

101141

Petitions and Communications received from September 7, 2010, through September 13, 2010, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on September 21, 2010.

From Planning Department, regarding the initial study notice of availability for the Broadway Sansome Family Housing project located at 235 Broadway. (1)

From Local Homeless Coordinating Board, regarding the San Francisco Rental Subsidy Program for Families. Copy: Each Supervisor (2)

From concerned citizens, submitting opposition to proposed legislation concerning the alcohol mitigation fee. File No. 100865, 70 letters and postcards (3)

From Health Commission, submitting resolution in support of the alcohol mitigation fee program. File No. 100865 (4)

From Ethics Commission, submitting their annual report for FY2009-2010. (5)

From Office of the City Attorney, submitting memorandum entitled "Political Activity by City Employees" from City Attorney Dennis Herrera. (6)

From Abdalla Megahed, submitting copy of letter sent to the In-Home Supportive Services Consortium. Copy: Each Supervisor (7)

From Abdalla Megahed, concerning Terry Jones and his plans to burn 200 Korans at an anti-Muslim rally to remember 9-11. (8)

From Dr. Amos Brown, regarding the San Francisco Branch of the NAACP looking forward to collaborating with California Pacific Medical Center's community-based programs and clinics to provide health care services to the whole community, with an emphasis on disadvantaged residents. (9)

From James Chaffee, regarding the North Beach branch public library. (10)

From Planning Department, regarding the Westside Recycled Water Project. Copy: Each Supervisor (11)

From Verizon Wireless, submitting notification of three cellular antennas to be installed at 1600 El Camino Real. (12)

From Robin Mackey, Bernal Heights Community Action, agreeing to Clearwire's request for a continuance of the public hearing on the appeal for property located at 10 Bernal Heights Boulevard. File Nos, 101041 and 101045, Copy: Each Supervisor (13)

From SPCA, commenting that Pet Food Express has been an eager and loyal supporter of the animal welfare community in San Francisco. File No. 101087, Copy: Each Supervisor (14)

From Office of the Controller, submitting an audit report of San Francisco's Public Utilities Commission Wastewater Enterprise warehouse and inventory controls. (15)

From Office of the Controller, submitting an audit report of the Police Department's need to improve its controls over premium pay and overtime. (16)

From Office of the Controller, submitting a compliance audit report of JetBlue Airways Corporation. (17)

From Office of the Controller, submitting a report on the procedures and internal controls over operations and protection of assets held as part of the Asset Forfeiture Program. (18)

From concerned citizens, submitting opposition to the decision of the Planning Commission by its Motion No. 18139, approving Conditional Use Application 2010.0357C for Pet Food Express located at 3150 California Street. File No. 101087, Copy: Each Supervisor, 5 letters (19)

From Employees' Retirement System, regarding the 2009-2010 Civil Grand Jury Report entitled Pension Tsunami, The Billion Dollar Bubble. Copy: Government Audit and Oversight Committee Clerk (20)

From Municipal Transportation Agency, submitting an update on SFMTA's fare collection initiatives. (21)

From Arthur Evans, regarding the McDonald's store in the Haight-Ashbury district increasing prices of some of their food items. (22)

From Kim Malcheski, regarding MUNI reform. Copy: Each Supervisor (23)

From concerned citizens, submitting opposition to expanding parking meter hours/and or Sunday metering. 4 letters (24)

From Bob Larive, commenting on the "street people" that hang out in the Fisherman's Wharf and North Beach areas day and night. (25)

From Mary Bull, regarding several issues in the Haight-Ashbury district. (26)

From Jennifer Henerlau, thanking the Board of Supervisors for the great exhibition at the State Fair in Sacramento. (27)

From Nick Pasquariello, urging the Board of Supervisors to reject the allocation and transfer of \$375,000 in the Comcast settlement to the Bay Area Video Coalition. File No. 091408, Copy: Each Supervisor, 3 letters (28)

From Office of the Controller, submitting a corrected audit report of the agreement between TEGSCO, LLC dba San Francisco Auto Return and the Municipal Transportation Agency. (29)

From Coalition of Agencies Serving the Elderly, submitting petition urging the Board of Supervisors to restore the 2.1 million dollars cut from senior services in the Department of Aging and Adult Services budget. (30)

From Jay Sath, regarding people sleeping all over the sidewalks and constantly bugging anyone walking down the street for handouts in the downtown area of San Francisco. (31)

From Kimo Crossman, concerning web posting requirements for all city departments of the City and County of San Francisco. 4 letters (32)

From State Office of Historic Preservation, regarding the nomination of the Rialto Building to the National Register of Historic Places. Copy: Each Supervisor (33)

From State Office of Historic Preservation, regarding the nomination of San Francisco Juvenile Court and Detention Home to the National Register of Historic Places. Copy: Each Supervisor (34)

From Department of Public Health, submitting the quarterly AIDS surveillance report for cases reported through June 2010. (35)

From State Fish and Game Commission, submitting notice of proposed regulatory action relating to recreational and commercial fishing regulations for federal groundfish and associated species for consistency with federal rules. (36)



SAN FRANCISCO PLANNING DEPARTMENT

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2010 JUN 30 PM 3:15
BY

June 30, 2010

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

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

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

Subject: Distribution of Initial Study Notice of Availability to Board of
Supervisors
235 Broadway – Broadway Sansome Family Housing
Planning Department File No. 2008.0797E

Dear Ms. Calvillo:

Enclosed please find 12 copies of the Notice of Availability for the 235 Broadway
– Broadway Sansome Family Housing project for distribution to the Board of
Supervisors.

Please note that this document does not pertain to any item calendared before
the Board, but is being distributed pursuant to the San Francisco Administrative
Code Chapter 31.

If you have any questions related to this project's environmental evaluation,
please call me at 575-9072.

Sincerely,

Jeanie Poling
Environmental Planner

enclosures

1



San Francisco
Local Homeless Coordinating Board

BOS-11 - email
Cpage

MEMORANDUM

To: San Francisco Board of Supervisors
 To: Mayor Gavin Newsom
 To: Trent Rhorer, Human Services Agency
 CC: Angela Calvillo, Board Clerk
 From: San Francisco Local Homeless Coordinating Board
 Date: August 30, 2010
 RE: San Francisco Rental Subsidy Program for Families

RECEIVED
 BOARD OF SUPERVISORS
 SAN FRANCISCO
 2010 SEP -8 PM 3:27
 BY RL

I. Background:

Ordinance number 229-09, signed and approved on November 10, 2009 states the following: (Section 48.4 lines 10- 23) "The Local Homeless Coordinating Board shall issue a report on the progress of the subsidy to the Board of Supervisors, Mayor, and Human Services Agency two times a year, including the number of families served, length of time on the subsidy, outcomes, number of unused slots, number of families seeking subsidies that were turned away, and recommendations in changes in policy, eligibility, criteria for applicants, and other pertinent information. The Service Providers shall make the best effort to take necessary corrective action in response to all client complaints internally within 30 days. After removing all personal information that could identify the client, the Service Provider or the client may forward the complaint to the Local Homeless Coordinating Board.

This is the first report since the legislation was passed. The report reflects information provided by the participating rental subsidy programs. The report also includes an appendix with additional information.

II. Data:

A) Families Currently enrolled:

	Current
First Avenues (Hamilton Family Center)	58
SF Home (CCCYO and Compass)	109
THC (Tenderloin Housing Clinic)	57

B) Stats of families since program inception (Note: Program started in July 2006 at Hamilton and February 2007 for SF HOME and THC)

First Avenues: 99 completed*; 10 terminated

SF HOME: 75 completed*; 53 terminated; 15 voluntary exit

THC: 20 completed*; 3 terminated ; 5 voluntary exit

* *Completed means successfully transitioned off the subsidy and the family can pay rent on their own.*

- Demographics of families is provided in Appendix B of the report (reported only by SF HOME and THC)

C) Stats of families in last 7 months: (January – July)

First Avenues: 31 new; 9 completed; 0 terminated; 2 suspended

SF HOME: 2 new (already enrolled before suspension of new enrollments); 5 completed; 1 terminated; 0 suspended

THC: 0 new; 1 completed; 0 terminated; 0 suspended; 1 voluntary exit

D) Length of time on subsidy:

Tenderloin Housing Clinic (THC)

-Clients who have completed the program (transitioned off the subsidy) = 20
Average of 18 months spent on subsidy

. First Avenues: *Housing Solutions for Families*

-Clients who have completed the program (transitioned off the subsidy) = 99
Average of 13 months spent on subsidy

SF HOME

-Clients who have completed the program (transitioned off the subsidy) = 61
Average of 14 months spent on subsidy

E) Outcomes of those successfully transitioned off the subsidy:

* Follow up information is requested but voluntary. Families are contacted at 6 months and 12 months after they have transitioned off the subsidy.

SF HOME: CCCYO

6 -Month Outcomes

- 22 out of 28 families were still stably housed six months after last subsidy.
- 6 out of 28 could not be contacted
- 0 out of 28 were not housed

12 -Month Outcomes as of June

- 11 out of 19 families were still stably housed 12 months after last subsidy
- 5 out of 19 could not be contacted
- 3 out of 19 was not housed

SF HOME: Compass

6 -Month Outcomes

- 30 out of 46 families were still stably housed six months after last subsidy.
- 12 out of 46 could not be contacted

- 2 out of 46 were not housed

12 -Month Outcomes as of June

- 16 out of 31 families were still stably housed 12 months after last subsidy
- 14 out of 31 could not be contacted
- 1 out of 31 was not housed

First Avenues:

6 -Month Outcomes

- 32 out of 34 families were still stably housed six months after last subsidy.
- 2 out of 34 could not be contacted
- 1 out of 34 may not still be housed

12 -Month Outcomes as of June

- 88 out of 89 families were still stably housed 12 months after last subsidy
- 1 out of 89 could not be contacted

1 out of 89 was not housed

THC:

No data provided. Due to staff turnover and no capacity to collect additional requested information. Going forward THC data will be collected.

F) Additional Notes:

- Based on the 2010-2011 budget, there are no unused slots
- Budget cuts from 2010-2011 would result in 42 less subsidy slots available;
- Subsidy money was included in 2010-2011 restorations (amount \$264,000)

III. Turn Aways-

Additional Data provided in Appendix A of report

Starting in January providers were asked to provide information (for clients turned away from the program) on the following information: Monthly income; current housing status; reason for turn away.

Note: the information below only speaks to the families that were willing to provide information Agencies already advertised and had outgoing voicemail messages that indicated no new subsidy slots were available.

Context-

As of November 2009 the Human Services Agency instituted a suspension on new enrollments to the program. It is key to have that context in mind when looking at both the new enrollment data and the turnaway data.

The suspension's original purpose was to provide time for the Human Services Agency to calculate program costs associated with the length of the subsidy now being available for up to five years. The suspension stayed in effect when Human Services Agency proposed to reduce the subsidy program's general fund amount, as part of the overall GF reduction required by the Mayor's Office.

As of July 12, 2010 the suspension on new enrollments has not been lifted.

Hamilton: First Avenues

- ❑ 34 families turned away
- ❑ 33 were eligible for the program but there was no capacity; 1 was not eligible (didn't meet AMI requirement)
- ❑ Average monthly income of those requesting service = \$986 (income range = \$0 - \$2,254)
- ❑ Current living situation (of those deemed eligible): 1 with family; 6 doubled up; 22 in shelter; 2 in transitional housing; 1 couch surfing; 1 unknown

* Hamilton reports an estimated 207 people called expressing interest in the program but would not provide additional information after they found out no new enrollments were occurring. We are unable to report how many of those 207 people would have been eligible for the program.

SF HOME (CCCYO and Compass)

- ❑ 37 families turned away
- ❑ 22 were eligible and 15 were not
- ❑ Average Monthly Income of those requesting service = \$750 (income range = \$0- \$2000)
- ❑ Current living situation (of those deemed eligible): 16 w/ family and friends; 1 doubled up; 2 in transitional housing; 1 shelter; 2 other

Tenderloin Housing Clinic

Seven families were turned away because THC had stopped enrollments. Data was not collected. No additional data reported; due to staff turnover and no capacity to collect additional requested information. Going forward THC data will be collected.

*****See appendix A for additional information on eligible and ineligible families that were turned away from the program***

IV. Progress of the subsidy:

Providers report that no substantive program change has happened since the legislation was passed. It is advertised in the community that THC and SF HOME are not taking any new enrollments. Hamilton has also reached capacity.

The providers also say that the families they are serving have increased barriers to transitioning off the subsidy, but this may be a result of them accepting families into the program that have challenges to begin with (additional information available in Appendix D).

Since the legislation the federally funded Homeless Prevention and Rapid Rehousing program has ramped up. This program can provide subsidies, up to 18 months for singles or families about to lose their housing or homeless families who need to find and move into housing.

Also, the Housing Access Project started its program in the recent months. This program is also federally funded and provides up to 15 months of rental subsidies to families who live on the streets or in shelters.

V. Complaints:

The LHCB received one complaint from a case manager working with a family who was possibly going to be terminated from the subsidy. Complaint also included claims that staff person was being unprofessional.

Current records show the family was not terminated from the subsidy.

