreement.

EXHIBIT 1 Gross Revenues Reported and Rent Paid January 1, 2005, Through December 31, 2007

	January 1, 2005, Through December 31, 2005	January 1, 2006, Through December 31, 2006	January 1, 2007, Through December 31, 2007	Totals
Gross Revenues Reported				
Duty Free	\$ 48,213,552	\$ 49,697,240	\$ 59,030,320	\$156,941,112
Duty Paid ³	18,196,792	21,999,043	25,845,917	66,041,752
Additional Facilities	<u>1,346,800</u>	<u>1,353,584</u>	<u>1,227,183</u>	<u>3,927,567</u>
Total Gross Revenues	\$ 67,757,144	\$ 73,049,867	\$ 86,103,420	\$226,910,431
Total Rent Paid	\$ 21,895,425	\$ 26,100,000	\$ 26,275,000	\$ 74,270,425

Source: DFS Group's Monthly Statements of Sales and Rent Due.

DFS' Internal Reports Do Not Support Reported Revenues

Although DFS materially reported its gross revenues correctly, DFS monthly and daily revenue reports contained differences when compared to revenues reported to the Airport. DFS staff located in the United States and its accounting staff in Singapore provided separate revenue reports, each containing different amounts than the revenues reported to the Airport.

For the three sample months reviewed, the revenue reports provided by the Singapore and United States offices were understated by \$278,942 and \$247,935, respectively. According to DFS Singapore staff, revenue reports were provided from two separate systems: the stock system that records sales, and the collection system that records cash

³ Subtenant revenues are included in the duty paid revenues.

and credit card collections daily. Differences could be due to cash overages or shortages eventually resolved and updated in the firm's cash reconciliation system. DFS Singapore staff did not provide detailed explanations of differences noted for the sample months. Under its lease agreement, DFS is required to maintain accurate accounting records that support revenues reported to the Airport.

Exhibit 2 summarizes the differences in reported revenues.

EXHIBIT 2 Differences in DFS Revenue Reports				
Revenues	Sept. 2005	Mar. 2006	Nov. 2007	Totals
DFS Singapore Report	\$ 4,808,305	\$ 4,611,399	\$ 6,299,495	\$ 15,719,199
Concession Reports Sent to Airport	4,868,914	4,658,789	6,470,438	15,998,141
DFS United States Report	4,826,775	4,623,183	6,300,248	15,750,206
Difference between Singapore Report & Concession Report				\$ 278,942
Difference between US Report and Concession Report				\$ 247,935

Sources: DFS – SFO Sales by Location & Transaction Report, Total Net Sales by DFS, Monthly Concession Report.

DFS Did Not Have a Lease Agreement With Sub-Tenant, U-Threads

During the audit period, U-Threads, which sells collegiate apparel and related gifts and souvenirs, operated a retail facility at the Airport, as a sub-tenant of DFS. DFS and U-Threads did not have a formal written lease agreement approved by the Airport. According to the Airport's property manager, DFS and U-Threads had a month-to-month verbal agreement that never transitioned into a formal contract. According to DFS' lease agreement with the Airport, DFS must obtain the Airport's approval for all sub-lease agreements. Upon the Airport's approval, DFS is required to use diligent, good faith efforts to negotiate a sub-lease agreement. Further, sub-lease agreements must be in the form of the Airport's standard sublease agreement.

U-Threads was a sub-tenant with DFS at the start of the audit period in January 2005, and its sub-tenancy ended in February 2009, which clearly did not meet the sub-leasing requirements in DFS' lease with the Airport.

**Sephora Did Not Provide
Supporting Documents
for 2005**

For 2005, the audit team could not verify revenues reported by Sephora because it did not provide any monthly or daily supporting documents to DFS. Sephora is not a sub-tenant of DFS, but is a brand under the DFS parent company. DFS' lease agreement, which requires maintaining separate and accurate daily records of gross revenues for a period of five years after the lease expiration date, applies to Sephora. According to Sephora's accounts payable and sales audit manager, the systems data for 2005 has been purged and a system back-up file cannot be located. Therefore, Sephora cannot provide the required supporting documentation for the reported revenues.

**DFS' Reported Revenues
Did Not Agree With
Revenues Reported on
Its State Sales Tax
Returns**

Revenues reported by DFS to the Airport did not agree with revenues reported on DFS' state sales tax returns for two of the three quarters reviewed in 2006 and 2007. For the first quarter of 2006, revenues reported to the Airport exceeded revenues on the sales tax returns by \$120,609, or 5.6 percent. For the fourth quarter of 2007, revenues reported to the Airport exceeded sales tax returns by \$876,088, or 31.4 percent. According to DFS Singapore staff, the variances between the revenues reported to the Airport and revenues on the sales tax returns are due to various travel agent discounts, employee discounts, and packed foods amounts. After extensive review of documents provided by DFS, the audit team was not able to reconcile the differences in revenues. Moreover, DFS did not provide the audit team with a satisfactory reconciliation of the differences.

**DFS Did Not Always
Submit Rent On A Timely
Basis**

DFS did not submit all of the rent payments during the audit period on a timely basis, as required by its lease agreement. The lease agreement requires DFS to pay the monthly MAG on or before the first of each month. DFS then calculates the percentage rent on the gross revenues earned for the month, and if the percentage rent exceeds the monthly MAG, DFS is required to pay the additional rent on or before the 20th of the following month. Any rent not paid when due is subject to a service charge of 1.5 percent per month. The audit team did not calculate late fees since all late payments occurred in 2005 and the late fee amounts would be insignificant. However, the Airport should ensure that all rent is collected on time.

**DFS Did Not Always
Timely Submit Signed
Monthly Statements**

For 7 of the 36 months of the audit period, DFS did not submit signed monthly statements certifying the sales report as being true and correct. In addition, DFS submitted monthly statements one to eight days late for 9 of the 36 months. The lease agreement requires DFS to submit monthly reports to the Airport, on or before the 20th day of each calendar month, showing all gross revenues achieved the prior month, and required that the statements be certified by DFS as being true and correct. DFS should ensure that monthly statements are submitted in compliance with the all lease agreement terms.

**DFS Lacked Controls
Over Manual Sales
Tickets and Logs**

During the audit team's visit to a DFS retail facility at the Airport, DFS' general manager and administrative manager could not locate the manual sales tickets or logs used when the Point-of-Sale (POS) system is unoperational. According to DFS' general manager, manual sales tickets and logs are secured in a locked cabinet. On the day of the visit, the tickets and logs could not be found. The DFS general manager and administrative manager indicated that the tickets and logs were recently used at one of the retail facilities. DFS should ensure that established procedures are in place to secure the manual sales tickets and log at all times.

**Airport Invoices Were
Incorrect**

The audit team found numerous instances in which the Airport's invoice amount or percentage rates did not agree with DFS' monthly reports or the approved percentage rates. According to Airport accounting staff, these errors did not affect the amount due to the Airport because DFS either paid the MAG or less.⁴ Therefore, these incorrect invoices were not sent to DFS. Although the errors on the invoices did not affect payments to the Airport, accurate invoices should be prepared and maintained by the Airport and DFS.

**Airport Incorrectly Coded
Storage Rental Fees**

From January 2007 through May 2007, the Airport incorrectly coded storage rental fees from DFS, totaling \$58,733, under the concession fee category. Airport staff indicated that this was an unintentional error. Since the error occurred in 2007, adjusting entries are not possible. The Airport should take more care in posting payments to the correct revenue code.

⁴ Per amendment 5 of the lease agreement, for the 2005 year only, base rent for duty free facilities was limited to 40 percent of 2005 duty free gross revenues.

Recommendations

The Airport Department should ensure that DFS:

1. Maintain reconciliations between the revenues reported to the Airport and DFS systems data.
2. Has signed, formal written agreements for all sub-tenants.
3. Complies with lease agreement terms regarding record retention and takes more care in maintaining systems data.
4. Maintain reconciliations between revenues reported to the Airport and taxable revenues reported to the California State Board of Equalization.
5. Pay its rent timely.
6. Submits signed and certified monthly statements, as required by its lease.
7. Has procedures in place to secure manual sales tickets and log.

The Airport Department should also ensure that:

8. All invoices are accurate.
9. Payments are posted to the correct revenue category.

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ATTACHMENT A: AIRPORT'S RESPONSE



San Francisco International Airport

October 6, 2009

VIA EMAIL

Mr. Robert Tarsia
Deputy Audit Director
Office of the Controller
City and County of San Francisco
City Hall, Room 476
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

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

Reference: The Post-Security Master Retail/Duty Free Concession Lease No. 99-0035 between the City and County of San Francisco, through its Airport Commission, and DFS North America, A Division of DFS Group L.P.

Dear Mr. Tarsia:

The San Francisco International Airport ("Airport") is in receipt of the Audit Recommendation from City Services Auditor Division for its audit of the Post-Security Master Retail/Duty Free Concession Lease No. 99-0035 between the City and County of San Francisco, through its Airport Commission, and DFS North America, A Division of DFS Group L.P. ("Tenant").

The Airport will draft letter to tenant outlining audit findings and reiterate importance of maintaining provisions of the Lease under penalty of fines. The following is the Airport's response to the Audit Report findings:

1. **Maintain reconciliations between the revenues reported to the Airport and DFS' systems data.** The Airport agrees with this statement.
2. **Has signed, formal written agreements for all sub-tenants.** The Airport agrees with this statement.
3. **Complies with lease agreement terms regarding record retention and takes more care in maintaining systems data.** The Airport agrees with this statement.
4. **Maintain reconciliations between revenues reported to the Airport and taxable revenues reported to the California State Board of Equalization.** The Airport agrees with this statement.
5. **Pay its rent timely.** The Airport agrees with this statement.
6. **Submits signed and certified monthly statements, as required by its lease.** The Airport agrees with this statement.
7. **Has procedures in place to secure manual sales tickets and log.** The Airport agrees with this statement.
8. **All invoices are accurate.** The Airport agrees with this statement. Revenue Development and Management will work with accounting to insure proper billing on invoices.
9. **Payments are posted to the correct revenue category.** The Airport agrees with this statement. Accounting will work to insure proper billing on invoices.