VI. Policy Recommendations:

At the August meeting of the Local Homeless Coordinating Board the LHCB approved the following recommendation:

That the \$264,000 allocated back to the Human Services Agency in the 2010-2011 budget add back process be allocated to the family rental subsidy program which would allow for additional enrollments of families into the program.

Attached:

Appendix A: Turn away data

Appendix B: Demographics

Appendix C: Length of time on subsidy

Appendix D: Narrative information re: challenges clients have

Appendix A: Turn Away Details:

January 2010- June 2010

A) Hamilton First Avenues:

Information tracked for 34 families that were turned away

- 33 of those families met the entire eligibility criterion for the program ie: family composition, residency, income, and need.
- Of the 33 eligible families; they were not able to become enrolled in the program because Hamilton did not have the capacity to take them on
- The 1 family that was not eligible was because they made too much money

Profile:

Eligible families: (33)

Income range was \$329 -\$2,254

Average monthly income: \$986

Current living situation

- 1 with family (3%)
- 6 doubled up (18%)
- 22 in shelter (66%)
- 2 in transitional housing (6%)
- 1 couch surfing (3%)
- 1 unknown (3%)

Ineligible (1)

Monthly income = \$3,500

Current living situation

- 1 in shelter

B) SF HOME- CCCYO and COMPASS

Information tracked for 37 families that were turned away

- 22 of those families met the entire eligibility criterion for the program ie: family composition, residency, income, and need.
- Of those 22 eligible families, they were not enrolled because of the suspension of new enrollments for the SF HOME program
- 15 families that information was gathered from were not deemed eligible (information below)

Profile:

Eligible families: (22)

Income range was \$321 -\$2,000

Average monthly income: \$1,074

Current living situation

- 16 with family/friends (73%)
- 1 doubled up (4.5%)
- 1 in shelter (4.5%)
- 2 in transitional housing (9.0%)
- 2 other (4.5%)

Ineligible (15)

Average Monthly income = \$372

*six were ineligible because they had no income

Current living situation

- 7 in own rental unit (own or shared)
- 4 with family/friends
- 2 garage or in-law
- 1 couch surfing
- 1 streets

Reasons for ineligibility:

- 7 income level was too low
- 5 were had no children
- 2 live out of San Francisco
- 1 unknown

C) Tenderloin Housing Clinic

No data was provided due to staff turnover and no capacity to track the requested data.

Appendix B: Client Demographics

Reported by SF HOME only (as of 8.2.10)

SF HOME- CCCYO

Black: 38%

Latino: 38%

Asian/Pacific Islander/Indian: 9%

Caucasian: 13%

Native American: 2.1 %

SF HOME- Compass

Black: 41%

Latino: 33%

Asian/Pacific Islander/Indian: 12%

Caucasian: 14%

THC

*approximations

Black: 4%

Latino: 40%

Asian: 53%

Hamilton Family Center

No data provided. Note this data was optional and requested by the LHCB, not via the legislation.

Appendix C: Length of Time on Subsidy

I. Tenderloin Housing Clinic (THC)

-Clients who have completed the program (transitioned off the subsidy): 20

Average of 18 months spent on subsidy

-Clients whose subsidies were terminated: 1

Average of 31 months spent on subsidy

-Clients who lost contact with THC: 1

Average of 13 months spent on subsidy

-Clients who did not comply with plan: 1

Average of 6 months spent on subsidy

-Clients who exited voluntarily: 5

Average of 13 months spent on subsidy

II. First Avenues: *Housing Solutions for Families*

-Clients who have completed the program (transitioned off the subsidy): 99

Average of 13 months spent on subsidy

-Clients who exited voluntarily: 24

Average of 10 months spent on subsidy

-Clients whose subsidies were terminated due to non-payment of rent: 6

Average of 6 months spent on subsidy

-Clients who lost contact with First Avenues: 3

Average of 3 months spent on subsidy

-Clients who did not comply with plan: 1

Average of 3 months spent on subsidy

III. SF HOME

-Clients who have completed the program (transitioned off the subsidy): 61

Average of 14 months spent on subsidy

-Clients whose subsidies were suspended: 2

Average of 8 months spent on subsidy

-Clients whose 24 months timed out: 3

Average of 24 months spent on subsidy

-Clients who exited voluntarily: 15

Average of 7 months spent on subsidy (*length of subsidy data not reported for 4 families)

-Clients whose subsidies were terminated due to non-payment of rent: 20

Average of 8 months spent on subsidy (*length of subsidy data not reported for 1 family)

-Clients who lost contact with SF Home: 20

Average of 9 months spent on subsidy (* length of subsidy data not reported for 5 families)

-Clients who did not comply with plan: 14

Average of 10 months spent on subsidy

-Clients whose subsidies were terminated *(total): 69

Average of 9 months spent on subsidy

*Total= all numbers above, minus suspended and timed out clients

Appendix D: Narratives

In response to: "Information that would describe what your client's barriers to maintaining housing are".

SF HOME: CCCYO:

Some of the main barriers for our families include: access to childcare, loss of income, lack of transportation, immigration status, lack of education and skills, physical and mental illnesses and community violence. Many of our families are not on CalWorks and therefore are not eligible for assistance with childcare. This makes it very difficult for them to obtain affordable childcare for their children so that they can get to work. For the families that are on CalWorks the waiting lists for many of the childcare centers are so long, that families are still unable to maintain consistent work. Another issue is that many families have been laid off from positions that they held in the past or are having their hours reduced as a result of budget cuts at their workplaces. In other instances we have had families have to break up as a result of domestic violence situations, which have left only one person able to work. Since many of our families have had to move to the East Bay as a result of the high costs of rents in San Francisco, many have incurred BART and bus fares that make it difficult for them to keep their jobs and therefore their housing. Another major issue has been the number of undocumented families that we have seen in the past couple of months that have not been able to obtain jobs to help pay for their rent. We have also had many families with severe physical and mental illnesses that have made it difficult for them to maintain employment. One final area has been the large number of families that have had issues with burglaries, being robbed or targeted in their community by violence. This has made it very difficult for them to stabilize their families and housing.

SF HOME: Compass

Families situations vary drastically but some of the reasons why some families are not able to transition off the subsidy and pay rent on their own

Market rates for apartments for families in the city are too high. While markets rates are lower in other parts of the Bay areas moving is really difficult for families. It means changing schools, losing services, paying for transportation, and living sometimes and unreasonable length away from already established work and living in areas that are unfamiliar.

The wages that single parents can earn does not suffice for sustaining appropriate apartments. Many of the single parents in our program go to schools or vocational programs to learn a new skill and when they complete their training they still lack experience in those fields so they start out a lower pay scale.

Many of our families face very difficult challenges while trying to complete educational / vocational programs. Many of our families have faced domestic violence from partners that completely disrupt their plans. Most educational programs work on a semester system or cycles. When a mother's plan gets disrupted in the middle of a cycle this usually means at least that

their semester / cycle is lost due to non completion. Mother's who work through these very difficult life experiences aren't able to concentrate and earn poor grades. While they may finish a semester/cycle they may not solidify their knowledge which means when they are taking, for example, a licensing test they do not pass.

Beyond domestic violence there are many other challenges that occur for families. While some challenges are to be expected purely because life happens some challenges become life consuming and can severely disrupt a parent's plan. We have had several families who have faced deportations proceeding with their children or other members of their family, which have forced them to switch their focus from their education to maintaining the integrity of their families. We have had families face very severe violence and tragic accidents.

Some families were accepted under educational/vocational plans and once they entered the program and were placed in apartments the program realized that these were unrealistic expectations when considering these families' very particular circumstances. These circumstance vary from medical issues to mental health issues, developmental issues etc. Rather than closing these families and leaving them homeless we transition them to subsidized housing plans. We work with them to apply for subsidized housing but there are not too many options. The options that are available are limited and take a very long time to receive.

Some families have begun plans and found them untenable after a few months of following through. They then search out new coursework or other programs by doing this they are essentially starting over which extends their time. Some families' plans depended on summer coursework when City college was closed their plans were extended by at least a semester if not more depending on what classes get offered which semesters.

Some families were persuaded to take jobs due to the Jobs Now program this extended their plans as their time is now split between work and their plans.

Tenderloin Housing Clinic:

** THC provided two examples of what a family's situation might be:*

Family "A" has had both adults members working while taking classes to improve their English. In January, the restaurant the father worked in closed. He filed for unemployment but his unemployment check was delayed due to EDD getting his SSN incorrect. Currently the family is living on a very tight budget consisting of his unemployment check, food stamp, and the wife's part time job.

Family "B"'s entire household is undocumented. In January of 2008 the father, left the household. The mother had to resubmit a transition plan based on the new household size. She began intensive therapy services due to the family situation. In 2009 the father returned to the household. In October 2009 the household began to lose employment. In November of 2009 the entire household was unemployed. The family has exhausted all possible resources. In January of 2010 the household returned to an SRO unable to pay their portion for rent.

Board of
Supervisors/BOS/SFGOV
09/13/2010 12:06 PM

To
cc
bcc
Subject Fw: Alcohol Tax

File 100865
BOS-11, CLERK



"Swiss Louis Restaurant"
<Questions@SwissLouis.com
>
09/10/2010 11:17 AM

To <Board.of.Supervisors@sfgov.org>
cc <jason@cerrell.com>
Subject Alcohol Tax

Why do I visit San Francisco? First businesses are straddled with City mandated health benefit costs that some businesses pass on to us customers. Now you want to tax everything alcoholic that I drink! It seems like it's time to find another place to spend my money other than in San Francisco. If enough people are as tired as I am of the creative taxes you want to impose, San Francisco may see itself having even larger deficits because nobody will want to come to the beautiful city.

I think you really should vote against the San Francisco alcohol tax!

Thank you.

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

3

File 100865



James M. Illig
President

HEALTH COMMISSION

Edward A. Chow, M.D.
Vice President

CITY AND COUNTY OF SAN FRANCISCO

Gavin C. Newsom, Mayor

Sonia E. Melara, MSW
Commissioner

Department of Public Health

Margine A. Sako
Commissioner

Mitchell H. Katz, M.D.
Director of Health

David J. Sanchez, Jr., Ph.D.
Commissioner

Mark Morewitz, MSW
Executive Secretary

Steven Tierney, Ed.D.
Commissioner

TEL (415) 554-2666
FAX (415) 554-2665

Catherine M. Waters, R.N., Ph.D.
Commissioner

Web Site: <http://www.sfdph.org>

August 19, 2010

The Honorable David Chiu, President
Members, San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Dear President Chiu,

Attached is the Health Commission Resolution 09-10: "Resolution to Support an Alcohol Mitigation Fee Program."

The Health Commission unanimously supports this measure because it places a reasonable fee on alcohol sales and directs the resulting revenue toward mitigating the approximate \$17 million spent on essential City programs due to excessive alcohol use-related harm. Included in the services that may have costs reimbursed are Department of Public Health substance abuse treatment, prevention, detox, and hospital care.

Sincerely,

James M. Illig
President
San Francisco Health Commission

Attachments (1)

cc: Supervisor Michela Alioto-Pier
Supervisor David Campos
Supervisor Carmen Chu
Supervisor Bevan Duffy
Supervisor Eric Mar
Angela Calvillo, Clerk of the Board

Supervisor David Avalos
Supervisor Sophie Maxwell
Supervisor Chris Daly
Supervisor Sean Elsbernd
Supervisor Ross Mirkarimi

BY AK

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4

Health Commission
City and County of San Francisco
Resolution No. 09-10

Resolution to Support an Alcohol Mitigation Fee Program

WHEREAS, alcohol is a leading cause of death for men and women in San Francisco, and

WHEREAS, excessive alcohol use is a leading cause of death and injury, from impaired driving to violence, sexual assault, and suicide, and

WHEREAS, illness, disability and premature death can be directly attributed to excessive alcohol use, and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has called excessive alcohol consumption the third leading preventable cause of death in the United States, and

WHEREAS, a 2010 study published in *The Open Epidemiology Journal*, found that excessive alcohol use resulted in approximately 10,600 deaths and 72,000 nonfatal hospitalizations in California during 2006 alone, and

WHEREAS, in another peer-reviewed study, the estimated annual economic costs of alcohol use in California for 2005 are between \$35.4 billion and \$42.2 billion, including \$5.4 billion in medical and mental health spending, \$25.3 billion in work losses, and \$7.8 billion in criminal justice spending, property damage, and other public program costs, and

WHEREAS, the San Francisco Department of Public Health considers excessive alcohol use a major public health problem, and

WHEREAS, in San Francisco, excessive alcohol use ranks among the leading causes of premature mortality; Specifically, from 2004-2007, the Department of Public Health found that alcohol is a leading cause of premature death among men in San Francisco, accounting for approximately 10% of all their years of life lost. The Department of Public Health also found that excessive alcohol use is a notable cause of premature death among women in San Francisco, falling between fifth and fifteenth as the leading cause of premature death for that group, and

WHEREAS, in Fiscal Year 2006-2007 – the most recent year for which the San Francisco Medical Examiner published findings – alcohol was the primary cause of death in 7.7% of natural deaths certified by that office. Alcohol also is involved in a significant number of accidental deaths in San Francisco. In FY 2006-2007, 33% percent of all non-vehicular accidental death victims tested by the Medical Examiner had significant levels of alcohol in their blood. In that same year, alcohol was present in 32.7% of all vehicular fatalities in San Francisco. Alcohol also was present in 25% of all suicides tested by the Medical Examiner that year. In addition, 31.8% of all tested homicide victims in San Francisco in FY 2006-2007 had positive blood alcohol levels at the time of death, and

WHEREAS, the City and County of San Francisco incurs a range of substantial costs that are attributable to excessive alcohol consumption, including but not limited to, the costs of medical care for people with alcohol-related illnesses, treatment and prevention of alcohol misuse, law enforcement for alcohol-related incidents, and emergency response for alcohol-related motor vehicle

collisions. In addition, San Francisco incurs costs when individuals experience disability, diminished capacity, and premature death due to alcohol use, and

WHEREAS, in 2010, The Lewin Group and Oxford Outcomes, Inc. ("Nexus Study Authors") conducted a nexus study to calculate a portion of the City and County of San Francisco's health costs attributable to Alcoholic Beverages. The report, *The Cost of Alcohol to San Francisco: Analyses Supporting an Alcohol Mitigation Fee* ("Nexus Study") is incorporated herein by reference, and

WHEREAS, conservative estimates conclude that the City of San Francisco bears the cost of \$17.1 million annually, for medical care of people with alcohol-related illnesses; alcohol abuse treatment and prevention; alcohol-related emergency medical transport; as well as disability and death due to alcohol use, and

WHEREAS, the proposed Ordinance file number 100865 introduced by Supervisor John Avalos June 22, 2010, and cosponsored by Supervisors Ross Mirkarimi and Sophie Maxwell, establishes the Alcohol Mitigation Fee to reimburse the City and County of San Francisco for portion of its otherwise aforementioned unreimbursed annual costs attributable to excessive alcohol use as identified in the Nexus Study, and

WHEREAS, according to the legislative digest, "Alcoholic beverage wholesalers, and certain other businesses who sell alcohol in San Francisco without wholesalers in the distribution chain, must pay the Fee quarterly to the Office of the Treasurer and Tax Collector"

WHEREAS, the fee is wisely allocated to primarily regional wholesalers, and on importers and on products produced and consumed in the city, instead of on consumers, retailers or bars and restaurants, and

WHEREAS, according to the legislative digest, "the Fee would reimburse the City for the following costs: 1) the unreimbursed health care costs of treating alcohol-attributable conditions, 2) the unreimbursed costs of emergency transport due to alcohol, 3) alcohol prevention and treatment programs including treatment on demand programs administered by the Department of Public Health, and 4) administration costs, including but not limited to fee collection, investigation, and enforcement costs," and

THEREFORE, BE IT RESOLVED, The Health Commission commends the efforts involved in recovering alcohol-related costs to the City of San Francisco to sustain needed alcohol-related services.

AND BE IT FURTHER RESOLVED, that:

The Health Commission urges the Board of Supervisors and the Mayor to support the establishment of the San Francisco Alcohol Mitigation Fee, a crucial policy measure to restore funding for some of the essential services and programs essential to treatment and provider agencies, health care institutions, transport services, youth education, and medical service employment.

I hereby certify that the San Francisco Health Commission at its meeting of August 3, 2010 adopted the foregoing resolution.

Mark Morewitz, MSW
Health Commission Executive Secretary



San Francisco Ethics Commission

Annual Report
July 1, 2009 - June 30, 2010

The Ethics Commission is pleased to present this report on the activities, progress, and accomplishments of its fifteenth year of operation to the Mayor, Board of Supervisors, and citizens of San Francisco.

Jamienne S. Studley
Chairperson

San Francisco Ethics Commission
25 Van Ness Avenue, Suite 220
San Francisco, CA 94102

Email: ethics.commission@sfgov.org
Web site: www.sfethics.org
Telephone: 415/252-3100
Fax: 415/252-3112

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SAN FRANCISCO ETHICS COMMISSION ANNUAL REPORT FY 2009-2010

The Ethics Commission serves the citizens of San Francisco, City employees, elected and appointed officials, and candidates for public office by enforcing the City's governmental ethics laws, providing education about their provisions, and serving as a repository for information.

The Commission acts as filing officer for campaign finance disclosure statements; audits statements for compliance with state and local laws; administers City laws regulating lobbyists and campaign consultants; investigates complaints alleging ethics law violations; serves as the filing officer for financial disclosure statements required from City officials; raises public awareness of ethics laws; researches and proposes ethics-related legislative changes; and provides ethics advice to candidates, office-holders, public officials, City and County employees and the general public.

The Commission is pledged to a high standard of excellence in government accountability, and to that end has worked not only to implement the law, but also to amend existing law or create new law that will further the principle of the voters' right to know and to ensure integrity in government decision-making and in the campaigns of those who wish to govern.

HIGHLIGHTS OF THE FIFTEENTH YEAR

The Commission delivered a diverse array of work products and services to the citizens of San Francisco, managing to meet its mandates during a year of budget cutbacks and other resource limitations:

- Enforced reporting requirements for political committees, campaign consultants, lobbyists, and City officials;
- Conducted compliance audits of candidate and ballot measure committees;
- Continued the constant review of the Campaign Finance Reform Ordinance, making recommendations to the Board of Supervisors on changes to strengthen, clarify, and update campaign finance law. Drafted and adopted regulations to implement such changes;
- Implemented a host of improvements to the Lobbyist Ordinance that were adopted in the previous reporting year;
- Acted to extend its electronic filing partnership with Netfile for another three years;
- Conducted on-going sessions of its educational program on conflicts of interest, incompatible activities, candidate and treasurer information, campaign finance, public finance, on-line filing, lobbying, and other issues under its jurisdiction. Initiated a new on-line training program so that classes and training will be available in many areas for Ethics Commission clients to use at their convenience;
- Conducted a review of the 36 Advance Written Determinations provided under the rules of Statements of Incompatible Activities for the prior reporting year;

- Provided informal written or oral advice and responded to requests for informal and formal written advice letters;
- Added improvements to the new web site at www.sfethics.org and continued to extend the nature and number of documents available on-line;
- Facilitated interested persons meetings for the general public to provide input on issues under consideration by the Commission;
- Conducted hearings on requests for waivers from conflict of interest laws;
- Considered and adopted or provided comment on legislative changes recommended by the Board of Supervisors;
- Responded to hundreds of citizen inquiries; and
- Conducted an in-depth policy analysis and followed through with a number of policy updates and changes. Set the following policy priorities for the Commission and staff:

1. Education and Communication with the General Public
2. Enforcement
3. Campaign Finance
4. Conflicts of Interest
5. Campaign Consultant Ordinance

MANDATES AND ACCOMPLISHMENTS OF THE COMMISSION

The Commission's work covers ever-growing responsibilities, demanding consistent innovation in this extended period of budget shortfalls that impact funding and personnel. The Commission uses a five-year planning format to meet the dual needs for the Commission to satisfy its existing mandates and to expand its abilities to regulate campaign finance activities and conflict-of-interest laws. The five-year plan is personnel-based and is adjusted yearly in consideration of budgetary influences, the creation of new laws and regulations under the Commission's jurisdiction, and housekeeping issues related to equipment, software and office space. In the long-term, the Commission estimates that it will require more than 30 staff members to provide top-quality service. The Commission remains committed to a sensible growth structure towards this goal.

Campaign Finance Regulation and Reporting

The Commission enforces the City's Campaign Finance Reform Ordinance (CFRO), San Francisco Campaign and Governmental Conduct Code section 1.100 et seq., which sets voluntary ceilings on campaign expenditures by candidates and imposes mandatory limits on contributions to candidates.

The Commission regularly reviews the operation of the CFRO, as well as the other City ordinances under its jurisdiction, enacts enabling regulations, and proposes substantive and operational changes. It also advises on amendments proposed by the Board of Supervisors. For the third time in five years, the Commission conducted an extensive review of the Ordinance.

Under this review, the Commission adopted the following changes, in addition to a number of minor and technical changes:

1. **Definitions:** Amended section 1.104 related to the definitions of candidate, candidate committee, City elective office, controlled committee, election, general purpose committee, independent expenditure, itemized disclosure statement, mass mailing, matching contribution, measure, member communication, qualifying contribution, surplus funds, total supportive funds, trust account limit, unexpended public funds, and withdrawal. In general, the amendments conformed CFRO's definitions to the state law definitions for identical or similar terms.

2. **Trust Accounts and Contingency Accounts:** Amended section 1.108 to eliminate the requirement that a candidate committee provide its bank account number to the Ethics Commission. State law already requires candidate committees to provide such information on a statement of organization (FPPC Form 410). The amendments also clarified that elected officeholders may not open a separate bank account for the purpose of making officeholder expenses, and that a candidate committee may only deposit funds in a Campaign Contingency Account if the amount of funds in the Campaign Contribution Trust Account has reached the Trust Account Limit.
3. **Electronic Filing:** Amended section 1.112 to differentiate between campaign finance statements required by state versus local law. Statements required by state law must be filed electronically and on paper; certain statements required by local law must only be filed electronically. The amendments also incorporated state law definitions of what constitutes a "local" committee. The amendments further authorized the Ethics Commission to require additional committees, beyond those currently set forth in the ordinance, to file electronically.
4. **Reporting During Signature Gathering:** Amended section 1.113 to provide that each committee supporting or opposing local initiative, recall or referendum petitions must disclose its activity at uniform times each month during the signature-gathering period.
5. **Use of Campaign Funds:** Amended section 1.122(b) to clarify that local candidate committees are prohibited from making contributions to support or oppose state propositions. The amendments also provided that withdrawn, defeated, or departed candidates may use campaign funds to pay debts and other costs associated with closing a committee.
6. **Voluntary Expenditure Ceilings:** Amended section 1.128 to provide that only candidates for Assessor, City Attorney, District Attorney, Public Defender, Sheriff, School Board, and City College Board may accept a voluntary expenditure ceiling (VEC). The Voter Information Pamphlet no longer lists candidates who have accepted a VEC; the Ethics Commission instead maintains a website that lists those candidates. Candidates for the Board of Supervisors and Mayor may no longer accept VECs. If they participate in the public financing program, those candidates must accept individual expenditure ceilings (IECs).
7. **Amount of Voluntary Expenditure Ceilings:** Amended section 1.130 to adjust the VECs for inflation. The VEC for Assessor, City Attorney, District Attorney, Public Defender, Sheriff, and Treasurer increased to \$243,000. The VEC for School Board and City College

Board increased to \$104,000.

8. **Lifting of Voluntary Expenditure Ceilings:** Amended section 1.134 to provide that if a candidate who has accepted the VEC actually spends more than the VEC – thus violating section 1.128 – the Ethics Commission will lift the VEC for competing candidates.
9. **Pre-election Statements:** Amended section 1.135 to provide that in even-numbered years, the schedule for the filing of pre-election statements is the same as the schedule established for such filings by the Fair Political Practices Commission. For odd-numbered years, committees continue to be subject to the current schedule set forth in the CFRO.
10. **Amount of Individual Expenditure Ceilings:** Amended section 1.140 to adjust the IECs for inflation. The initial IEC for supervisorial candidates increased to \$143,000, and the initial IEC for mayoral candidates increased to \$1,475,000.
11. **Disbursement of Public Financing Funds:** Amended section 1.144 to provide that the Controller must disburse public funds within one business day only within the last fifteen days of an election, rather than the last sixty. The amendments also clarified that a candidate may not simultaneously submit multiple claims for public funds.
12. **Audits:** Amended section 1.150(a) to confirm that the Executive Director may initiate additional audits irrespective of whether the committees received public funds.
13. **Supplemental Reporting in Publicly Financed Races:** Amended section 1.152 to clarify that the thresholds for third-party reporting operate on a per-candidate basis. The amendments also broadened the scope of supplemental reporting to include all communications that clearly identify a candidate, rather than relying on the third party's determination of whether the communications support or oppose a candidate.
14. **Mass Mailings:** Amended section 1.161 to provide that a committee is not subject to the mass mailing filing requirements if it is already filing disclosures regarding the same communication under another CFRO provision.
15. **Electioneering Communications:** Amended section 1.161.5 to provide that a committee is not subject to the electioneering communication filing requirements if it is already filing disclosures regarding the same communication under another CFRO provision. The amendments also eliminated an exception to the definition of "electioneering communication" to provide that committees' "expenditures" may be electioneering communications.
16. **Statute of Limitations:** Amended section 1.168(c)(3) to provide that the statute of limitations for administrative action by the Ethics Commission is four years. The amendment conforms the limitations period for CFRO violations to the limitations periods governing other ordinances within the Ethics Commission's jurisdiction.