AIRPORT
COMMISSION
CITY AND COUNTY
OF SAN FRANCISCO

GAVIN NEWSON
MAYOR

LARRY MAZZOLA
PRESIDENT

LINDA S. CRAYTON
VICE PRESIDENT

CARLE CIO

ELLENOR JOHNS
RICHARD J. GUGGENHORN

JOHN L. MARTIN
AIRPORT DIRECTOR

Mr. Robert Tarsia
Deputy Audit Director
Page 2
October 6, 2009

Thank you for your staff's work on this audit. Please do not hesitate to call at 650.821.4500 if you have any questions.

Sincerely,



Cheryl Nashir
Associate Deputy Airport Director
Revenue Development and Management

Attachment

cc: Wallace Tang
Helen Storrs (Helen.Storrs@sfgov.org)
John Reeb

Recommendation	Responsible Agency	Response
The Airport Department should ensure that DFS:		
1. Maintain reconciliations between the revenues reported to the Airport and DFS' systems data.	Airport	Airport agrees. The Airport will draft letter to tenant outlining audit findings and reiterate importance of maintaining provisions of the Lease under penalty of fines.
2. Has signed, formal written agreements for all sub-tenants.	Airport	Airport agrees.
3. Complies with lease agreement terms regarding record retention and takes more care in maintaining systems data.	Airport	Airport agrees.
4. Maintain reconciliations between revenues reported to the Airport and taxable revenues reported to the California State Board of Equalization.	Airport	Airport agrees.
5. Pay its rent timely.	Airport	Airport agrees.
6. Submits signed and certified monthly statements, as required by its lease.	Airport	Airport agrees.
7. Has procedures in place to secure manual sales tickets and log.	Airport	Airport agrees.
The Airport Department should also ensure that:		
8. All invoices are accurate.	Airport	Airport agrees.

Recommendation	Responsible Agency	Response
9. Payments are posted to the correct revenue category.	Airport	Airport agrees.

ATTACHMENT B: DFS' RESPONSE



October 8, 2009

Ms. Helen Storrs
Audit Manager
Office of the Controller
City Services Auditor Division
City & County of San Francisco
City Hall, Room 316
One Carlton B. Goodlett Place
San Francisco, CA 94102

RE: DFS Group L.P. – Audit Findings Response

Dear Ms. Storrs:

In follow-up to our telephone conversation, please find below our responses to your reported findings resulting from the above referenced audit:

1. **Finding:** DFS' monthly and daily reports do not support revenues reported to the airport.

Response: DFS does not agree with this finding and believes that the most updated file was not used to perform this analysis. We have attached herewith the reconciliation schedule that was submitted in support of the audit work and would request that the auditor re-review this file and identify the referenced discrepancies.

2. **Finding:** Sephora did not provide supporting documents for 2005

Response: DFS agrees with this finding. DFS will remind Sephora of its obligation to have required documentation available to provide in the future.

3. **Finding:** DFS' reported revenues did not agree with revenues reported on its California sales tax returns

Response: DFS does not agree with this finding, as our review of our reported revenues and California sales tax returns for the period in question do agree. We believe that the auditor did not reference the correct information when making this determination and have attached herewith the reconciliation of State sales tax returns that was submitted in support of the audit work. We would

DFS North America
A Division of DFS Group L.P. 1580 Francisco Street
Torrance, California 90501
Telephone (310) 783-6600
Facsimile (310) 783-6601



request that this information be re-reviewed and that the auditor identify the discrepancies referenced by this finding.

4. Finding: DFS did not always submit rent on a timely basis

Response: DFS does not agree with this finding. The monthly allocation of the Minimum Annual Guaranteed ("MAG") Rent as applicable under the Master Lease is automatically paid by DFS via wire transfer on the first of each month. We would request that the auditor identify the months for which DFS is being cited for making late payments.

However, if this finding references a failure to pay monthly Percentage Rent, we should note that during 2005 the percentage rent payable in certain months did exceed the monthly MAG allocation payments made by DFS. However, on a year-to-date basis during 2005 the accumulated rent payments remained within our MAG obligation which is why DFS made no additional monthly percentage rent payments. DFS was subsequently advised by airport staff that even if the rent payable remains within the MAG on a year-to-date basis, monthly percentage rent payments must still be made in any month where the percentage rent due within that month exceeds the monthly allocated MAG payment – and may be reclaimed as an over-payment when the rent payable for the full 12-month period has been reconciled with the individual monthly MAG and percentage rent payments made through that annual period. We have adhered to this requirement since 2006.

5. Finding: DFS did not always submit signed monthly statements timely

Response: DFS does not agree with this finding. To the best of our knowledge, all monthly statements have been signed and submitted by the 20th of each month as required. We request that the auditor identify the months for which DFS is being cited for the submission of signed/late monthly statements.

6. Finding: Manual sales tickets and logs were not maintained in a secure location by DFS' airport operations staff

Response: DFS does not agree with this finding. Following our review of this finding with our airport operations staff, we have determined that the field auditor was advised that the manual log was being maintained in our Terminal 1 facility, as that was the location in which the automated Point of Sale ("POS") equipment was not working at the time of the audit. The manual log is only used when the automated POS system is off-line – which is a rarity. Once the POS equipment in Terminal 1 was brought on-line the log was returned to the main store office, which is where it remains unless required elsewhere.

Ms. Helen Storrs
October 8, 2009
Page 3 of 3




7. **Finding:** DFS did not have a sublease agreement with subtenant U-Threads

Response: DFS agrees with this finding and acknowledges that U-Threads operated under a simple letter agreement and that a formalized sublease was never entered into with U-Threads. Going forward, DFS will not permit the commencement of any third-party retail operations under our Master Lease before a sublease agreement covering those operations has been fully executed.

We appreciate the effort of the City Services Auditor Division in completing this audit work and would be happy to discuss the audit findings further and/or once again review the selected finding above where we have requested additional information or a re-review of the initial results. Please feel free to contact me directly if there are any further questions. (310-783-6681)

Sincerely,

DFS Group L.P.



Nicole Malozi

Operations & Control Director – NAM

cc: Joe Camacho, DFS

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ATTACHMENT C: REBUTTAL TO RESPONSE

To provide clarity and perspective, the Controller's Office, City Services Auditor Division, is commenting on the response to our audit report from the DFS Group, L.P. The findings listed below correspond to the format provided in the DFS Group, L.P. response.

1. Finding: DFS' monthly and daily reports do not support revenues reported to the Airport.

Additional information submitted by DFS Group did not answer the auditors' questions. DFS Group should consult with the Airport Property Manager if assistance is needed to ensure reconciliations are maintained to support revenues reported to the Airport.

3. Finding: DFS' reported revenues did not agree with revenues reported on its California sales tax returns.

Additional information submitted by DFS Group did not answer the auditors' questions. DFS Group should consult with the Airport Property Manager if assistance is needed to ensure reconciliations are maintained between revenues reported to the Airport and taxable revenues reported to the California State Board of Equalization.

4. Finding: DFS does not always submit rent on a timely basis.

The audit team provided a listing to DFS Group of the late payment months noted in the audit report. DFS Group should consult with the Airport Property Manager if it needs clarification of the payment provisions specified in Section 4.3 of the lease agreement.

5. Finding: DFS did not always submit signed monthly statements timely.

The audit team provided a listing to DFS Group of the months noted in the audit report. DFS Group should consult with the Airport Property Manager if it needs clarification of the reporting provisions specified in Section 4.3 of the lease agreement.

6. Finding: Manual sales tickets and logs were not maintained in a secure location by DFS airport operations staff.

The audit team recognizes the manual log is only used when the automated system is off-line and the log and tickets are maintained in the main store office when the automated system is functional. DFS Group should consult with the Airport Property Manager if it needs clarification of recommended practices in this area.



To:
Cc:
Bcc:
Subject: Fw: BLIP Quarterly Report - 3rd Quarter (July - September)

10

From: "Linetzky, Mindy" [Mindy.Linetzky@sfdpw.org]
Sent: 10/30/2009 10:07 AM MST
Subject: BLIP Quarterly Report - 3rd Quarter (July - September)

Good morning,

The Branch Library Improvement Program's "2000 Branch Library Improvement Bond Quarterly Report" for the Third Quarter of 2009 (July – September 2009) is now available.

Please visit the following link <http://sfpl.org/pdf/blip/2009quarter3.pdf> to view or print a copy of the report.

For additional information about BLIP activities, visit our website at www.sfpl.org/blip.

If you would like to receive our Quarterly Reports in another format, would like to add someone to our distribution list, or have any questions, please let us know.

Thank you for your interest in the Branch Library Improvement Program.

Mindy Linetzky
Branch Library Improvement Program (BLIP)
Department of Public Works
415-557-4662
mindy.linetzky@sfdpw.org
www.sfpl.org/blip

NOTE NEW CONTACT INFORMATION

Building better libraries for stronger communities

10



T-Mobile West Corporation
a subsidiary of T-Mobile USA Inc.
Engineering Development
1855 Gateway Boulevard, 9th Floor
Concord, California 94520

October 22, 2009

Anna Hom
Consumer Protection and Safety Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

RECEIVED
BOARD OF SUPERVISORS
CITY OF SAN FRANCISCO
2009 NOV -2 AM 11:36

**RE: T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc.
d/b/a T-Mobile (U-3056-C) Notification Letter for T-Mobile Site No. SF13141A**

This letter provides the Commission with notice pursuant to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California (CPUC) that with regard to the project described in Attachment A:

- ☐ (a) T-Mobile has obtained all requisite land use approval for the project described in Attachment A.
- ☒ (b) No land use approval is required because
This site was approved by the City of San Francisco on 09/10/96 for 959 Peralta Street, San Francisco, CA 94110. Newpath Networks letter, Permit # 9612094, dated 09/02/09 with T-Mobile scope of work that falls within original approval address to the City of San Francisco.

A copy of this notification letter is being sent to the local government agency identified below for its information. Should there be any questions regarding this project, or if you disagree with the information contained herein, please contact Joni Norman, Senior Development Manager, for T-Mobile, at (925) 521-5987, or contact Ms. Anna Hom of the CPUC Consumer Protection and Safety Division at (415) 703-2699.

Sincerely,



Joni Norman
Sr. Development Manager
T-Mobile West Corporation
a subsidiary of T-Mobile USA Inc.

Enclosed: Attachment A

cc: City of San Francisco, Attn: City Manager, 1 Carlton B. Goodlett Place, San Francisco, CA 94102
City of San Francisco, Attn: City Clerk, 1 Carlton B. Goodlett Place, San Francisco, CA 94102
City of San Francisco, Attn: City Planning Director, 1 Carlton B. Goodlett Place, San Francisco, CA 94102

ATTACHMENT A

1. Project Location

Site Identification Number: SF13141A

Site Name: McLaren Park DAS

Site Address: 959 Peralta Ave # 999, San Francisco, CA 94110

County: San Francisco

Assessor's Parcel Number: 5695-024

Latitude: 37° 44' 14.38" N

Longitude: 122° 24 32.25" W

2. Project Description

Number of Antennas to be installed: Existing nodes

Tower Design: Placing three (3) BTS cabinets where two T-Mobile cabinets currently exist
on a concrete pad near an existing two story building. No new antennas or
changes to the existing antenna configuration are proposed.

Tower Appearance: Existing nodes

Tower Height: 35 ft (building)

Size of Buildings: 51"W x 34"D x 64" H

3. Business Addresses of all Governmental Agencies

City of San Francisco
Attn: City Planning Director
1 Carlton B. Goodlett Place
San Francisco, CA 94102

City of San Francisco,
Attn: City Clerk
1 Carlton B. Goodlett Place
San Francisco, CA 94102

City of San Francisco,
Attn: City Manager
1 Carlton B. Goodlett Place
San Francisco, CA 94102

4. Land Use Approvals

Date Zoning Approval Issued:

Land Use Permit #:

If Land use Approval was not required: This site was approved by the City of San Francisco
on 09/10/96 for 959 Peralta Street, San Francisco, CA 94110. Newpath Network letter,
Permit # 961294, dated 09/02/09 with T-Mobile scope of work that falls within original
approval address to the City of San Francisco.

12



deloris issler

10/29/2009 08:51 PM

To <board.of.supervisors@sfgov.org>

cc

bcc

Subject Illegal alien minors or adults

To the San Francisco Board of Supervisors:

My name is Deloris Issler and I live in Cranston, Rhode Island. I read online about your decision to harbor illegal alien minors by arbitrarily refusing to enforce U.S. immigration law. The article said that your position is that these aliens are children and need to be reunited with their families. Your right on that, but then every member of that family that's here illegally must be deported!

We are also plagued with illegal aliens here in Rhode Island. In fact, the city of Providence is recognized as a "sanctuary city" to which illegals flock. I can assure you the activists groups here are just as thrilled as yours are in the event that these lawless people are harbored. Nonetheless, crime is crime, and you don't have the authority to usurped federal law if it conflicts with your personal opinion. I will push those that represent us in Washington, DC to prosecute those of you that do so.

I strongly encourage you to bring San Francisco back in line with the law and support your mayor and law enforcement in doing their job to uphold the law.

Sincerely,

Deloris Issler

New Windows 7: Find the right PC for you. [Learn more.](#)

12



David Marzane

10/27/2009 09:03 PM

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

cc

bcc

Subject Illegal drivers & suspected felons

Dear Board of Supervisors:

What in the world are you people doing????

Supporting suspected felons that may be illegal aliens is unconscionable.

Supporting drivers with a CA drivers license is irresponsible and crazy. These actions are NOT what you have been elected to do.

Does the law mean nothing????

Without a doubt, Supervisor Campos will be a one term supervisor.

Dave Marzane
Bernal Heights

091032



minnie mouse

10/26/2009 12:28 PM

To <board.of.supervisors@sfgov.org>

cc

bcc

Subject GET OUT OF OFFICE IF YOU SUPPORT
ILLEGALS!!!!!!!!!!!!!!

From: sendmeanote33@hotmail.com
To: board.of.supervisors@sfgov.org
Subject:
Date: Mon, 26 Oct 2009 15:27:15 -0400

What is your problem in San Francisco - are YOU THE OFFICE THAT ALLOWS ILLEGALS A
"SAFE HAVEN, RESIDENCE, " WHATEVER YOU WANT TO CALL IT?

IF IT IS NOT YO - THEN WHY ARE YOU DOING SOMETHING ABOUT IT AND IF IT IS YOUR
OFFICE -
WHAT ARE YOU DOING??????????????

THIS IS THE UNITED STATES OF AMERICA!!!!!!!!!!

NOT THE UNITED STATES OF WHOEVER THE HELL WANTS TO COME IN OUR COUNTRY AND
NOT
ONLY DO THIS ILLEGALLY BUT WHILE THEY'RE HERE - RAPE, MURDER, KILL, BREAK LAWS
ETC AND NO
WORRIES.....BECAUSE IN SAN FRAN YOU LET THEM - WITHOUT PUNISHMENT THAT I
CAN TELL?????

http://www.vdare.com/walker/090518_immigration.htm

<http://www.nytimes.com/2009/06/13/us/13sanctuary.html>

http://blogs.chron.com/immigration/archives/2009/10/san_francisco_a.html

DO YOU ALL EVER READ THE COMMENTS ON WEBSITES????/ EVERYONE IS SICK OF SAN
FRAN -

OH EXCUSE ME - LET'S CALL IT SAN FRANCOMEALLIFYOU'REILLEGAL!!!!!!

There was real anger evident as San Franciscans learned the Bologna triple murder was a
preventable
crime, one that had its roots in liberal permissiveness and the failure of law enforcement to
do its job.

The July 20, 2008, article [Slaying suspect once found sanctuary in S.F.](#) got 1148
reader comments, including the [following...](#)

jason_r94102

**I don't think being liberal or progressive has anything to do with believing
immigration**

laws should not be enforced. As someone who considers himself to be both, this

scumbag

should've been deported long ago. The city of San Francisco, along with aforementioned scumbag murdered this family. Sadly, the city will not be held accountable.

nicolette

This is DISGUSTING BEYOND BELIEF. I have proudly lived in San Francisco

for 37 of my 56 years, but this is beyond the ken. We absolutely must no longer

be a sanctuary city for illegals from ANY country, and our tolerance of the druggies

who hide behind "homelessness" while we put them up in SROs on the taxpayer

dime must no longer be tolerated. Round them up and incarcerate them or give

them a one-way ticket out of town. It's time to take back this once-proud city.

**AMERICA DOES NOT
BELONG TO
ILLEGALS!!!!!!!!!!!!!!!!!!!!!!
WHY DON'T YOU (SAN
FRANCISCO
POLITICIANS) EITHER**

**GO LIVE IN ANOTHER
COUNTRY OR SECEED
FROM THE UNITED
STATES OF
AMERICA????????????**

New Windows 7: Find the right PC for you. [Learn more.](#)

Windows 7: Simplify your PC. [Learn more.](#)

091032



fredcoe

10/26/2009 04:55 PM

To board.of.supervisors@sfgov.org

cc

bcc

Subject ATTN: David Campos

Dear Mr. Campos,

I am absolutely disgusted by the protection you are affording the illegal juvenile immigrants and applaud the Mayor's decision to ignore it. While I am not without compassion, our nation needs to take a firm stand AGAINST illegal immigration. We need not coddle those that break our laws (including being here illegally). This is OUR country and we will not stand idly by whilst those that break our laws go unpunished. YOU and the board of supervisors are what is going terribly wrong with this country.

Your profile stated that you were an "undocumented immigrant" when you came to the United States.

The fact of the matter...you were an illegal immigrant. You and your family broke the laws of the United States in coming here. Further, it states that you want to protect "immigrant rights."

I assume you are referring to those that are here illegally. I applaud you for obtaining your citizenship, but please do not make others that come here illegally feel welcome. You should be ashamed of yourself. You have taken the freedoms that the United States provided you and have seemingly worked tirelessly to make us weaker.

I stand firm with the Mayors decision and will provide all that I can afford to support him.

Regards,

Fred Coe

091032



mrsporter.

10/26/2009 09:02 PM

To board.of.supervisors@sfgov.org

cc

bcc

Subject Unlicensed Drivers in San Francisco.

What do you need to learn! Do we have to have another horrible accident in this city caused by an unlicensed driver here illegally!

I pay my taxes, I pay my insurance and I pay for the other cost of being responsible; such as auto registration, parking permits, etc.

Since when have we started punishing the people that follow the rules by covering the cost of those who are deemed as

having "unfair hardship" I will not be voting for you or any of your "supporters" who really think this is the way our city should go.....

....I am sick and tired of being accommodating to anyone here that is illegal!

File 091032



Abby Black

10/27/2009 08:52 AM

To board.of.supervisors@sfgov.org

cc

bcc

Subject SF GATE ARTICLE - re: your decision

I am so livid. None of you will receive my vote. You as a board should be ashamed that you take more steps to convenience ILLEGAL IMMIGRANTS than your LEGAL residents! I'm appalled that you have chosen to do the following:

<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2009/10/26/BA381A9A9N.DTL&type=politics>

Illegal immigrants are just that: ILLEGAL. They have broken every law by coming to this country without taking the necessary steps. Why protect criminals? THESE CRIMINALS ARE NO DIFFERENT THAN MADOFF WHO STEALS MONEY FROM OTHERS. Illegal immigrants steal money from those of us who live here LEGALLY. I do want an answer to this question: Since you don't give a damn that illegal immigrants are driving without a license, OR INSURANCE, who pays for the pedestrians or city property they hit??????????? Who pays for the funeral for the child the ILLEGAL immigrant kills??????????????

Ohhh, yeah. THE TAX PAYER WHO IS HERE LEGALLY DOES!