17. **Maintaining Records:** Added section 1.109, which provides that local committees must maintain records – for audit purposes – according to the standards set forth in state law. Section 1.109 also provides that committees must provide those records upon request by the Ethics Commission.
18. **Subpoena authority:** Added section 1.171, which provides that the Ethics Commission – including its Executive Director – may issue subpoenas in furtherance of its duties under the Charter, including, but not limited to, audits.
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19. **Renumbering and Reorganizing CFRO Provisions:** Re-numbered section 1.134.5, addressing when and how the Ethics Commission adjusts IECs, as section 1.143. The new section 1.143 also incorporated inflation-adjusted IECs for mayoral and supervisorial candidates. The legislation also re-numbered section 1.158, authorizing the Ethics Commission to adopt implementing regulations, as section 1.175. The legislation also deleted section 1.160, which explicitly states that nothing in CFRO is intended to limit a candidate's fines or penalties imposed in other administrative or judicial proceedings. The amendments replicate the same language in section 1.170(g).
20. **Transfer of Contributions:** Clarified that a candidate committee would not violate the committee's trust account limit if it transfers excess contributions to the candidate's campaign contingency trust account within two business days of depositing those contributions.

Under the Charter, the Commission serves as filing officer for five categories of local candidates and committees:

1. Candidates seeking election to local office and their controlled committees,
2. Committees formed or existing primarily to support or oppose candidates seeking election to local office,
3. Committees formed or existing primarily to support or oppose qualification or passage of a ballot measure being voted on only in San Francisco,
4. County general-purpose committees active only in San Francisco, and
5. Candidates and candidate committees for county central committee office.

As filing officer, the Commission promotes compliance by candidates and committees and maintains records of reports filed. It audits campaign statements and imposes penalties for failure to adhere to filing deadlines and reporting requirements. It also distributes the fine policy to all filers and imposes fines for late statements.

Regular semi-annual filings for active committees took place on July 31, 2009 and January 31, 2010. Quarterly filing deadlines occurred on October 31, 2009 and April 30, 2010 for committees primarily formed to support or oppose a ballot measure(s) not yet voted upon. The Commission reminded committees of the deadlines, sent out notices to delinquent filers, and posted reports on its web site, www.sfethics.org.

Staff continued to send out advance notices through mail, email and phone calls in order to reduce the number of late filings.

Public Financing

San Francisco's public financing program for candidates for the Board of Supervisors was adopted through a ballot measure (Proposition O) in November 2000. The Commission administered the public financing program in elections for candidates for the Board of Supervisors in 2002, 2004, 2006 and 2008. The Commission also began administration of the program for the November 2010 election; in addition, staff answered questions related to the public financing program for Mayor that will occur in 2011. Readers who wish to know more information about the public financing program are encouraged to read the reports on the Commission web site at:
<http://www.sfethics.org/ethics/2009/05/campaign-finance.html>

Staff continued to provide extensive outreach and education on the program and its requirements.

Audit Program

The California Political Reform Act of 1974 and the City's CFRO require officeholders and candidates as well as campaign committees that support or oppose ballot measures or candidates to file finance statements disclosing campaign contributions and expenditures made in connection with a campaign.

The Commission serves as filing officer for statements required to be filed locally. The statements cover disclosure of monetary and non-monetary contributions including loans and enforceable promises, expenditures, unpaid bills and miscellaneous increases to cash. Filers must also keep detailed records of receipts and expenditures of \$25 or more.

The Commission audits the statements for compliance. Its process is outlined in an audit manual available to the public. Filers are selected for audit by random drawing at Commission meetings, or are targeted based on preliminary staff reviews. In addition, all publicly financed candidates are audited.

Sunshine Ordinance Declarations

The San Francisco Sunshine Ordinance requires department heads and commissioners who are required to file Statements of Economic Interests (SEIs) with the Ethics Commission to sign an annual declaration stating under penalty of perjury that they have read the Sunshine Ordinance and have attended, or will attend, an annual training on the Sunshine Ordinance. The training program is and remains available on the City Attorney's web site and can be accessed from the Commission's web site.

The adoption of the Netfile system enabled the Commission to provide for on-line filing of SEIs. In addition, the Commission has scanned the SEIs so that they are available for view on the Commission's website.

Lobbyist Registration and Reporting

Lobbyists are required by ordinance to register with the City and file monthly reports of any activity intended to influence local legislative or administrative action. The Commission reviews lobbyist statements to ensure completeness and accuracy.

The Commission summarizes statements in monthly reports it issues soon after the filing deadlines. The reports are posted on the Commission's web site.

During its previous extensive review of the Lobbyist Ordinance, the Commission determined that it would move to an electronic filing format which took effect on January 1, 2010. Complementing this decision, the Commissioners adopted the following major changes in the lobbyist program during the prior reporting year. These changes and upgrades were instituted on January 1, 2010 and are proving highly beneficial:

- Approved amending the Ordinance to state that providing oral information to a City officer in response to a request from that officer is not a contact for the purpose of determining whether the person providing the information qualifies as a lobbyist. But a person who otherwise qualifies as a lobbyist must report such a communication as a contact.
- Approved amending the Ordinance to provide that a communication seeking the status of an action is not a contact for the purposes of qualifying as a lobbyist. A person who otherwise qualifies as a lobbyist must report the communication as a contact if it is a communication to influence local legislative or administrative action under section 2.105(d)(2)(B).
- Approved amending the Ordinance to narrow the exception for expert communications such that only a person providing purely technical data, analysis or expertise in the presence of a registered lobbyist is not making a "contact" under the Ordinance.
- Approved amending the Ordinance to provide that a person negotiating the terms of a contract after being selected to enter into a contract with the City is not making a "contact" under the Ordinance.
- Approved amending the Ordinance to provide that a person appearing as a party or a representative of a party in an administrative adjudicatory proceeding before a City agency or department is not making a "contact" under the Ordinance.
- Approved amending the Ordinance to state that a person communicating on behalf of a labor union representing City employees regarding the establishment, amendment, or interpretation of a collective bargaining agreement (CBA) or memorandum of understanding (MOU) with the City, or communicating about a management decision regarding the working conditions of employees represented by a CBA or MOU is not making a "contact" under the Ordinance.
- Approved amending the Ordinance to provide that, unless representing a client, a person participating in a public interested persons meeting, workshop or other forum convened by a City department for the purpose of soliciting public input is not making a "contact" under the Ordinance.

- Approved amending the Ordinance so that the term “economic consideration” does not include salary, wages or benefits furnished by a federal, state or local agency.
- Approved amending the Ordinance to create a single category of lobbyists. A lobbyist would be defined as any individual who receives or is promised \$3,000 or more in economic consideration within three consecutive months for lobbyist services and makes at least one contact with a City officer on behalf of the person(s) providing the economic consideration.
- Approved amending the Ordinance to require any individual who qualifies as a lobbyist to register with the Ethics Commission no later than five business days after qualifying as a lobbyist and, in any event, prior to making any additional contacts with any City officer.
- Approved amending the Ordinance to require lobbyists to disclose activities on a monthly basis, and a Commission policy to revisit the frequency and timing of filing requirements within six months of the date of implementation of an electronic filing system; lobbyists will also be required to disclose the dates of their contacts with City officers.
- Approved amending the Ordinance to require lobbyists to disclose information such as the local legislative or administrative action that they sought to influence, including, if any, the time and file number of any resolution, motion, appeal, application, entitlement, or contact, and the outcome sought by the client, as well as the economic consideration received or expected by the lobbyist from each client during the reporting period.
- Approved amending the Ordinance to require disclosure of additional information regarding political contributions made, arranged, or delivered by a lobbyist or made by a client at the behest of the lobbyist or lobbyist’s employer, including the amount and date of the contribution, name and street address of the contributor, contributor’s occupation and employer, or if self-employed, the name of the contributor’s business, and the committee to which the contribution was made.
- Approved amending the Ordinance to require lobbyists to undergo a training during the first year of registration and thereafter as necessary as determined by the Executive Director.

The Commission amended the Lobbyist Ordinance regulations during the reporting year to:

- clarify that a person communicating with a City officer on behalf of a labor union is making a contact under the Ordinance unless the communication relates to the working conditions of employees represented by a collective bargaining agreement or memorandum of understanding with the City;
- require a lobbyist to supply a digital color photograph to aid identification;
- permit a business, firm or organization to register and file reports on behalf of individual lobbyists; and
- require each lobbyist to register and submit information required under the Ordinance using the Commission’s online filing system.

Campaign Consultant Registration and Reporting

The Regulation of Campaign Consultants Ordinance, passed in 1997, requires anyone who earns \$1,000 or more in a calendar year from activity as a campaign consultant to register with the City and submit quarterly reports.

Campaign consultants are required to report names of clients, services provided, payments received, contributions and gifts made to local officials, and other information. The Commission prepares summaries of the quarterly filings, posts them on the web site, and publishes a manual.

For the reporting year, there was an average of 27 registered consultants reporting over \$2.1 million in earnings for the fiscal year.

The Campaign Consultant Ordinance is the result of a voter referendum and therefore is not subject to changes without additional voter approval. In the coming fiscal year, the Commission plans to review the Ordinance and propose changes that will likely go on the ballot in the coming year.

Investigations and Enforcement

The San Francisco Charter charges the Ethics Commission with authority to investigate alleged violations of laws governing campaign finance, lobbying, conflicts of interest, and government ethics. In addition, the Improper Government Activities Ordinance, also known as the Whistleblower Ordinance, directs the Commission to investigate charges of retaliation directed against complainants.

During the course of the fiscal year, staff resolved 21 cases.

Education and Outreach

The Commission has a strong institutional commitment to educate the public about San Francisco's ethics laws and to support campaign reform and government accountability efforts consistent with City policy throughout the state and elsewhere.

It conducts ongoing informational programs about ethics-related laws and requirements. It produces educational materials and actively publicizes its outreach activities through public notices.

During the course of the reporting year, staff conducted 25 workshops and meetings. While this reflects a decrease in number of trainings from the previous year, workshops and classes conducted have received excellent feedback for their usefulness and applicability to the subjects covered. The reduction in number from last year is due to several factors. First, most interested agencies have completed staff training on Statements of Incompatible Activities. Next, staff has been concentrating on taping training modules so that they are available online for individual training; some of these are currently available online, others will be available in the foreseeable future. Finally, the Educator/Outreach Coordinator took on the additional tasks of administering

the Statements of Economic Interests and Sunshine Ordinance filings, which placed great demands on her resources, leaving less time available for workshops and training.

The Commission works to educate City and County employees in individual departments regarding ethics rules with a focus on conflict of interest laws. Commission staff has created – and constantly updated presentations that instruct civic employees on the several laws – local and state – that prescribe conflict of interest rules. While complex, these trainings help present the requirements in a common-sense approach. The feedback from such presentations has been quite positive and the Commission will endeavor to continue such outreach on an ever-wider basis as staffing levels allow.

Advice and Opinions

The Commission is charged with interpreting and applying the conflict laws under its jurisdiction, requiring that it consider requests for waivers, which it routinely does, and that it issue formal and informal written advice on matters requiring interpretation.

Commission staff is available each workday to answer public inquiries about San Francisco ethics laws. During the course of the year, the number of inquiries run into the hundreds. In the fiscal year, the Commission issued one formal advice letter regarding post-employment restrictions.

Electronic Advances

The Commission continues to enjoy positive feedback regarding the quality and user-friendliness of the online filing system (provided through a contract with Netfile). In addition to the updates to the Lobbyist filing system detailed elsewhere in this report, the Commission and Netfile continue working together to improve the system and advance its capabilities.

During this reporting year, usage of the web site was impressive:

- Users visited the system 52,650 times during the year;
- There were 138,846 “pageviews” of the website; and
- The most frequently accessed section of the site was “Laws and Advice.”

POLICY RECOMMENDATIONS

The Commission is charged with making policy recommendations on issues under its jurisdiction. The Commission endeavors to create new legislation that makes campaign finance and ethics laws and regulations more effective while being easier to comprehend and also works as a partner with the Board of Supervisors in effecting positive changes to the Administrative Code, the Campaign and Governmental Conduct Code and other statutes governing the City. It has been energetically reviewing the breadth of its mission and continuously prioritizes its work as need and progress require.

The Commission seeks at all time to be proactive in its work, its outreach and its relations. For this particular year, the Commission determined that the following were areas of priority for the Commission to consider and improve.

1. Education and Communication with the General Public
 2. Enforcement
 3. Campaign Finance
 4. Conflicts of Interest
 5. Campaign Consultant Ordinance
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Education and Communication with the General Public – the Commission held multiple discussions regarding its needs and capabilities in these areas. While the general consensus among the Commissioners was that these priorities are being adequately addressed, the Commission also directed staff to work on enhancing outreach efforts and to look for additional methods of improving communications. Among those efforts currently under use by the Commission to achieve satisfactory public communications are:

Interested Persons List: The Interested Persons List is a mailing list to obtain press releases and meeting agendas. The public may join the Interested Persons List by completing a form available on the Commission’s web site. In the past, interested persons needed to sign-up only once to stay on the list permanently. This generated a large amount of returned postal mail due to old addresses, or in the case of electronic communication, bounced e-mails for e-mail addresses that no longer exist. In response, staff began sending out annual surveys to confirm that people on the list are still interested in receiving mailings. Interested persons who did not respond to the survey were removed from the list.