No other country would stand for this non-sense. What happened to the quote found in the Driver's Handbook, "Driving is a privilege not a right."

Who cares if criminals are "inconvenienced"!!!! That's the whole point! When you break the law you rebuke all privileges and should be deported!

I have written Newsom, the Govenor and the President of the United States.

Way to show legal residents you care....

--

Abby Black

Customer Service Manager

US Performing Arts



Joseph Cadiz

10/29/2009 10:51 PM

To board.of.supervisors@sfgov.org

cc gavin.newsom@sfgov.org, cityattorney@sfgov.org

bcc

Subject Voter Passed Sanctuary Policy amendment by Board of Supervisors is Illegal

The Sanctuary Policy was passed and voted by the voters of San Francisco. Any amendment to this policy without voters' approval is illegal.

The Board of Supervisors has gone beyond their authority in passing and implementing amendment to VOTER APPROVED PROPOSITIONS. This simply means that the Board of Supervisors has thrown away our votes. This is illegal and the amendment made by the Supes must be stopped.

City Attorney Dennis Herrera should do something to defend my right as a voter in San Francisco. I voted for the Sanctuary Policy "as it is" without the amendment done by the Board of Supervisors.

The Board of Supervisors can be sued for this by any SF voter. The WILL of the voters can not be thrown out by Campos or Daly ! This is purely politics.

I have a mistrust for the SF Board of Supervisors when they asked for a salary raise years ago which was turned down by the voters. The Board of Supervisors again put on the ballot some Amendment to City the Charter without mentioning salary increases. It passed and they got a hefty raise. What a bunch of hypocrites.

The Sanctuary Policy is costing the City of SF with my tax dollars that could have been used for other city services or capital projects. This is waste of money initiated by the Board of Supervisors.

Talk about the SF Board of Supervisors as being without morals and PIGS, sad to say.

Joseph Cadiz

13

William Sherman

San Francisco, CA 94109

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2009 OCT 29 AM 11:02

BY

PC

President Ron Miguel and Members,
San Francisco Planning Commission
1660 Mission Street, Suite 500
San Francisco, CA 94103

SUBJECT: Redwood Park / 555 Washington

Dear President Miguel and Commissioners:

I urge you to support revitalization of the Transamerica Block including the 555 Washington proposal.

The proposal adds life to the neighborhood. New homes here enhance public safety and provide an economic boost to local merchants.

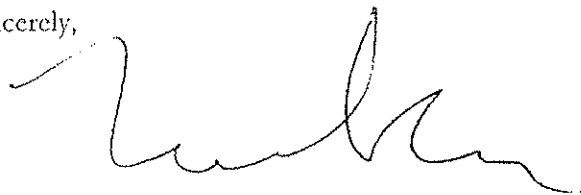
The proposal also increases open space by more than 80%. The park will be open to the public 7 days a week -- it is currently closed weekends and holidays -- with maintenance permanently provided at no cost to the City. All redwoods will be preserved with new trees added.

I agree with the Neighborhood Parks Council and the Presidio Parks Trust that the proposal for Redwood Park to be expanded and permanently protected as San Francisco's newest public park has merit. And I agree with environmentalists who say it creates sustainable, energy-efficient homes in a new "green" building.

At less than half the height of the adjacent Transamerica Pyramid, the plan for a slender 400 foot residential building at 555 Washington that fits within the context of the downtown skyline also has merit.

This project has my support.

Sincerely,



CC: San Francisco Board of Supervisors

13

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.

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: 533507

Oct 27 2009 8:44PM.

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:

Request Details:

Category:

Complaint

Department:

Board of Supervisors (BOS)

Sub-Division:

Clerk of the Board

Additional Information:

Additional Request
Details:

The Board is acting illegally by not enforcing the laws of the American people. You may cite compassion but it is the law enforce it.. Watch the tea parties around this nation they are aimed at illegal government (that means you) laws that forgo the Constitution. ENFORCE THE LAWS OF THIS NATION.

Customer Contact Information:

First Name:

Self Service User

Last Name:

Anonymous

Primary Phone:

Alternate Phone:

Address Number:

Street Name:

City, State:

ZIP Code:

Email:

anonymous@sfgov311.org

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

Print



"c_minus0"
<c_minus0

10/27/2009 05:46 PM

To david.chiu@sfgov.org

cc board.of.supervisors@sfgov.org, c_olague@yahoo.com

bcc

Subject 555 Washington

Dear Supervisor,

I urge you to support expanding Redwood Park and the 555 Washington proposal. This is good for the neighborhood and brings us a larger park. I like the increased open space instead of a wall of squat highrises, since a 400 foot building less than half the size of the Pyramid makes sense here.

Chris R. J. District 3 voter.

[Diet Help](#)

[Cheap Diet Help Tips. Click here.](#)



kerby dormevil

10/27/2009 05:56 PM

To david.chiu@sfgov.org

cc board.of.supervisors@sfgov.org, c_olague@yahoo.com

bcc

Subject new building

Dear Supervisors,

i am writing to express support for the project at 555 Washington As a San Francisco resident, i support the project because of the substantial sum of money that will be generated for affordable housing, and the added tax revenues for critical city services. And i like the bigger Redwood Park!

--kerby dormevil

San Francisco resident

ibri



Spencer Prue

10/29/2009 05:23 PM

To david.chiu@sfgov.org

cc board.of.supervisors@sfgov.org, c_olague@yahoo.com

bcc

Subject 555 Washington

Dear Supervisor Chiu,

I support a bigger Redwood Park and the 555 Washington Homes. We need more housing near jobs near more open space; and we especially need more City tax money for services.

Sincerely,

Spencer
Nob Hill resident



James Gears

10/28/2009 07:31 PM

To <david.chiu@sfgov.org>

cc <board.of.supervisors@sfgov.org>, <c_olague@yahoo.com>

bcc

Subject New building

Dear supervisor,

I urge you to support expanding Redwood Park and 555 Washington Proposal. This is a good for the neighborhood and brings us a larger park. I like the increased open space instead of a wall of squat highrises, since a 400 foot building less than half the size of the pyramid makes sense here.

Jim
Nobhill resident

Windows 7: Simplify your PC. [Learn more.](#)



james madison

10/28/2009 07:19 PM

To <david.chiu@sfgov.org>

cc <board.of.supervisors@sfgov.org>, <c_olague@yahoo.com>

bcc

Subject 555 Washington

Dear Supervisor,

I support the new public park and revitalization of the Transamerica Block as part of the 555 Washington proposal. I agree with the Neighborhood Parks council and the Presidio Parks Trust that the proposal for Redwood Park to be expanded and permanently protected as San Francisco's newest public park makes sense.

James M. Madison
San Francisco, Resident

Windows 7: It helps you do more. [Explore Windows 7.](#)



pat m

10/29/2009 05:58 PM

To <c_olague/

cc <david.chiu@sfgov.org>, <board.of.supervisors@sfgov.org>,
<rm@well.com>

bcc

Subject redwood park support

dear planning commissioners

please give the expansion of redwood park and the 555 project your support. we want more homes downtown near transit and more life in the neighborhood. and i like the economic benefits and \$ 70 million in tax revenue, so we don't cut services.

-frank

Windows 7: Simplify your PC. [Learn more.](#)



Ruth Yamamoto
<ryamamotosf@yahoo.com>

10/29/2009 05:15 PM

To david.chu@sfgov.org

cc board.of.supervisors@sfgov.org

bcc

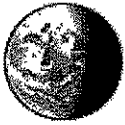
Subject 555 Washington

Dear President Chu,

I hope you will support a bigger Redwood Park forever, and "green building" at 555 Washington. More housing near jobs is needed, and I like the fact that this project provides 43 affordable homes. We also need more parks in our district and more open space.

Sincerely,

Ruth Yamamoto
SF Native and Resident



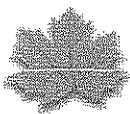
Christopher Moore
<chimo@att.net>
10/30/2009 06:43 PM

To david.chiu@sfgov.org
cc board.of.supervisors@sfgov.org, c_olague@yahoo.com,
rm@well.com
bcc
Subject Support 555 Washington

I support the new proposal for the Transamerica block. I support more housing downtown and a bigger park. We need more public parks open on weekends.

Thanks,

Chris
1388 California St. S.F 94109



To:
Cc:
Bcc:
Subject: Fw: Issued: Annual Year-End Performance Measure Report Fiscal Year 2008-09

14
RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2009 OCT 30 AM 9:42

PN

From: Controller Reports/CON/SFGOV
To:
Date: 10/29/2009 12:06 PM
Subject: Issued: Annual Year-End Performance Measure Report Fiscal Year 2008-09
Sent by: Patti Erickson

The Office of the Controller, City Services Auditor, has issued the Annual Year-End Performance Measure Report for FY 2008-09. The report contains data on all current measures in the Citywide Performance Measurement System, covering all City departments and actual and target values over four fiscal years.

The data is also now publicly available in machine-readable format for the first time on the Controller's website and through DataSF.org, the City's one stop website for government data.

To view the full report, please visit our website at <http://co.sfgov.org/webreports/details.aspx?id=978>

To view or download the data from DataSF.org (Admin & Finance category) please visit <http://datasf.org/>

To learn more about the Citywide Performance Measurement Program, visit our website at www.sfgov.org/controller/performance

14

15



"Vaing, Jonathan"
<Jonathan.Vaing@sfdpw.org>
>

10/29/2009 01:36 PM

To Board of Supervisors <Board.of.Supervisors@sfgov.org>

cc "Black, Sue" <SBlack@sfgov.org>, "Brown, Vallie"
<Vallie.Brown@sfgov.org>, "Galbreath, Rick"
<Rick.Galbreath@sfgov.org>, "Galli, Phil"

bcc

Subject RE: BOARD OF SUPERVISORS INQUIRY # 20090922-002

Here's the status of removing graffiti from the following locations:

Garbage Cans:
On the North side of Cole Street between Carl & Frederick SR# 962794
(abated 9-27-09)
Northeast corner Buchanan & Haight SR# 962795 (abated 9-27-09)

Mailboxes:
Northeast corner Buchanan & Haight SR# 962795 (abated 9-27-09)

Jonathan C. Vaing
SF DPW Graffiti Unit

-----Original Message-----

From: Rodis, Nathan
Sent: Friday, September 25, 2009 2:27 PM
To: Vaing, Jonathan
Cc: Nuru, Mohammed; Stringer, Larry
Subject: FW: BOARD OF SUPERVISORS INQUIRY # 20090922-002

Jonathan,

Please respond directly to the Board of Supervisors and copy Supe. Mirkarimi.
Please use the reference number in your reply title, and copy Frank W. Lee and
myself because we are tracking these requests.