Interested Persons Meetings: Interested persons may also choose to attend Interested Persons Meetings, which in the past have covered topics such as proposals to amend the Campaign Finance Reform Ordinance, the Lobbyist Ordinance, and other laws or to upgrade the electronic filing system. Meeting notices are distributed via the Interested Persons Mailing List and on the Internet via the Commission’s web site and other avenues

Internet Outreach: Last year, staff launched a new web site designed, among other things, to increase its outreach to the community. The new web site publishes updates regarding the Commission’s work on a variety of social networks, subscription services, and external web sites that allow the public to follow the Commission’s work without regularly checking the Commission’s web site. Some of the available Internet services include:

Twitter: Over 150 members of the public and organizations receive updates regarding the Commission’s work on Twitter. Twitter users can also receive updates via text messages to a mobile phone.

Facebook: Over 200 members of the public and organizations receive updates regarding the Commission’s work and view the Commission’s calendar on Facebook.

RSS (Really Simple Syndication) Feeds: Updates to the Commission's web site are published via a web subscription method known as RSS. The public can subscribe to all new postings to the web site, or for a variety of subsections of the site including: advice letters, agendas, audits, events, education and training opportunities, gifts of travel filings, minutes, meeting recordings, news, payments made at the behest of an elected officer filings, and lobbyist disclosure report filings. Some of the RSS feeds can be followed by users of Yahoo and Google's home page portal services using "widgets" developed by Commission staff. RSS feeds are open and available for other web sites to redistribute.

Audio Recordings and iTunes: Since June 2009, audio recordings of Commission meetings have been published on the web as a podcast and are accessible in the iTunes Podcast Directory. Audio recordings are usually posted to the Internet within 24-48 hours of the meeting. The public can subscribe to the podcast to receive notification when new recordings are available and listen to meetings on computers, mobile phones, and a variety of audio devices.

Video trainings and YouTube: Staff has developed trainings on video that members of the public and City staff can view from their office or home on the Commission's web site or YouTube channel. The public can subscribe to the Commission's channel to receive updates when new trainings are available. Trainings can be viewed on computers, mobile phones, and a variety of devices that connect to the television.

Calendar of Events: A calendar is available on the Commission's web site to track important deadlines, interested persons meetings, training opportunities, events, and Commission meetings. The calendar can be viewed on the Commission's web site, or the public can subscribe to the calendar and receive updates automatically from within their own calendar application or on their mobile phone.

Enforcement – the Commission conducted reviews of enforcement procedures on two tracks during the year: enforcement regulations related to non-Sunshine Ordinance complaints and enforcement regulations dealing with Sunshine Ordinance Task Force (SOTF) referrals.

The following changes were adopted to enforcement procedures:

- Conformed the definition of "delivery" throughout the regulations and streamlined the actual delivery process, which reduces financial cost incurred by staff;
- Provided respondent additional notice of hearing and additional time to prepare responses to probable cause reports;
- Maintained transparency of complaints referred to Commission by the SOTF in Probable Cause Hearings ("PCH");
- Established standards of proof for PCH and Hearing on the Merits ("HOTM");
- Eliminated live witness testimony at PCH to expedite hearing process and preserves respondent's right to appear and have counsel;
- Provided objective basis for making determination at both stages;
- Clarified that HOTM has higher threshold of proof than PCH;
- Provided for situations where staff discovers additional allegations during investigation and allows amendments to probable cause determinations;

- Designated the Accusation as the official charging document to clarify exact charges that the respondent is facing;
 - Provided timely notice for respondent;
 - Broadened and clarified process of resolution of preliminary and procedural matters;
 - Allowed staff to dismiss charges that it does not intend to pursue;
 - Conformed with current court practice and recent Commission practice regarding of exclusion of witnesses during HOTM;
 - Provided clarity on Charter's confidentiality rules for Ethics investigations; and
 - Distinguished complaints referred to the Commission by the SOTF.
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A separate set of proposals dealing with referrals from the SOTF is pending at the time of this report.

Campaign Finance – conducted the above referenced review of CFRO as well as adopted technical enhancements to the Public Finance Program. (See discussions above.) The Commission will consider refinements and modifications to the CFRO once the November 2010 election is over.

Conflicts of Interest – completed several trainings on Statements of Incompatible Activities. Also, during the year, the Commission approved of legislation that:

- renamed Chapter 2 of the San Francisco Campaign and Governmental Conduct Code as the “Government Ethics Ordinance” or “GEO;”
- clarified the definition of “officer” under the GEO;
- clarified the application of conflict of interest provisions to City officers;
- amended the ban on contracting under section 3.222 to permit officers to enter into settlement agreements and allow the Ethics Commission to waive the ban; and
- adopted a set of amendments to extend the ban on gifts from restricted sources and the ban on gifts from subordinates to include loans.

Campaign Consultant Ordinance – Staff has not conducted any work in this area, but is preparing to conduct a full review during the 2010/2011 Fiscal Year.

Lobbyists and Campaign Consultant Ordinances – As stated earlier, the Campaign Consultant Ordinance would require the approval of the voters; the Commission may choose in the future to offer a ballot measure on this subject. The exhaustive Lobbyist Ordinance proposals approved by the Commission involved not only a numerous Commission meeting hours but also a number of Interested Persons Meetings, one-on-one meetings and telephone calls, a great deal of public input and lots of background research by staff. Staff expects to follow the same procedures with respect to initiating changes in the Campaign Consultant Ordinance. The result is expected to be a better campaign consultant program with more transparency and easier-to-attain and understandable information about who is providing management and strategic services to candidates and ballot measures in San Francisco.

AFFILIATIONS

The Commission is a member of the Council on Governmental Ethics Laws (COGEL) but due to budget limitations no longer attends the annual convention.

BUDGET

The Commission's annual approved budget totals are as follows:

FY 94 - 95	157,000
FY 95 - 96	261,000
FY 96 - 97	313,274
FY 97 - 98	394,184
FY 98 - 99	475,646
FY 99 - 00	610,931
FY 00 - 01	727,787
FY 01 - 02	877,740
FY 02 - 03	1,156,295
FY 03 - 04	909,518
FY 04 - 05	1,052,389
FY 05 - 06	1,382,441
FY 06 - 07	8,416,109* (1,711,835 non-grant funding)
FY 07 - 08	3,592,078 (2,261,877 non-grant funding)
FY 08 - 09	5,453,874 (2,241,818 non-grant funding)
FY 09 - 10	6,011,566 (2,283,368 non-grant funding)

*Includes 6,704,274 front-loaded funding for Mayoral Election Campaign Fund

The Commission actually received an approximate 9% increase in its budget at a time when the City was required to institute many severe cuts in order to achieve a balanced budget. Although there was an overall increase in funding, there was a \$17,254 cut (1%) in the salaries and wages account.

MEMBERSHIP AND ADMINISTRATION

Commission membership was as follows:

<u>Commissioner</u>	<u>Appointed By</u>	<u>Dates of Service</u>
Jamienne S. Studley	City Attorney	1-2007 to 2-2008 2-2008 to 2-2014
Eileen Hansen	Board of Supervisors	2-2005 to 2-2011
Susan J. Harriman	Mayor	3-2006 to 2-2012
Charles L. Ward	District Attorney	7-2006 to 2-2007

2-2007 to 2-2013

Emi Gusukuma	Assessor	3-2004 to 2-2010
Benedict Y. Hur		3-2010 to 2-2016

Commissioner Jamie Studley was re-elected to serve a second term as Chair beginning in February 2010 and Commissioner Susan Harriman was re-elected to a second term as Vice-Chair.

The Ethics Commission had a staff of eighteen, supported by temporary staff and interns throughout the year. Staff included Executive Director John St. Croix; Deputy Executive Director Mabel Ng; Assistant Deputy Director Shaista Shaikh; Auditors John Chan, Menaka Mahajan (*left the Commission July 2009*) and Selina Chan (*left the Commission October 2009*); Public Finance Clerk Marvin Ford; Office Manager Jen Taloa; Campaign Finance Officer Jarrod Flores; Fines Collection Officer Oliver Luby (*left the Commission June 2010*); Campaign Finance Assistants Christian Narvaez and Demarie Dizon (*both left Commission November 2009*); Chief Enforcement Officer Richard Mo; Assistant Investigators Paul Solis (*left Commission August 2009*), Garrett Chatfield and Catherine Argumedo; Investigations Clerk Carmen Torres (*left Commission November 2009*); IT Officer Steven Massey; and Education and Outreach Coordinator Judy Chang. Joining the Commission Staff this year were Auditors Angeles Huang and Amy Li (*both joined the staff in January 2010*) and Campaign Finance Staffer Teresa Shew (*December 2009*) and Fines Collection Officer Ernestine Braxton (*June 2010*). Temporary staff included Campaign Finance Assistants Felipe Colin and Harley Chea. In addition to the above, interns included: Johnny Hosey, a graduate of San Francisco State University; Rose Chan, a graduate of USF Law School; Alisha Meyer and Jordan Beal, students at the University of San Francisco; Jane Kim of Georgetown University and Finn Gardiner, who was sponsored by Larkin Street Youth Services.

FUTURE INITIATIVES

The Commission will continue to fulfill its mandated duties in the forthcoming years, with a particular focus on achieving the following priority objectives:

- The Commission is dedicated to increasing public confidence in its mission and to delivering fairness both in its actions and the perception of its actions.
- The Commission will actively demonstrate its commitment to the education of the public, the regulated community, the City's leadership body and the employees of the City and County through continued educational forums, seminars, on-line tutorials and other outreach mechanisms in order to strengthen both the understanding of and adherence to the laws under the Commission's jurisdiction.
- The Commission will continue the ongoing process of reviewing, updating and renewing the Campaign Finance Reform Ordinance in order to keep pace with changes in policy, technology, civic needs and campaign modernization.
- The Commission will expand its communications and improve its relations with the general public and work to ensure that there is general understanding in the community about the Commission's work, mission and decision-making processes.

- The Commission will work continually to expand the scope of its enforcement and investigation activity, to analyze the needs and accomplishments in this area and to make productive use of staff and other resources.
 - The Commission will place new emphasis on resolving conflicts of interest and also the appearance of conflicts of interest by City agencies, officials, department heads and candidates and campaigns through both the education and investigations processes.
 - The Commission will implement changes to the Lobbyist Ordinance and conduct a review of the Campaign Consultant program in order to seek improved regulations and reporting requirements.
-
- The Commission will continue to work with various City departments, boards and commissions to inform members and employees of the various ethics rules that govern them. The Commission and staff will take advantage of training, education and other opportunities that will help advance its capabilities.
 - The Commission will endeavor to provide timely and comprehensible advice.
 - The Commission will work to secure sufficient budget resources to meet its mandates.
 - The Commission will continue to monitor the application of laws within its jurisdiction and will continue to propose amendments and regulations as appropriate.

Respectfully Submitted,

John St. Croix, Executive Director

Attachment One

During FY 09-10, staff provided or participated in 25 trainings or meetings related to matters within the jurisdiction of the Ethics Commission. The number of trainings or meetings was fewer than the 71 that occurred during the prior fiscal year. This reduction was caused in part by the need of the Training Officer to administer the Statement of Economic Interests (SEI) and Sunshine Declaration Programs, which resulted from staffing changes that impacted the Commission. In addition, the training officer also spent time creating online training programs that will eventually lessen the need for live trainings.