Thank you!

Nathan Rodis
Assistant to the Director's Office
Department of Public Works
1 Dr. Carlton B. Goodlett Place
City Hall, Room 348
San Francisco, CA 94102
Ph: (415) 554-6932 Fax: (415) 554-6944

-----Original Message-----

From: Board of Supervisors
Sent: Thursday, September 24, 2009 9:34 AM
To: Reiskin, Ed
Subject: BOARD OF SUPERVISORS INQUIRY

BOARD OF SUPERVISORS INQUIRY
For any questions, call the sponsoring supervisor

TO: Edward Reiskin

15

Public Works

FROM: Clerk of the Board
DATE: 9/24/2009
REFERENCE: 20090922-002
FILE NO.

Due Date: 10/24/2009

This is an inquiry from a member of the Board of Supervisors made at the Board meeting on 9/22/2009.

Supervisor Mirkarimi requests the following information:

Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Garbage Cans

On the North side of Cole Street between Carl & Frederick
Northeast corner Buchanan & Haight

Mailboxes

Northeast corner Buchanan & Haight

Please indicate the reference number shown above in your response, direct the original via email to Board.of.Supervisors@sfgov.org and send a copy to the Supervisor(s) noted above.

Your response to this inquiry is requested by 10/24/2009



"Vaing, Jonathan"
<Jonathan.Vaing@sfdpw.org>
>

10/29/2009 02:16 PM

To Board of Supervisors <Board.of.Supervisors@sfgov.org>
cc "Black, Sue" <SBlack@sfgov.org>, Board of Supervisors
<Board.of.Supervisors@sfgov.org>, "Brown, Vallie"
<Vallie.Brown@sfgov.org>, "Galbreath, Rick"
bcc

Subject RE: BOARD OF SUPERVISORS INQUIRY # 20090922-004

Here's the status of removing graffiti from utility poles at the following locations:

Metal Pole:

In front of 1056 Divisadero
In front of 338 Fillmore

SR# 962780 (Abated 9-28-09)
SR# 962782 (Abated 9-28-09)

Wood Pole:

Southeast corner Sutter & Broderick
Northeast corner Fillmore & Germania

SR# 962783 (Abated 9-28-09)
SR# 962784 (Abated 9-28-09)

Jonathan C. Vaing
SF DPW Graffiti Unit

-----Original Message-----

From: Rodis, Nathan
Sent: Friday, September 25, 2009 2:36 PM
To: Vaing, Jonathan
Cc: Nuru, Mohammed; Stringer, Larry
Subject: FW: BOARD OF SUPERVISORS INQUIRY # 20090922-004

Jonathan,

Please respond directly to the Board of Supervisors and copy Supe. Mirkarimi. Please use the reference number in your reply title, and copy Frank W. Lee and myself because we are tracking these requests.

Thank you!

Nathan Rodis
Assistant to the Director's Office
Department of Public Works
1 Dr. Carlton B. Goodlett Place
City Hall, Room 348
San Francisco, CA 94102
Ph: (415) 554-6932 Fax: (415) 554-6944

-----Original Message-----

From: Board of Supervisors
Sent: Thursday, September 24, 2009 9:34 AM
To: Reiskin, Ed
Subject: BOARD OF SUPERVISORS INQUIRY

BOARD OF SUPERVISORS INQUIRY
For any questions, call the sponsoring supervisor

TO: Edward Reiskin
Public Works

FROM: Clerk of the Board
DATE: 9/24/2009
REFERENCE: 20090922-004
FILE NO.

Due Date: 10/24/2009

This is an inquiry from a member of the Board of Supervisors made at the Board meeting on 9/22/2009.

Supervisor Mirkarimi requests the following information:

Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations:

Metal Pole

In front of 1056 Divisadero

In front of 338 Fillmore

Wood Pole

Southeast corner Sutter & Broderick

Northeast corner Fillmore & Germania

Please indicate the reference number shown above in your response, direct the original via email to Board.of.Supervisors@sfgov.org and send a copy to the Supervisor(s) noted above.

Your response to this inquiry is requested by 10/24/2009



"Vaing, Jonathan"
<Jonathan.Vaing@sfdpw.org>
>

10/29/2009 01:48 PM

To Board of Supervisors <Board.of.Supervisors@sfgov.org>
cc "Black, Sue" <SBlack@sfgov.org>, "Brown, Vallie"
<Vallie.Brown@sfgov.org>, "Galbreath, Rick"
<Rick.Galbreath@sfgov.org>, "Galli, Phil"

bcc

Subject RE: BOARD OF SUPERVISORS INQUIRY # 20090922-005

Here's the status of removing graffiti from the public property at the following locations:

Utility Boxes:

Southeast corner Fell & Buchanan SR# 962790 (abated 9-28-09)
Northeast corner Pierce & Waller SR# 973013 (abated 9-28-09)

Emergency Boxes:

Southwest corner Waller & Fillmore SR# 962793 (abated 9-28-09)

Jonathan C. Vaing
SF DPW Graffiti Unit

-----Original Message-----

From: Rodis, Nathan
Sent: Friday, September 25, 2009 2:33 PM
To: Vaing, Jonathan
Cc: Nuru, Mohammed; Stringer, Larry
Subject: FW: BOARD OF SUPERVISORS INQUIRY # 20090922-005

Jonathan,

Please respond directly to the Board of Supervisors and copy Supe. Mirkarimi. Please use the reference number in your reply title, and copy Frank W. Lee and myself because we are tracking these requests.

Thank you!

Nathan Rodis
Assistant to the Director's Office
Department of Public Works
1 Dr. Carlton B. Goodlett Place
City Hall, Room 348
San Francisco, CA 94102
Ph: (415) 554-6932 Fax: (415) 554-6944

-----Original Message-----

From: Board of Supervisors
Sent: Thursday, September 24, 2009 9:34 AM
To: Reiskin, Ed
Subject: BOARD OF SUPERVISORS INQUIRY

BOARD OF SUPERVISORS INQUIRY
For any questions, call the sponsoring supervisor

TO: Edward Reiskin

17

17

Public Works

FROM: Clerk of the Board
DATE: 9/24/2009
REFERENCE: 20090922-005
FILE NO.

Due Date: 10/24/2009

This is an inquiry from a member of the Board of Supervisors made at the Board meeting on 9/22/2009.

Supervisor Mirkarimi requests the following information:

Requesting the Department of Public Works to report on the status of removing graffiti from the public property at the following locations:

Utility Boxes

Southeast corner Fell & Buchanan

Northeast corner Pierce & Waller

Emergency Boxes

Southwest corner Waller & Fillmore

Please indicate the reference number shown above in your response, direct the original via email to Board.of.Supervisors@sfgov.org and send a copy to the Supervisor(s) noted above.

Your response to this inquiry is requested by 10/24/2009



**SAN FRANCISCO
PLANNING DEPARTMENT**

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2009 NOV -2 AM 9:53

18

**Notice of Availability of and Intent to
Adopt a Mitigated Negative Declaration**

BY

Re

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: October 28, 2009
Case No.: 2009.0568E
Project Title: City and County of San Francisco Auxiliary Water Supply System
Seismic Upgrade
Zoning: 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

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

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

To Whom It May Concern:

This notice is to inform you of the availability of the environmental review document concerning the proposed project as described below. The document is a Preliminary Mitigated Negative Declaration, containing information about the possible environmental effects of the proposed project. The Preliminary Mitigated Negative Declaration documents the determination of the Planning Department that the proposed project could not have a significant adverse effect on the environment. Preparation of a Mitigated Negative Declaration does not indicate a decision by the City to carry out or not to carry out the proposed project.

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19

Board of
Supervisors/BOS/SFGOV

10/30/2009 06:04 PM

To BOS Constituent Mail Distribution,

cc

bcc

Subject Fw: Campos vs. Mayor on Immigration & Gay Marriage

----- Forwarded by Board of Supervisors/BOS/SFGOV on 10/30/2009 06:04 PM -----



AEvans

10/27/2009 05:28 PM

To board.of.supervisors@sfgov.org

cc

Subject Campos vs. Mayor on Immigration & Gay Marriage

Dear Friends and Neighbors,

At a meeting of the board of supes on Tuesday (Oct. 27), David Campos rebuked Mayor Gavin Newsom for saying he would not enforce Campos' immigration law because the mayor believes it violates federal and state law. If passed, Campos' law would require city police officers to shield young illegal immigrants from federal authorities if the immigrants are felony suspects.

In defense of his rebuke, Campos invoked a famous 2004 decision by the California Supreme Court. This decision invalidated the same-sex marriages that Newsom had allowed because the mayor believed the ban on them was unconstitutional. The 2004 ruling says that a public official cannot refuse to follow a law because he or she believes it is illegal or unconstitutional.

Although on Tuesday Campos extolled the court's anti-gay marriage decision of 2004, he had previously praised the mayor for standing up for same-sex marriages against existing California law. Campos defended this abrupt about-face at a news conference following the meeting, standing about fifteen feet from the bronze bust of Harvey Milk.

Prior to the news conference, the supes approved Campos' bill on a second reading by a veto-proof margin of eight to three, with Carmen Chu, Sean Elsbernd, and Michela Alioto-Pier dissenting. It now goes to the mayor, who will veto it, and then back to the board, which will override the

19

veto.

After the override, the mayor will most likely ask a federal court to suspend the effect of the ordinance until its legality can be decided. Since the measure will require city law-enforcement officials to act contrary to federal law, its prospects aren't too good.

Nonetheless, the supes will have been able to strike grand rhetorical poses. And that's what they get paid for, right?

Yours for rationality in government,

Arthur Evans

* * * * *



Aaron Goodman

10/27/2009 03:01 PM

To board.of.supervisors@sfgov.org

cc

bcc

Subject SFMTA Comments @ Land-Use Meeting 10/26/09 - Request for Public Hearing on District 7 and future transit plans of Parkmerced and the SFMTA.

20

SF Board of Supervisors;

I was in attendance and gave public comment on the Better Streets item scheduled for Oct. 26th 2009 at the Land-Use Committee hearing.

Supervisors Mar and Maxwell, both in attendance noted the comments from the SFMTA director Dr. Amit Gosh on the SFMTA "sustainable transportation and land-use integration" project and proposals in multiple districts of SF.

The concern here is the relative "secrecy" in terms of the "negotiations" and future planning for public rail and routing through our neighborhoods in SF. It is a known fact that SFMTA has held numerous meetings with SFSU/CSU's Masterplanners, and Parkmerced's "vision" planners to discuss the best and lowest cost options that benefit the developer's and universities best interests. It must be CLEARLY stated that nowhere has the SFMTA recognized the need to include to date the local communities concerns on the proposed routing of muni through parkmerced, and allowing portions of parkmerced to be "annexed" for a "joint" or primarily SFSU/CSU favorable new stop within parkmerced.

The routing of the proposed new muni line into Parkmerced directly places THREE muni station stops within a .18 mile radius of a rental low-mid income rental community, and only proposes minor changes in routing in regards to options proposed.

The concern here is that public transportation is being placed in side-step development with private interests, instead of riding at the fore-front of the discussion on improving transit, and transportation as a primary transit-first policy of the city of SF.

Sophie Maxwell keenly noted the issue of "infrastructure" of which District 7 has no serious implementation or designed masterplan, for laying out major transit and future connections to reduce auto and improve bike/pedestrian routing on numerous boulevards and streets in our district. Some minor development "improvements" are noted in the St. Franc is interchange which are primarily auto improvements. Very few Muni or public transportation improvements or future planning has been a part of the conversation, except those ideas espoused by the Parkmerced Investors LLP. I think it should be directly a concern that

their proposed routing and that shown by SFSU has been in conversation for some time between agencies, WITHOUT public comment on the routing and best situation for the public's benefit.

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The distance between two points is a straight line, and the direct connection from SFSU/CSU to Daly City Bart is the primary objective. As to infrastructure the 1952 interchange at 19th and Brotherhood Way is the primary concern in regards to improvements required to reach that goal. The noted interest in the bi-county ABAG/FOCUS agreement and push in legislation by Sean Elsbernd for 081281 was to promote this bi-county, and general larger scale discussion on transit, development and investment in infrastructure to my understanding. It is here and at the "entry" point to the western side of the city that major developer interests have started to turn starting with parkmerced, and probably also inclusive of Arden Wood, and Stonestown in the near future. The need to review comprehensively the entire process and development requires a keen eye towards the "INVENTIVE" and problem solving abilities of community advocates, and the public project coordinators of the board, SFMTA, Caltrans, and other state agencies to begin to look CREATIVELY at the future development of this intersection, and the cross-roads being proposed for transit/traffic, and infrastructure.

What needs to be prevented is the statement that this is another "big-dig" or proposal to rectify to many issues. The issue is singular, and the ability to influence the Parkmerced design, can help in adjusting the view of how a big developer with strong interest in change and future planning, can inform and be influenced by the community and public to create a stronger and more positive development of change in transit, and transportation citywide.

What I am deeply concerned about is the "hand-in-hand" verbage used at this meeting for planning and SFMTA activities with developers, the problem with the bay-view and other projects is that the urban planning initiatives occurred prior to SFMTA action, or at the same time and were thus strongly influenced by \$\$\$\$\$\$. The Parkmerced routing shows such a similar issue of private planning initiatives driving transit, instead of transit being the driving force behind proper density and development levels. This cannot be the case for public transit for a "transit first policy" statement of this city, and the best interests of the public. I do strongly believe in the better streets program, but the lack of follow-through on sites like the bioswales at Lake Merced, or Tree-Planting along major boulevards at \$5k a pop for Friends of the Urban Forrest, with additional cash requests by DPW and other groups for maintenance leads to further issues with how we plan our streets program, and with what assurances we as citizens have that implementation and care/maintenance long term are ensured.

Our infrastructure is lacking in district 7, I have spoken with Supervisor Elsbernd about the possibilities, beyond basic rail re-routing, opening the door to OPEN, competitions, and idea generating discussions on routing NEW rail and infrastructure combined with tax-based development, new jobs, new rental housing, and effective preservation of our heritage as a modern landscape planning initiative of the post war years, and an urban planning character of street design that is a UNIQUE beaux arts plan space in Parkmerced. It is a characteristic that provides the city with a different layout than the gridded street layouts of many districts, and slows traffic and makes the community a very walkable, bikeable, and enjoyable setting for families that had made this community home for years.

Even a basic concept statement or basic idea of dropping the roadway from stonestown out to daly city bart, to allow above ground rail, density, parks, and open space, a new entry plaza at junipero serra and brotherhood way, along with new office towers, jobs, density, housing, schools,

shopping and tax base is there. It may sound to far fetched, but the basic rail services prior were cut in this district, such as the St. Francis Line, or even a new one that circled Lake Merced, routed out on sunset boulevard and brought a north to south transit solution linking the L/M/N and J lines in proper future looping action with adequate switchbacks, service areas, and density for multi-nodal transit hub development in bi-county developments proposed. A solution for the future is something that can be addressed, but it must be inclusive of ALL communities, and not exclusive in terms of discussion. For another visual example, see the stockholm competition I believe entered by Jean Nouvel, and others that looked at transit/traffic and transportation for the public with housing integrated as a new look at the way an entrance line to the city can function.

I strongly urge the SF Board of Supervisors and the Land-Use committee to follow up with the SFMTA on the issue of DISCUSSING the future planning of the "Sustainable Transportation and Land-Use Integration" committee to ensure that community organizations take part, in the ROUTING proposed, and ensure that as future thinking and creative/inventive solutions are investigated as solid OPTIONS for change BESIDES the one singular plan proposed to date by the private developers interests and goals.

I would gladly sketch out or even assist in modeling such a simple solution to the district issues on transit in such a meeting to ensure that the IDEAS are put down on paper, and that the SFMTA heads, provide the public with a thorough list of positive options and routing that benefits the many and not just the few....

Thank you for reading this with concern and attention to the issue;

Sincerely

Aaron Goodman President @ PRO
The Parkmerced Residents Organization
www.parkmercedresidents.org



Aaron Goodman

10/31/2009 02:46 PM

To board.of.supervisors@sfgov.org

cc sophie.maxwell@sfgov.org, david.chiu@sfgov.org,
eric.l.mar@sfgov.org

bcc

Subject Support the need for new rent-controlled rental housing in
new construction in SF.

File # 090583

Land Use BOS Commissioners and BOS Members;

- a) the mayor vetoes the renter's relief package
- b) the developers of some projects (BVHP-Lennar) threaten the city if forced to build "rental" housing.
- c) the majority of families are either out of work, facing eviction, or living month to month.
- d) numerous projects projected in the pipeline will not per city laws on new developments be required to provide or follow rent-control laws on new construction.
- e) meanwhile the valley of calif. is filled with the sprawl of bank and developer backed schemes on development, while they now re-focus there efforts on urban areas, that have little protection to prevent mass-displacement and urban tear-downs for new units that will avoid rent-control laws.
- f) rent control is in jeopardy due to the consistent building of market rate units versus sound **SOCIAL HOUSING** and rental housing for the working class.
- g) rental housing and social housing are **NEEDED** throughout SF, in an equally balanced and developed density planning effort. You cannot shove it all in economically challenged neighborhoods the system **MUST** change.

PLEASE support the Avalos legislation extending just cause eviction protections, and ensure that there is FAIR development of rent-controlled basic housing stock in SF.

STUDENTS, SENIORS, DISABLED, FAMILIES, IMMIGRANTS, and the WORKING CLASS DEMAND ACCOUNTABILITY OF CITY AGENCIES AND THE BOARD OF SUPERVISORS TO SUPPORT THIS LEGISLATION TO ENSURE NEW DEVELOPMENTS INCLUDE A BASIC NUMBER OF UNITS RESERVED FOR RENT-CONTROLLED LOW-MID INCOME CITIZENS OF SF.

If not than demand a rent-roll-back so that we get back to reality.

Rents above \$2400 for a 2-bedroom are not affordable, and neighborhoods like Parkmerced and Trinity Plaza are examples of what has occurred in the predatory equity lending issues, flipping of properties, and lack of vacancy decontrol throughout the city.... NYC is a prime example, and SF is already being flipped.

Pay Attention to this issue. Its essential Its Housing, and its dealing with many peoples

lives. Not just the property owners..... Families cannot remain in a city that ignores the basic essential need for well built housing like parkmerced.

There is a need to develop similar density levels throughout the sunset, presidio, and other areas along major transit lines. Its time to think futuristically on planning and not allow singular developers to control the future of our cities infrastructure and development path. We need to take control of the future city and its design and ensure an equitable future for all citizens that live here....

Sincerely

**Aaron Goodman President of PRO
The Parkmerced Residents Organization
www.parkmercedresidents.org**

22



Francisco Da Costa

10/31/2009 08:00 AM

To Francisco Da Costa

cc

bcc Board of Supervisors/BOS/SFGOV

Subject Gavin Newsom out of the race - now time for Lennar to be
sent in disgrace.

Gavin Newsom out of the gubernatorial race - now time for LENNAR to be
sent away in disgrace:

<http://www.indybay.org/newsitems/2009/10/31/18627261.php>

Francisco Da Costa

22



graham r

10/31/2009 01:14 PM

To board.of.supervisors@sfgov.org

cc

bcc

Subject SOMA district

23

Dear whoever is reading this...