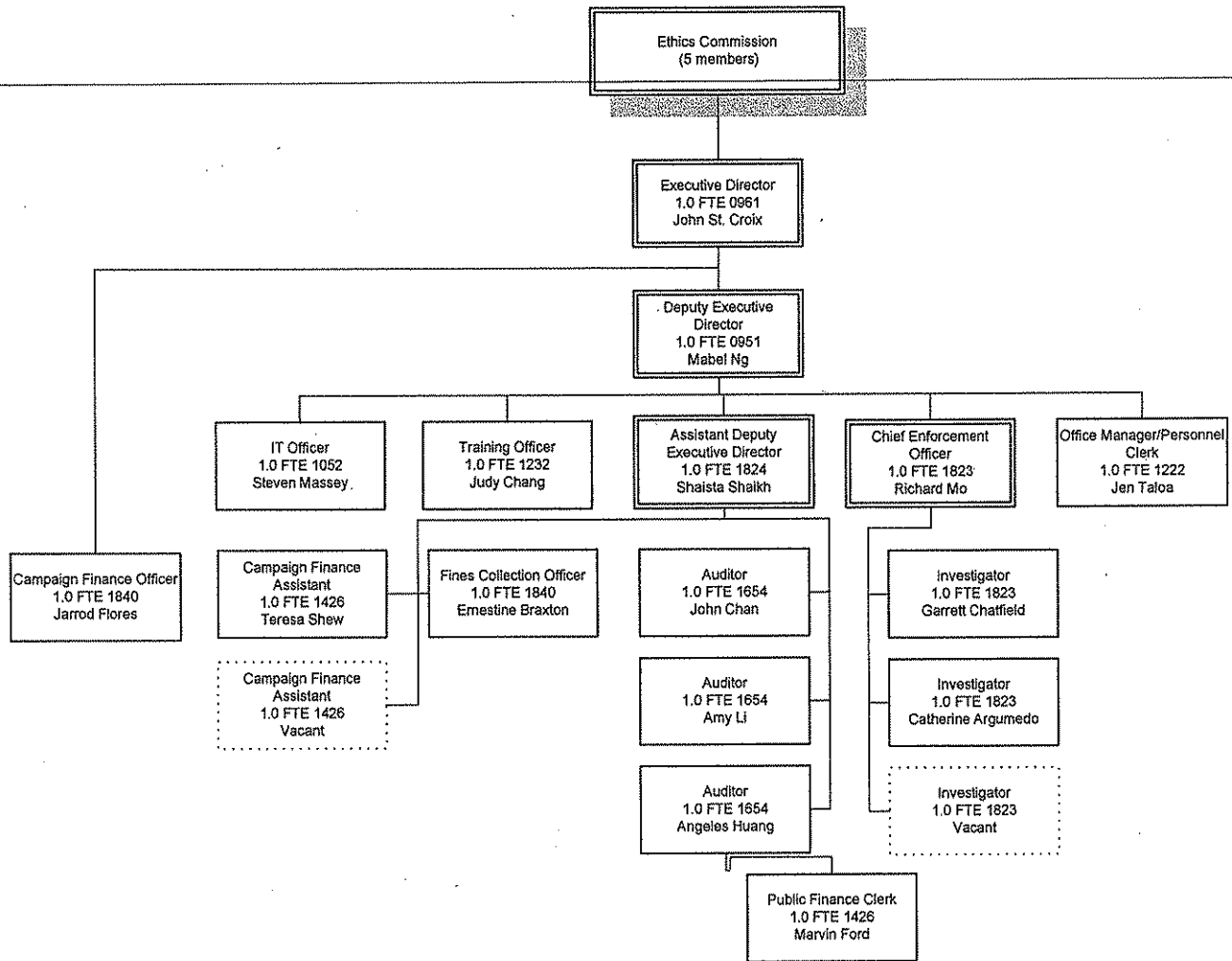
Date	# of Trainings or Meetings	Training Name and Description
July 17 and 28, 2009	2	Staff held interested persons meetings on possible changes to the Campaign Finance Reform Ordinance.
August 24, 2009	1	Staff met with a delegation of representatives from Shaanxi Province, People's Republic of China. The delegation sought to learn about promoting the highest standards of ethical behavior in government; new laws, rules and programs that will lead to ethics compliance; and ethics education and training.
September 8, 2009	1	Staff conducted a Candidates' Training which covered filing requirements for potential candidates for the City elective offices of City Attorney and Treasurer. This training focused on campaign finance requirements that apply to candidates for all City elective offices and focused on required forms for candidates.
October 8, 2009	1	Staff met with a delegation from the Republic of Moldova, a landlocked Eastern European country located between the Ukraine and Romania. The group, sponsored by the Institute of International Education, was interested in obtaining information about local governments.
September 22, and September 25, 2009	2	Staff conducted a training for Treasurers of Non-Candidate Recipient Committees who were interested in fulfilling the training requirement under the Campaign Finance Reform Ordinance. The training for Treasurers of Non-Candidate Recipient Committees covers campaign finance requirements for treasurers and representatives of general purpose committees, ballot measure committees, and primarily formed candidate committees. The training fulfills a requirement that new and existing treasurers—and assistant treasurers who sign and verify campaign statements—attend a training conducted by the Ethics Commission after filing an original or amended Statement of Organization designating a new treasurer.
September 25, 2009	1	Staff conducted a Candidates' Training which covered filing requirements for potential candidates for the City elective offices of City Attorney and Treasurer. This training focused on campaign finance requirements that apply to candidates for all City elective

		offices and focused on required forms for candidates.
September 28, 2009	1	Lobbyist Ordinance Training was cancelled due to lack of interest. Another Lobbyist Ordinance Training will be offered in December 2009.
October 22, 2009	1	Staff met the Amabat Erdenebat, Head of the Investigation Department and Commissioner of the Independent Authority Against Corruption of Mongolia. Mr. Amarat was sponsored by the Institute of International Education, which designs and implements professional programs and provides cultural activities and home hospitality opportunities for foreign leaders, specialists and international scholars participating in the Department of State's International Visitor Leadership Program.
November 2, 2009	1	Staff met with a delegation of representatives of governmental and non-governmental organizations in Tanzania and Uganda. The delegation of 10 visitors, along with two translators, was invited to the United States under the Department of State's International Visitor Leadership Program to explore the U.S. election system and government. The meeting was an opportunity for them to observe the activities of grassroots citizen action groups that interact with elected officials to influence political, social and economic change at the municipal, state and national level; and to obtain information about the role and structure of ethics in government in the U.S. and the principles underlying transparency and accountability.
November 3, 2009	1	Staff met with the managing editor and reporters from Mission Local, a project of the Ford Foundation and UC Berkeley School of Journalism. The group was interested in gathering information about the City's departments, boards and commissions.
November 6, 2009	1	Staff met with a delegation of 20 members from the China Ninxia Public Administration Training Group. The delegation was hosted by the U.S. – China Exchange Council, a California non-profit that has exchanged delegates between the U.S. and China for education and friendship development purposes. The group was interested in discussing the work of the Ethics Commission, conflicts of interest, government integrity and the prevention of corruption.
November 24, 2009	1	Staff met with a delegation of 15 members of the China Academy of Social Science Training Group, which was also hosted by the U.S. – China Exchange Council.
December 4, 2009	1	Staff facilitated a Governmental Ethics and Statement of Incompatible Activities (SIA) Training to the Department of Children, Youth, and Their Families.
December 11, 2009	1	Staff met with a delegation of six representatives from the municipal government of Xiamen, Fujian, China. The delegation was hosted by the U.S. – China Exchange Council, a California non-profit that has exchanged delegates between the U.S. and China for education and friendship development purposes. The group was interested in discussing the work of the Ethics Commission, campaign finance and

		conflicts of interest.
December 15, 2009	1	Staff met with 24 representatives of the Dongcheng District of the Municipality of Beijing, China. The delegation was sponsored by the Triway International Group, headquartered in the greater Washington D.C. area, which provides professional training and visitor programs for Chinese delegations in the U.S.
January 12, 2010	1	Staff provided a Candidates' Training.
January 13, 2010	1	Staff provided a Lobbyist Ordinance Training.
January 25, 2010	1	Staff facilitated a Interested Persons Meeting to address follow-up questions from the Lobbyist Ordinance Training.
March 3, 2010	1	Staff provided a County Central Committee Candidates' Training for candidates running for county central committee seats in the June 2010 election.
March 15, 2010	1	Staff met with a delegation of 23 visitors from the province of Liaoning, China. The delegation, sponsored by the Triway International Group, discussed ethics issues and investigations.
April 26, 2010	1	Staff met with a delegation of representatives from Turkey, whose visit to the U.S. was sponsored by the State Department's International Visitor Leadership Program. The purpose of the trip was to facilitate a greater understanding of U.S. policies, rationales, and the U.S. system of government; to explore progressive and innovative techniques for campaign organization and outreach to the populace; to learn about programs involving youth participation in the political campaigning; and to promote dialogue between U.S. and future Turkish leaders.
May 12, 2010	1	Staff provided a Candidates' Training.
June 15, 2010	1	Staff provided a training on the filing of Statements of Economic Interests to the 2010-2011 Civil Grand Jury.
June 22, 2010	1	Staff provided a training on the Governmental Ethics Ordinance and the Ethics Commission's Statement of Incompatible Activities.
	25	

San Francisco Ethics Commission

FY 09 - 10'



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Tara
Collins/CTYATT@CTYATT
09/09/2010 01:59 PM

To Department Heads/MAYOR/SFGOV, Gavin
Newsom/MAYOR/SFGOV@SFGOV, Board of
Supervisors/BOS/SFGOV@SFGOV, LaShaun
cc
bcc

Subject Political Activity by City Officers and Employees
Memorandum

Attached is the memorandum titled "Political Activity by City Officers and Employees" from City Attorney
Dennis J. Herrera. Please note that this memo updates and replaces previous memoranda on the same
topic.

The document can also be found on the City Attorney Office's website at
<http://sfcityattorney.org/Modules/ShowDocument.aspx?documentid=671> .

Best,
Tara Collins
Confidential Assistant to the City Attorney

OFFICE OF CITY ATTORNEY DENNIS HERRERA
San Francisco City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102-4682

(415) 554-4748 Direct
(415) 554-4700 Reception
(415) 554-4715 Facsimile



Political Activity 2010.PDF


6



DENNIS J. HERRERA
City Attorney

MEMORANDUM

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

FROM: DENNIS J. HERRERA 
City Attorney

DATE: September 8, 2010

RE: Political Activity By City Officers and Employees

As the November election approaches, the City Attorney's Office would like to take the opportunity again to remind City officers and employees of the laws that restrict their use of City resources for political activities. To this end, I am providing to you this updated memorandum, which outlines the basic rules and principles governing the political activities of City officers and employees. Please note that this memorandum updates and replaces previous memoranda on this topic that we have issued before City elections.

This memorandum is divided into five main parts, addressing some of the most common issues that come up in advance of elections. Part I discusses restrictions on the use of City resources and personnel for campaign activities. Part II discusses the rules that apply to City employees and officers engaging in political activities while off duty. Part III discusses the prohibition on using public funds for non-political mass mailings featuring an elected official. Part IV addresses the prohibition on elected officials soliciting or accepting campaign contributions from certain City contractors. Part V discusses the prohibition on appointed officials soliciting or accepting political contributions from parties and participants in proceedings before City commissions. And Part VI discusses potential penalties for violations of these laws.

These materials are intended as a general guide and are not a substitute for legal advice. Please contact the City Attorney's Office with any questions related to these materials or participation in political activities.

I. Misuse of City Resources and Personnel

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

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

Any use of City resources or City personnel for political activity is prohibited. This ban prohibits any use of City e-mail, telephones, copiers, fax machines, computers, office supplies or any other City resources for political purposes. City personnel's time and attention may not be diverted from their City duties for political purposes. Addressing envelopes for campaign mailers, circulating ballot petitions, making campaign telephone calls, or engaging in similar types of campaign activity on City time or on non-public City property is prohibited.

Memorandum

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

DATE: August 20, 2010

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RE: Political Activity By City Officers and Employees

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

- **May a board or commission take a position on a ballot measure?**

The prohibition on use of City resources for political activity also means that City officers and employees may not use their official positions to influence elections. Thus, appointed boards and commissions may not vote to endorse a measure or a candidate.¹ Nor may City officials distribute campaign literature at City events or include campaign literature in official mailings to employees or members of the public.

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

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

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

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

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

City officers and employees may respond to public requests for information, including requests to participate in public discussions about ballot measures, if the officers' or employees' statements are limited to an *objective and impartial* presentation of relevant facts to aid the voters in reaching an informed judgment regarding the measure. All statements must be accurate and fair.

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

If a department analyzes a ballot measure, the department should make its analysis public and distribute or publicize it consistent with the department's regular practice. But the

¹ In contrast to appointed commissions and boards, the Board of Supervisors, acting as a body, may take a position on behalf of the City on a ballot measure, and the Mayor may take a public position on a measure.

Memorandum

TO: ALL ELECTED OFFICIALS
 ALL BOARD AND COMMISSION MEMBERS
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DATE: August 20, 2010

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RE: Political Activity By City Officers and Employees

department should not use special methods – such as methods associated with political campaigns – to distribute its analysis.

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

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

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

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

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

- **When do these rules apply?**

City measures may be placed on the ballot in three different ways: (1) by vote of the Board of Supervisors, (2) by act of the Mayor or four or more individual Board members, or (3) by voter initiative petition.

- When the Board of Supervisors is considering placing a measure on the ballot, City departments, boards or commissions may use City resources to influence the Board's decision on whether to place the measure before the voters. After the Board has taken its final vote to place the measure on the ballot, no additional City resources may be used to advocate for or against it.
- When the Mayor or four members of the Board have proposed a measure, the Charter requires the Board to hold a hearing on the measure. City resources may be used at this hearing to explain the effects, advantages or disadvantages of the measure. Other than at this hearing, no City resources may be used to advocate for or against the measure once the Mayor or four Supervisors have proposed it.
- A voter may place a measure on the ballot by gathering enough signatures on an initiative petition. Once the initiative petition is circulating for signatures, no City resources may be used to advocate for or against it.

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

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

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

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

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

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

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

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

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

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

Example. A City employee seeks endorsements for the employee's candidacy for a political party's central committee in the hallway of her City department's office. This activity violates the ban on political activity on City premises because it is being

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 RE: Political Activity By City Officers and Employees

done inside City property that is not available to the general public for political purposes.

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

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

III. Mass Mailings at Public Expense

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

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

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

IV. Campaign Contributions to Elected Officials and Candidates

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

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

A person or entity that contracts with the City may not make a campaign contribution to an elected official if the contract would require approval by that official, a board on which the official serves, or a board of a state agency on which an appointee of the official sits. These people and entities listed in the preceding paragraph may not make a campaign contribution to the officer at any time from the commencement of negotiations for the contract until either:

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(1) negotiations are terminated and no contract is awarded; or (2) six months have elapsed since the award of the contract.