I am writing to relay my disgust at this city for a parking ticket I was issued on my vespa last week. I work for a medical device company on Stillman between 2nd and 3rd in the SOMA district. My scooter was parked on the sidewalk between two planters, not obstructing the walkway at all. I was parked there for 2 minutes and asked the meter maid if I could move the bike before he had even finished with writing the ticket, but he would not be reasonable about it and proceeded to write me \$103 ticket.

Now, I admit that I was technically in the wrong for parking on the sidewalk but I don't think it's justified that I should have to pay that outrageous fee. Let me explain some of the things that I am subjected to while walking in and out of work in that neighborhood. On any given day I can guarantee to see drug deals, bums sleeping on the sidewalk, bums urinating on the sides of businesses, feces and litter (syringes, condoms...) all over the sidewalk, or crackheads harassing women as they walk from work to the parking lot under the hwy 80 overpass. I would not mind paying \$103 if this was a pristine neighborhood, but to be honest it really sucks to have to work there. Why don't you start writing tickets to bums sleeping on the sidewalk for blocking the sidewalk? or at least do something worthwhile with the money you are stealing from me and clean your streets up? And aside from the sidewalks, the street itself has some of the worst potholes I have ever seen. It's like a death trap for cyclists and motorbike riders. Whoever the supervisor is in that neighborhood (Chris Daly?) should be embarrassed.

I think it's really shameful that the city has so much money invested in enforcing parking laws while not addressing quality of life issues for people who work and live here. Perhaps the city wants to encourage businesses to move to a different city where they don't have to deal with squalor, rude city employees, parking issues, and misaligned priorities from the folks that run the city.

--

23



richard

10/29/2009 01:39 PM

To gavin.newsom@sfgov.org, Board.of.Supervisors@sfgov.org,
Ross.Mirkarimi@sfgov.org
cc libtatyusers2004@yahoo.com

bcc

Subject Park Library closure

Think that you should reconsider the remodel of the Park Library branch.
Not sure that all that is being proposed makes sense and think that there
needs to be more chance for public feedback.

Also, have you considered that getting rid of paper bags is going
to make it a lot more difficult to recycle papers and bottles.

Richard Petersen

24

24



Brandon

11/02/2009 08:34 AM

To board.of.supervisors@sfgov.org

cc

bcc

Subject Bayview

25

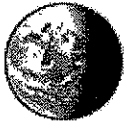
I want to know to what is being down about the crime done in the bayview neighborhood. I live on Hawes St. and if 1 week goes by where I don't hear a gun shot I feel lucky. The City's lack of concern for this neighborhood is unacceptable. On 3rd street despite laws against loitering, that is all a person sees. These people sell drugs right out in the open and nothing is being done about it. Almost every neighborhood in SF has a trash can on every corner. In my neighborhood people just dump trash on the sidewalk, it's disgusting. People are allowed to park however they like on the sidewalks in the street, this is ridiculous and a loss of money the city of SF could be making off of tickets for violations. Bayview could be a wonderful neighborhood if the City would treat it and take as much care for it as other neighborhoods are cared for in the city of SF. The 3rd St. development is going to be stunted because no one will want to by newly constructed condos (no matter how inexpensive) as long as drugs are being sold out front as well as shootings and other crimes. This just breaks my heart and angers me considering I am paying 400k for a house in this neighborhood. My neighbors run a illegal light industrial business out of their home and are constantly building things on the property without permits. I have called every city agency and nothing is being done. My house is being over run by rats because they bring in bins of trash daily that they sort and then recycle for money. I just don't understand how this district can be so neglected when it needs the most attention. If you go east of 3rd it is nearly like a 3rd world country. I want to see action. obviously the wrong supervisor was elected 3x and she has done nothing to make this the safe and thriving district it could be. I see police patrolling 3rd street often standing around in a group laughing and having a good time while people around the corner sell drugs. Often I see these officers talking on cell phones. 3rd street needs to be properly monitored as well as east of 3rd street and the section 8 housing projects. I want to see the trash picked up from the streets and sidewalks i want to see parking enforcement and a stronger police presence. I also want to see criminals being prosecuted, too often suspects are arrested for murders and violent crimes only to be let go. I have heard people on the T train brag about killing someone and getting away with it. Contrary to what the sups and other city officials believe the city of SF is obligated to keep the people of this neighborhood just as safe as the other neighborhoods. Please don't neglect this district because many who live here are below poverty level. Please break up these gangs here and throughout the rest of the city. Do something please.

Brandon Vogel

25

C Pages

26



Eric Brooks

11/02/2009 11:36 AM

To Eric Mar <Eric.L.Mar@sfgov.org>, marstaff@sfgov.org,
Cassandra Costello <Cassandra.Costello@sfgov.org>,
Michela Alioto-Pier@sfgov.org, Bill.Barnes@sfgov.org, David

cc

bcc

Subject Important: RFP Document For Tomorrow's BOS Item 6

#091161

Hi all,

On tomorrow's full Board agenda, the ordinance authorizing the release of the Clean Power SF (Community Choice Aggregation) Request for Proposals (RFP) is up for its vote on second reading as item 6.

Through a clerical error, the current attachment to this item (at <http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/bosagendas/materials/091161.pdf>)

) while adequate, does not properly reflect the most up to date RFP which was vetted by the LAFCo and GAO before this item was sent to the full Board.

In the existing document link, an older two-version draft RFP is attached. The newer draft RFP is the result of extremely difficult and diligent work on the part of Supervisors, Commissioners, staff, and stakeholders to get a final draft RFP that is adequate and robust for this project, and it is important that the record show that most recent draft so that you, the Supervisors, accurately understand what document the RFP ordinance refers to, and so that there is an official public record of the most current document at the Board.

While technically which version of the RFP is attached has no substantial bearing on the ordinance itself, and it is not in any way legally necessary for the new version to be attached, I thought you would want the most up to date draft for your records and perusal.

The proper current draft of the RFP can be found on the SFPUC web site at the following location:

http://sfwater.org/detail.cfm/MC_ID/17/MSC_ID/422/MTO_ID/736/C_ID/4765

I have also attached a PDF of the newest RFP draft.

cheers

Eric Brooks
Community Choice Energy Alliance



RFP_WorkingDraft_Oct21-2_CCA.pdf

26

94/12
Oct. 29, 2009

21

Dear Supervisors:

I am greatly puzzled by this recent change. I thought that supermarkets in S.F. had been banned from using plastic bags.

Yours truly,
Janie Bray

BY

2009 OCT 30 PM 12:04

RECEIVED
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

P.S. - I re-use large paper bags every single day. If I can't get them in San Francisco, I guess I'll have to do my business and spend my money in other cities, which have useful, biodegradable paper bags.

P.P.S. - Bag obtained from Lakeshore Plaza, on Sloat Blvd, S.F.

27



Adele Framer

10/29/2009 03:40 PM

To west@_____ sales@_____

cc MSangiacomo@recology.com, environment@sfgov.org,
board.of.supervisors@sfgov.org, Ross.Mirkarimi@sfgov.org
bcc

Subject Fold-Pak take-out cartons and recycling

Hello, Fold-Pak Company --

I am glad to read on your Web site that you are concerned with the environment.

At first, I thought the Fold-Pak cartons, used everywhere for take-out food, might be biodegradable, since they are described as paper products. I had to download the brochure to find, alas, they are coated with "poly" -- plastic.

Here in San Francisco we are trying to recycle as much as possible. We want to put paper items such as paper cups and containers in our green compost bins. The compost is used to grow food in the Central Valley.

But plastic-coated paper containers, which people may mistake for compostable paper, only contaminate the compost.

For the sake of all our children, we need to go green now with all waste disposal. I am calling on Fold-Pak and other manufacturers to clearly mark plastic-coated paper containers with recycling instructions, as "recycle with plastics," or "plastic-coated -- do not compost." Or, better yet, coat them with a biodegradable material.

Sincerely,

Adele Framer
District 5
San Francisco

28

28

cc: Sup. Daly
orig: C page
Oct 26, 09

Board of Supervisors
City Hall, San Francisco

2009 OCT 27 AM 11:06

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

I attended a sponsored Red Cross workshop on how to protect yourself in a disaster held at the Albert Hotel, 2135 Mission Street on October 22 where I reside. (See attached flyer.) Jorge Portillo was the speaker. Different types of relative disasters were discussed: floods, fires, and our significant earthquakes. We were informed on how to be prepared: water (a gallon a day for each person), a filled, gear-filled backpack (get those power bars). At least 3 days is the goal.

Apart with all this understanding and planning, there is no payphone to callout for a disaster in this hotel. A long time ago each of the two floors had a payphone at the end of the halls. Then only the first floor. Almost a year ago the Patel owners removed the first floor phone. Perhaps a manager could help. This one John Hart is rude and antisocial. I've never seen or heard one tenant using his phone. Off the hook, he does not even become a consideration for distress. (See attached

Continued Page Two

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Board of Supervisors ②

10/26/09

complaint letter regarding second-hand smoke from Manager John Hart.)

Some residents do have cellphones and installed phones. Still there is not a save + long and far people just going through the hotel. Another consideration is violence which could happen anywhere. It just become ludicrous + be all for a disaster one cannot call out readily to the police, 911, or a friend, relative. We could also help authorities by describing our problem-area.

I would like their common sense looked into. As adults, as thinking people, we are supposed to make sense of our immediate environment. The Patel owners do not care about their tenants or the state of their city. This used to be a city of the world.

Joyce H. Hammond

Joyce IDA HAMMOND

SF CA 94110

Attachments: Invite to Workshop
Second-hand Smoke letter
Return certified card -- Dept of
Public Health

The Mission SRO Collaborative
Together with
The American Red Cross
Invite you to a
Workshop on how to
protect yourself in case
of a DISASTER

Where: Albert Hotel, 2135 Mission st.

When: Thursday, October 22th 6:00 – 7:00pm

!!!PIZZA AND REFRESHMENTS PROVIDED!!!

CALL: 415-282-6209 ext 12, 16 or 19

with Questions

Learn how to Protect
Yourself in a Disaster!

Dept of Public Health
Environmental Health – Hotels
1390 Market Street, Suite 210
San Francisco, CA 94102

October 7, 2009

I have a serious concern about a health hazard at the SRO Albert Hotel, 2135 Mission Street where I live. The manager, John Hart, Room 5, at the top of the stairs front building, with his door usually open, smokes all day. Room 5 is his sleeping room and office room. Second-hand smoke is established to cause cancer to others.

Besides guarding the front door, sometimes he is away for cleaning, chores. However mostly from 10 am til 2 or 3 in the morning he is watching movies. Supposedly an electronics wiz he also plays videos and games. It's sitting and smoking.

Primarily he looks, talks, acts like a stringy, long-haired, straggled vagabond of the street. He's rude and antisocial. His living area is so bad: his room walls are literally grey-yellow. Piles of cigarette butts fill trays. Then, in fact, he eats meals off a grimy, blackmade pillow.

I have heard that second-hand smoke has even been outlawed to the extent that employees smoking outside can only smoke several feet away from a front door building. John Hart's smoke fills the halls and under tenants' doors. It's too much.

Working, I moved in before this became an SRO hotel; and now on social security there are some people that do work. Living anywhere, working anywhere, on any kind of income we are supposed to have rights against pollutants, illness, poisons, disease.

I would like someone checking out John's living area. Take some photos for the disbelief. It's when it became an SRO hotel that the building really went downhill. For beginners they painted the brown wood white and mauve, upbraided a quality rug and put down a discount. NOTICE THE WAR-TORN STAIRWAY GOING UP.

This crime has gone on too long. We pay rent for what should be decency. Of course who knows how many people now-a-days care about decency. Second-hand smoke kills!

Joyce I. Hammond

Joyce I. Hammond

SF CA 94110

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Dept Public Health
Environmental - Hotels
1390 Market ST 210
SF CA 94102

2. Article Number

(Transfer from service label)

7009 0820 0000 9116 5158


PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X 

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

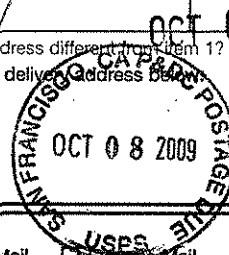
☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes





Frank Price

10/29/2009 09:29 AM

To board.of.supervisors@sfgov.org

cc

bcc

Subject Forced Closure of Synagogue in Indonesia

I am sure that you know that a local Muslim leader, with violent threats has forced the closure of the only Jewish Synagogue, Beth Hashem synagogue in Surabaya, Indonesia's second-largest city as a way to show support for Palestinians.

And you voted to send our hard earned tax dollars to nation that allows this and supports this kind of anti-Semitism

Shame on you!

Frank Price

30

30

31



"Glenn Riddell"

10/27/2009 11:25 AM

Please respond to
"Glenn Riddell"

To <board.of.supervisors@sfgov.org>

cc

bcc

Subject Priorities?

Members of the SF Board of Supervisors,

I am addressing you all as I see that your focus, as a group, is at issue.

Having moved from the City to Marin County, over a year ago, I think that I now have a more objective view of SF government. As a loyal democrat, and a social liberal, I am embarrassed at the total lack of focus by the entire group of SF elected officials, and most specifically, the Board of Supervisors.

There is a very good reason that San Francisco is viewed by much of the rest of the Country as out of touch with reality... you all are! The news last night was all about the SF BOS, on the verge of adopting a new city ordinance that would prohibit the declawing of cats. This, at the very same time that MUNI, as reported, has nearly half of it's security cameras out of order. If this were the only time that a frivolous issues came before your body, and was overshadowed by much more important problems, it might well be forgiven.

Unfortunately, it isn't and there is a new reality that apparently has not sunken in with anyone who sits on the board.... it is called a national financial collapse! Instead of honoring other politicians by passing legislation

to name streets or set aside a day of honor, maybe you should focus more on

what people are really looking for LEADERSHIP! It is just pathetic that a great city like San Francisco cannot find more qualified and professional people as it's leaders. It is just not good enough to expect positive change when our politicians keep disappointing us with this kind of drivel... where are our leaders?

Clearly nowhere to be found in San Francisco!

gr

31

File 091039

32



hoover.denise@
10/27/2009 01:03 PM

To board.of.supervisors@sfgov.org
cc
bcc
Subject Cat Declawing Law

Hello,

I am just writing to advocate against the proposed Cat Declawing Law. Approximately 60-90% of cats in California's humane societies are euthanized as opposed to 40-60% of dogs. Cats are often

left by their owners outside to fend for themselves when they are unwanted. This is how I came across my two cats, one abandoned in Michigan and one when I was living in San Diego. Both of these cats were abandoned by neighbors. Anything in this world that will save a cat from being euthanized even declawing is well worth it. While declawing may not be an ideal solution to problems the pain of the procedure can be managed. I have one declawed and one clawed cat both cats live happy enriched lives. The declawed cat is not at any significant disadvantage. I don't think that the procedure constitutes animal cruelty. Many medical procedures now performed on animals can be considered cruel in the short term, due to painful treatment or recuperation. But these procedures serve a valuable purpose to extend or improve the life of an animal. I think we should look at cat declawing in much the same way. If it keeps an animal from being euthanized or abandoned, is it really right to outlaw it?

I thank you for considering this in your deliberations

Denise Hoover

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"Melinda L. Weil"

10/26/2009 05:16 PM

To <board.of.supervisors@sfgov.org>,
<Chris.Daly@sfgov.org>, <David.Campos@sfgov.org>,
<Eric.L.Mar@sfgov.org>, <gavin.newsom@sfgov.org>,

cc

bcc

Subject Civil Service worker bumping

Dear Mayor Newsom and Board of Supervisors Members:

I have been told that the San Francisco Department of Public Health is currently laying off scores of employees in the Civil Service classifications (categories) of Clerk Typist (1424), Sr. Clerk Typist (1426) and Secretary II (1446). Apparently, senior members of these 1424, 1426, and 1446 classes ("Holdovers") find themselves forced to "bump" into positions held by less senior class members (30-some positions) at City College of San Francisco. I cannot imagine that these new people have been trained or even necessarily meet the job requirements of the published 'desirable qualifications' of many of the College's staff positions. This is worrisome, as I am sure you can understand, on many levels to those of us who rely on our classified staff.

In addition, I am told that the start of this bumping is set to occur on November 16. This seems like a horrible idea: Untrained staff trying to cope with new jobs during the final 22 days of our Fall semester is asking for trouble.

I know that you are all working to improve the San Francisco budget in a horrid economy. But please reconsider these actions that will cause turmoil at CCSF.

Sincerely yours,

Dr. Melinda L. Weil, Ph.D.
Astronomy Department
City College of San Francisco
50 Phelan Avenue, S29
San Francisco, CA 94112

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"Kelly Vogel"

10/27/2009 10:38 AM

To <Board.of.supervisors@sfgov.org>,
<gavin.newsom@sfgov.org>
cc "Jessica Brown" <jjbrown@ccsf.edu>
bcc

Subject Layoff of Civil Service employee at CCSF

To Mayor Gavin Newsom and The Board of Supervisors:

I am writing to protest the proposed layoff of CCSF's English Department Secretary, Pamela Peterson. She has been an instrumental part of our department, serving hundreds of faculty and tens of thousands of students. English courses are an essential part of most CCSF students' curriculum, are required by UC and State schools (among thousands of others), and the department itself is one of CCSF's largest.

Pamela helps the department, and faculty, to serve local and international students navigate their way through innumerable issues, from finding classes to filing paperwork, to transferring, to determining eligibility, and the list goes on and on. Without her the department will have to fend for itself, and when class-loads and work-loads are already at an all-time high, this will put an already overloaded department in jeopardy.

I thank you for your time and attention to this extremely important matter.

Best,

Kelly Vogel
English Instructor
Office: R207#3



"Pamela Petersen"

10/27/2009 10:50 AM

To <board.of.supervisors@sfgov.org>

cc

bcc

Subject 3RD GENERATION SF - LAID OFF

Distinguished Board of Supervisors,

I am not your "typical" city employee. I am proud of my Irish, 3rd generation San Francisco heritage, my great-grandmother worked for Mayor Rolf and is in many historical photos. My grandmother worked for the school system also. My mother worked downtown for Pac Bell. I come from a long line of working women who have contributed and support the San Francisco "system".

Every position I have held for the city has been with an outstanding record! Currently, I am Secretary to the Chair of the English Department, Jessica Brown; a department of 105+ faculty.

My x-husband has worked for the city for over 25 years. I have 3 brother-in-laws who have a combined service of more than 65 years, one is Chris Cunnie, a dedicated employee.

I am a single, 51 years, and a woman with no job.

AS OF November 15, 2009, I WILL NO LONGER BE A CIVIL SERVANT.

I am getting "kicked to the curb". This is extremely unfair. My dedication and service are outstanding.

With regret,

Pamela A. Petersen



City and County of San Francisco
Department of Public Health

Gavin Newsom, Mayor
Mitchell H. Katz, M.D.,
Director of Health

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

October 9, 2009

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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 OCT 26 PM 2:23
BY _____

Dear Ms. Calvillo:

Enclosed for your information is a complete set of the annual 2009 Title XV evaluation reports for San Francisco detention facilities, as required by the California Board of Corrections under section 459 of the California Health and Safety code.

A team of professionals from the San Francisco Department of public Health, including registered dieticians, an environmental health inspector and a health care analyst performed the inspections. Facility administrators were given the opportunity to review and comment on the draft reports and written responses have been attached.

The following facilities were evaluated:

All County Jail facilities
Holding cells at the Hall of Justice and the Superior Court
SFPD holding cells
SFGH Wards 7D & 7L and emergency room area holding cell
Juvenile Hall
Log Cabin Ranch

Sincerely,

MITCHELL H. KATZ, MD
Director of Health

Cc: California Board of Corrections
Mayor Gavin Newsom

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