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

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

V. Campaign Contributions Solicited or Accepted By Appointed Officials

Section 84308 of the California Government Code prohibits appointed officials from soliciting contributions of more than \$250 – for any candidate or campaign – from any party or participant in a proceeding pending before the appointed official's agency or from anyone with a pending contract subject to the appointed official's approval. It also prohibits an appointed official from participating in a decision that involves a person who contributed \$250 or more to the appointed official's campaign within the past 12 months.

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

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

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

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

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

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

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RE: Political Activity By City Officers and Employees

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

Section 84308 applies to any "use entitlement proceeding," which is an action to grant, deny, revoke, restrict or modify a license, permit, or other entitlement for use. Examples of the types of decisions covered by the law include decisions on professional license revocations, conditional use permits, rezoning of property parcels, zoning variances, tentative subdivision and parcel maps, cable television franchises, building and development permits and private development plans. It also includes all contracts other than labor or personal employment contracts and competitively bid contracts where the City is required to select the highest or lowest qualified bidder.

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

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

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

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

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

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

Whether the appointed official is disqualified as a result of the contribution, the official always must disclose on the record all campaign contributions totaling more than \$250 received in the preceding 12 months from parties to or participants in the proceeding. If there is a public hearing, the official must make the disclosure on the public record at the beginning of the hearing. If no public hearing is held, the disclosure must be included in the written record of the proceeding.

VI. Penalties

Courts may impose considerable penalties for violating the laws discussed in this memorandum. Individuals who violate these rules could face criminal fines or imprisonment,

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

orders to repay the City for the misused funds, or civil and administrative penalties of up to \$5,000 per violation. ~~Misappropriation of City funds for political activities also may be official misconduct that justifies removal of a public officer and restrictions on the ability to hold office in the future, and may be cause to fire a public employee.~~

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

Additional Information

For more information about these rules, see the City Attorney's Good Government Guide on the Resources page of the City Attorney's website (www.sfcityattorney.org). If you have any questions, please contact the City Attorney's Office.

August 20, 2010

Dear Miss NINA TAN
the supervisor of In-Home Supportive Services Consortium,
1453 Mission Street Suite #500
San Francisco, CA 94102

RECEIVED
MAYOR'S OFFICE
10 AUG 20 AM 4:59

This is a letter from Abdalla Megahed regarding your wrong action last week. I write this letter to you and others which I hope to stop immediately your favoritism to your natives and relatives who work under your command to help the senior disabled clients like me. It is a time to stop the cover-up of their own mistakes and to hide whatever wrong they do sometimes. I have been complaining to you three times about my home service lady, Miss ONE NOR WONG, who is supposed to service me from 9 to 12pm. I had, in the past, made two complaints to you that Miss ONE NOR WONG has been taking one hour forty minutes for lunch twice on Tuesday. When I complained to my case manager, Miss Du Tran, and the program coordinator, Miss Kristi Lambert, they contacted you and made a complaint about her long lunch on August 17. I can see with my own eyes that you handed my file to another supervisor and did not touch it yourself as punishment to me and in the meantime to cover up what your employee did. Miss ONE NOR WONG took half an hour of my time and half an hour after her allotted lunch time to get more money from the government. You know that but you try to cover up because she is related to you, I believe, or that she is Asian. This is favoritism against our Constitution. I see many of your natives make a lot of money than African and Latino Americans. It is your fault and it is a time for me to ask you what you did with my first and second complaint. I believe nothing because if you did anything, I believe Miss ONE NOR WONG would not do this a third time. This sixth floor in our building has become an Asian club for your employees. 26 years of my life, I spent as a community activist and homeless advocate in the City. To support any successful program like In-Home Support Services Consortium and to stop any discrimination and favoritism and violations of the law and the U.S. Constitution. Please open your eyes about the senior disabled people like me by my community activist. Show me your action, verbal or written warning, that you have done in the past and why your employees stayed over three hours on the sixth floor. Is it because of your weakness or because you spoiled them? Enough is enough. And why does she always receive 2-3 telephone calls from Yan (apartment #219) every day and deceive me that they have lunch at 11:30? Dear Miss NINA TAN, your actions remind me of the former crook supervisor Ed Jew.

Sincerely,

Abdalla Megahed

Abdalla Megahed
990 Polk Street, #418
San Francisco, CA 94109
(415) 374-4141

Cc: Kristi Lambert, program coordinator
Steve Ball and Du Tran, case managers
Adrienne Wynacht, nurse of the building
Gayle Hutton, service delivery manager
Perry Vermilyea, service delivery manager
San Francisco Mayor Gavin Newsom
California Governor Arnold Schwarzenegger
SF Board of Supervisors
CA Attorney General Jerry Brown
SF City Attorney Dennis Herrera

BY _____
AK

2010 AUG 23 PM 1:51

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7

Rec'd. Mayor's office
9/8/10 - 3:59pm

9/08/10

Abdalla Megahed
990 Polk Street #418
San Francisco, CA 94109

Dear Mayor Gavin Newsom,

I am very concerned about Terry Jones and his plans to burn 200 Korans at an anti-Muslim rally to remember 9-11. This year 9-11 will fall on Holy Ramadan a religious day of celebration for all Muslims. Burning Korans on this day will only raise tensions in the Muslim community and is outside of this country's tradition of religious tolerance. I am asking you to show your leadership as our Mayor to send a message that this kind of action is not acceptable. I ask this on behalf of the Muslim community in San Francisco. I hope you can join San Franciscans in speaking out on this matter.

Sincerely,

Abdalla Megahed

Abdalla Megahed

Cc: California Governor Arnold Schwarzenegger,
✓ SF Board of Supervisors
CA Attorney General Jerry Brown
SF City Attorney Dennis Herrera

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BY *KE*

(S)



SAN FRANCISCO BRANCH **NAACP**

August 26, 2010

Board of Supervisors
San Francisco City Hall
1 Dr. Carlton B. Goodlett Pl Rm 244
San Francisco, CA 94102

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BY *[Signature]*

Dear Honorable Chair:

San Franciscans deserve the same high quality medical care as other large American cities. California Pacific Medical Center's (CPMC) current facilities are well beyond their useful functional lives and urgently need replacement and upgrading. CPMC's new facilities will bring San Francisco's health care in line with the best in American medicine. The new Van Ness & Geary hospital with large emergency room, clinics and medical office buildings, as well as the substantial linkage with Chinese Hospital and Northeast Medical Services clinic, and the rebuilding of St. Luke's Hospital will provide state-of-the-art medical care for the most populated areas of the City.

CPMC's reconstruction of St. Luke's Hospital and construction of the new facility at Van Ness and Geary will also provide for roughly 40% of the earthquake resistant hospital beds deemed necessary by City disaster planners. Having earthquake-resistant hospital facilities better guarantees that hospital and health care personnel will survive a major earthquake and be available for emergency relief.

CPMC is one of the largest employers in the city of San Francisco with roughly 6000 employees. San Francisco's continued prosperity depends on the vitality of the health care sector, and CPMC is a major component of that economic engine. CPMC has been and continues to be committed to diversity in its work force. The NAACP looks forward to CPMC continuing its efforts to engage and empower our community by providing Medical Job training and employment for the residents of San Francisco.

CPMC has made significant efforts to ensure that there is a thriving health care clinic in the Bayview Hunter's Point Community, Bayview Children's Health Clinic. This clinic helps to address lack of access to quality health care in the southeast area of the city. CPMC has also provided support to the seniors in the Bayview Hunter's Point Community with a generous donation to the George Davis Senior Center. In addition, CPMC has been very pro-active in addressing breast Cancer awareness in our community by launching the "Sister to Sister: Breast Cancer" awareness program that does outreach in the Western Addition and in the Bayview Hunter's Point area.

The San Francisco Branch of the NAACP looks forward to collaborating with CPMC community-based programs and clinics to provide health care services to the whole community, with emphasis on disadvantaged residents.

Sincerely yours,

Amos C. Brown

Dr. Amos C. Brown, President
San Francisco NAACP

9



"James Chaffee"
<chaffeej@pacbell.net>
09/09/2010 03:55 PM

To <Bevan.Dufty@sfgov.org>,
<board.of.supervisors@sfgov.org>,
<Carmen.Chu@sfgov.org>, <Chris.Daly@sfgov.org>, "David"
cc <cnevius@schronicle.com>

bcc

Subject Chaffee -- North Beach Library Controversy -- Something
Sour and Mean-spirited

Dear Friends,

There was a column in today's Chronicle from C.W. Nevius about the North Beach Branch controversy. It would seem that newspapers are attempting to salvage their commercial viability by adapting the worst aspects of Internet flaming.

The first sentence in the article uses the phrase "something sour and mean-spirited" in hopes that the mudslinging he indulges in will be ascribed to his opponents first.

It is true that there are a wide spectrum of arguments against the development of a new main library on a parcel in North Beach that was set aside for open space, and some of those arguments are not entirely consistent with each other. But, why should they be? Many people are against it and those people don't need to be united with each other to have valid points. Yet, that is about the only thing that Mr. Nevius got right.

It is almost amazing that this columnist can get it so wrong, particularly since he is defending the Slash-and-Burn Library Commission against any legitimacy that the idea of historical preservation might have.

The columnist claims that "Every other district has gotten a new facility" when only neighborhoods with rental facilities got new buildings, as the bond issue promised. The columnist claims that, "The money is there for this one" as if he has never heard of the cost overruns that defunded five branches projects and the "revenue bonds" for these projects come from the Library borrowing against future library operating funds in a falling economic climate.

Then as a proponent for this nonsense he finds an unaffiliated "mother of two" who claims to be naïve, when everyone knows what the big money construction contract and fundraising interests are that are behind this sleazy campaign. "Something Sour and Mean-spirited." Indeed.

The cut-and-paste version is below, or check out the link, or maybe not. It is only an example of how bad journalism can get.

Read more: <http://www.sfgate.com/columnists/nevius/#ixzz0z4g9yxYA>

10



SAN FRANCISCO PLANNING DEPARTMENT

BOS-11
page

Revised Notice of Preparation of an Environmental Impact Report

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

Date: September 8 2010
Case No.: 2008.0091E
Project Title: San Francisco Westside Recycled Water Project
Location: The proposed project is located in the western portion of San Francisco. Proposed facilities would be constructed between the Oceanside Water Pollution Control Plant and the Presidio Golf Course.
BPA Nos.: N/A
Zoning: N/A
Block/Lot: N/A
Lot Size: Various
Project Sponsor: Barbara Palacios, San Francisco Public Utilities Commission (415) 554-0718
Lead Agency: San Francisco Planning Department
Staff Contact: Carrie Dovzak – (415) 575-9030
 carrie.dovzak@sfgov.org

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

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 BY [Signature]

PROJECT DESCRIPTION

The primary purpose of the San Francisco Westside Recycled Water Project (the project) is to reduce the City and County of San Francisco's reliance on potable water for nonpotable uses, such as irrigation, through the production and distribution of highly treated recycled water. Subsequent to the initial Notice of Preparation (NOP) and scoping period in June 2008, the San Francisco Public Utilities Commission (SFPUC) modified the project. As a result, a revised NOP has been prepared to inform you of the changes to the project. These changes are summarized below:

- The proposed location of the recycled water treatment facility would be located at the site of the former Richmond-Sunset WPCP within Golden Gate Park;
- The proposed treatment processes would include reverse osmosis as needed to meet water quality requirements for use in Golden Gate Park;
- The list of recycled water customers would include the Presidio Golf Course;
- San Francisco Zoo and smaller parks in the southern part of the City would not initially be provided with recycled water, though recycled water could be made available to these customers in the future; and
- The proposed storage and distribution facilities would be located in areas that are compatible with the revised location of the recycled water treatment facility.

The primary purpose of the project, however, is the same: to reduce the City and County of San Francisco's reliance on potable water for nonpotable uses, such as irrigation, through the production and distribution of highly treated recycled water. The revised project would meet the current demands of several SFPUC

11

customers with substantial irrigation needs, including Golden Gate Park, Lincoln Park/Lincoln Park Golf Course (Lincoln Park), and the Presidio Golf Course. The project would involve the construction of a recycled water treatment facility and underground storage, and construction of and/or upgrades to distribution facilities (pipelines and pumping facilities) for service to these customers.

The site proposed for the recycled water treatment facility was changed from the Oceanside Water Pollution Control Plant (WPCP) to the site of the former Richmond-Sunset WPCP within Golden Gate Park. The site is currently used by the San Francisco Recreation and Parks Department for park maintenance and storage. This location was selected because of its proximity to recycled water customers, the availability of existing conveyance facilities to and from the site, the availability of land, and the compatibility of project land use requirements with the current and previous land use as a treatment facility.

Effluent (treated to secondary treatment standards at the Oceanside WPCP) would be conveyed to the recycled water treatment plant site via an existing pipeline within the Westside Transport Box located beneath the Great Highway. The effluent would be processed to advanced tertiary standards at the proposed recycled water treatment facility, and this highly treated recycled water would be used at Golden Gate Park (including the Panhandle portion of the park), the Lincoln Park Golf Course, and the Presidio Golf Course, primarily for landscape irrigation. Recycled water would also be used for toilet and urinal flushing as well as irrigation at the California Academy of Sciences in Golden Gate Park.

The revised project is a component of the SFPUC's Water System Improvement Program (WSIP), which includes facility improvement projects designed to: (1) maintain high-quality water; (2) reduce vulnerability to earthquakes; (3) increase delivery reliability and improve the ability to maintain the system; (4) meet customer purchase requests in nondrought and drought periods; (5) enhance sustainability in all system activities; and (6) achieve a cost-effective, fully operational system. The project, which is the subject of this NOP, is a component of the WSIP; implementation of this project would contribute to meeting the overall WSIP goals and objectives.

FINDING

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

PUBLIC SCOPING PROCESS

Pursuant to California Public Resources Code Section 21083.9 and California Environmental Quality Act Guidelines Section 15206, a public scoping meeting will be held to receive oral comments concerning the scope of the EIR. The meeting will be held on **September 23, 2010, 7:00 PM** (starting promptly) at the **Golden Gate Park Senior Center, 6101 Fulton Street (at 35th Avenue), San Francisco, CA, 94121**. Written comments will also be accepted at this meeting and until the close of business on **October 13, 2010**. Written comments should be sent to Bill Wycko, San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA, 94103. Comments received in response to the initial June 2008 NOP remain on file with the Planning Department and will be considered during environmental review of the revised project proposal to the extent that they remain relevant to the revised project.

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

September 2, 2010
Date

Bill Wycko
Bill Wycko
Environmental Review Officer



SAN FRANCISCO PLANNING DEPARTMENT

September 8, 2010

To Responsible Agencies, Trustee Agencies, and Interested Parties:

**RE: CASE NO. 2008.0091E – SAN FRANCISCO WESTSIDE RECYCLED WATER PROJECT
REVISED NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT
AND NOTICE OF PUBLIC SCOPING MEETING**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

A revised Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the above-referenced project, described below, has been issued by the Planning Department. The Planning Department previously issued a NOP for the above-referenced project on June 5, 2008, and two scoping meetings were held on June 16 and 17, 2008 in the project vicinity. The San Francisco Public Utilities Commission (SFPUC) has since modified the proposed project, and the revised NOP/Notice of Public Scoping Meeting is either attached or is available upon request from Carrie Dovzak, whom you may reach at (415) 575-9030 or at the above address. The NOP is also available online at <http://tinyurl.com/puccases>. This notice is being sent to you because you have been identified as potentially having an interest in the project or the project area.

Project Description:

Subsequent to the initial NOP and scoping period in June 2008, the SFPUC modified the San Francisco Westside Recycled Water Project (the project). As a result, a revised NOP has been prepared to inform you of the changes to the project. These changes are summarized below:

- The proposed location of the recycled water treatment facility would be located at the site of the former Richmond-Sunset WPCP within Golden Gate Park;
- The proposed treatment processes would include reverse osmosis as needed to meet water quality requirements for use in Golden Gate Park;
- The list of recycled water customers would include the Presidio Golf Course;
- San Francisco Zoo and smaller parks in the southern part of the City would not initially be provided with recycled water, though recycled water could be made available to these customers in the future; and
- The proposed storage and distribution facilities would be located in areas that are compatible with the revised location of the recycled water treatment facility.

The primary purpose of the project, however, is the same: to reduce the City and County of San Francisco's reliance on potable water for nonpotable uses, such as irrigation, through the production and distribution of highly treated recycled water. The revised project would meet the current demands of several SFPUC customers with substantial irrigation needs, including Golden Gate Park, Lincoln Park/Lincoln Park Golf Course (Lincoln Park), and the Presidio Golf Course. The project would involve the construction of a recycled water treatment facility and underground storage, and construction of and/or upgrades to distribution facilities (pipelines and pumping facilities) for service to these customers.

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WZ

The site proposed for the recycled water treatment facility was changed from the Oceanside Water Pollution Control Plant (WPCP) to the site of the former Richmond-Sunset WPCP within Golden Gate Park. The site is currently used by the San Francisco Recreation and Parks Department for park maintenance and storage. This location was selected because of its proximity to recycled water customers, the availability of existing conveyance facilities to and from the site, the availability of land, and the compatibility of project land use requirements with the current and previous land use as a treatment facility. Effluent (treated to secondary treatment standards at the Oceanside WPCP) would be conveyed to the recycled water treatment facility site via an existing pipeline within the Westside Transport Box located beneath the Great Highway. The effluent would be processed to advanced tertiary standards at the proposed recycled water treatment facility, and this highly treated recycled water would be used at Golden Gate Park (including the Panhandle portion of the park), the Lincoln Park Golf Course, and the Presidio Golf Course, primarily for landscape irrigation. Recycled water would also be used for toilet and urinal flushing as well as irrigation at the California Academy of Sciences in Golden Gate Park.

The revised project is a component of the SFPUC's Water System Improvement Program (WSIP), which includes facility improvement projects designed to: (1) maintain high-quality water; (2) reduce vulnerability to earthquakes; (3) increase delivery reliability and improve the ability to maintain the system; (4) meet customer purchase requests in nondrought and drought periods; (5) enhance sustainability in all system activities; and (6) achieve a cost-effective, fully operational system. The project, which is the subject of this NOP, is a component of the WSIP; implementation of this project would contribute to meeting the overall WSIP goals and objectives.

The Planning Department has determined that an EIR must be prepared for the proposed project prior to any final decision regarding whether to approve the project. The purpose of the EIR is to provide information about potential significant physical environmental effects of the proposed project, to identify possible ways to minimize the significant effects, and to describe and analyze possible alternatives to the proposed project. Preparation of an NOP or EIR does not indicate a decision by the City to approve or to disapprove the project. However, prior to making any such decision, the decision-makers must review and consider the information contained in the EIR.

The San Francisco Planning Department will hold one **PUBLIC SCOPING MEETING** on September 23, 2010 at the location listed below. The purpose of this meeting is to receive oral comments to assist the Planning Department in reviewing the scope and content of the environmental impact analysis and information to be contained in the EIR for the project. Written comments will also be accepted until the close of business on October 13, 2010. Written comments should be sent to Bill Wycko, San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA, 94103; by fax to (415) 558-6409; or by e-mail to carrie.dovzak@sfgov.org. Comments that were received in response to the initial June 2008 NOP remain on file with the Planning Department and will be considered during environmental review of the revised project proposal to the extent that they remain relevant to the revised project.

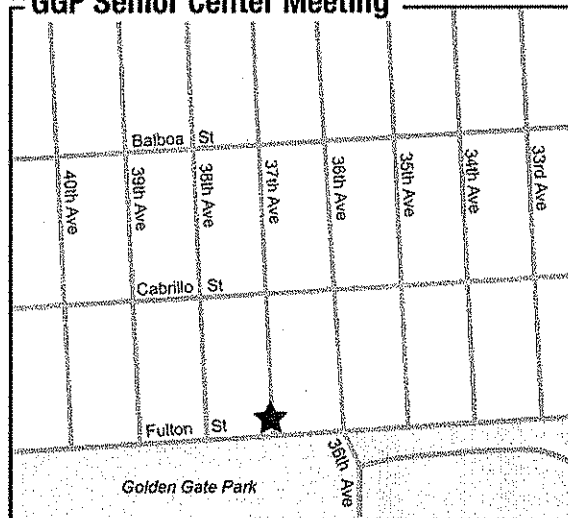
Golden Gate Park Senior Center – San Francisco

September 23, 2010

7:00 PM (starting promptly)

6101 Fulton Street (at 37th Avenue)

GGP Senior Center Meeting



If you work for an agency that is a Responsible or a Trustee Agency, we need to know the views of your agency as to the scope and content of the environmental information that is relevant to your agency's statutory responsibilities in connection with the proposed project. Your agency may need to use the EIR when considering a permit or other approval for this project. We will also need the name of the contact person for your agency. If you have questions concerning environmental review of the proposed project, please contact **Carrie Dovzak** at (415) 575-9030 or carrie.dovzak@sfgov.org.

verizonwireless

1120 Sanctuary Pkwy
Suite 150
MC: GASAS5REG
Alpharetta, GA 30009
(770) 797-1070

September 1, 2010

Ms. Anna Hom
Consumer Protection and Safety Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
alh@cpuc.ca.gov

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2010 SEP - 8 PM 3:21
BY MC

Re: Notification Letter for **Grant Bush** GTE Mobilnet of California Limited Partnership (U-3002-C), of San Francisco-Oakland, CA MSA

This is to provide the Commission with notice according to the provisions of General Order No. 159.A of the Public Utilities Commission of the State of California ("CPUC") for the project described in Attachment A.

A copy of this notification letter is also being provided to the appropriate local government agency for its information. Should there be any questions regarding this project, or if you disagree with any of the information contained herein, please contact Veleta Wilson of Verizon Wireless at (770) 797-1076.

Very truly yours,



Veleta Wilson
Verizon Wireless
MTS Network Compliance

Attachment A

CPUC CELL SITE REPORT GTE Mobilnet of California Limited Partnership (U-3002-C)

PROJECT LOCATION: Grant Bush - Mod

SITE NAME: Grant Bush
SITE ADDRESS: 1600 El Camino Real
LOCATION: South San Francisco, CA 94080
COUNTY: San Mateo
APN: 010-292-110-3 & 020-212-080-5
COORDINATES: 37° 39' 47.64"/122° 26' 38.81" (NAD83)

1. PROJECT DESCRIPTION:

GTE Mobilnet of California Limited Partnership (U-3002-C) proposes the installation and maintenance of three (3) new 6' panel antennas beside the existing antennas mounted to the side of the building and rooftop of the parapet enclosure.

ANTENNAS: Three (3) 6' Panel antennas
TOWER DESIGN: Building rooftop
TOWER APPEARANCE: Building rooftop
TOWER HEIGHT: N/A
BUILDING SIZE: 141'
OTHER: N/A

3. BUSINESS ADDRESSES OF ALL LOCAL GOVERNMENT AGENCIES:

Cc: Jonas Ionin
Planning Director

Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103-2479

Edwin Lee
City Manager
Office of the City Administrator
1 Dr. Carlton B. Goodlett Place, Room 362
San Francisco, CA 94102

City Clerk
Office of the County Clerk
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4678

LAND USE APPROVALS:

Type: Conditional Use Permit
Issued: 6/17/10
Effective: 7/20/10
Agency: Planning
Permit No.: 2009.0620C
Resolution No.: N/A

Type: Building Permit
Issued: TBD
Effective: TBD
Agency: Building Inspection
Permit No.: 201006255310
Resolution No.: N/A

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File # (D104)

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BY _____
OC

249 Bocana Street
San Francisco, Ca 94110

September 3, 2010

Angela Calvillo
Clerk, Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

RE: Appeal of Categorical Exemption from CEQA and Appeal of CUP,
Planning Case 2010.0306C, 10 Bernal Heights Blvd.

Dear Ms. Calvillo,

I am writing to inform the Board of Supervisors that I agree to Clearwire's request for a continuance of the hearings for the appeals from CEQA and of CUP originally calendared for Tuesday, September 7 at 2:30pm and request that they be scheduled at the latest possible date.

Thank you for your consideration,



Robin Mackey,
Bernal Heights Community Action

- cc: Supervisor David Chiu, President of the Board
- Supervisor David Campos
- Supervisor Eric Mar
- Supervisor Michela Alioto-Pier
- Supervisor Carmen Chu
- Supervisor Ross Mirkarimi
- Supervisor Chris Daly
- Supervisor Sean Elsbernd
- Supervisor Bevan Dufty
- Supervisor Sophie Maxwell
- Supervisor John Avalos
- Erika Jackson, Planning Department
- Joyce Chu, Project Sponsor for Clearwire



SAN FRANCISCO
SPCA

File # 101087

copy

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Board Chair

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FILLMORE MARKS
WILLIAM LEE OLDS, JR.
JACQUILINE L. YOUNG

September 1, 2010

San Francisco Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94103

To Whom It May Concern:

Pet Food Express has been an eager and loyal supporter of the animal welfare community in San Francisco. They allow numerous rescue groups to use their stores for events, provide discounts to new adopters, donate goods to help animals in disaster zones and support animal welfare organizations in countless other ways.

We also applaud Pet Food Express' policy of not selling animals in their stores.

While we cannot comment on the economic and competitive impact of opening new stores in San Francisco, we certainly support the growth of all local businesses – large and small – that create strong ties to the community, advocate for the humane treatment of animals, and offer generous support for animal welfare.

Sincerely,

Jason Walthall
Interim Co-President

Jennifer Scarlett, DVM
Interim Co-President

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BOARD OF SUPERVISORS
SAN FRANCISCO
2010 SEP -8 PM 3:24
BY _____
RC

14



To:
 Cc:
 Bcc:
 Subject: Issued: San Francisco Public Utilities Commission: Wastewater Enterprise Could Improve its Inventory Management

From: Controller Reports/CON/SFGOV
 To: Angela Calvillo/BOS/SFGOV@SFGOV, BOS-Supervisors/BOS/SFGOV, BOS-Legislative Aides/BOS/SFGOV, Steve Kawa/MAYOR/SFGOV@SFGOV, Greg Wagner/MAYOR/SFGOV@SFGOV, Tony Winnicker/MAYOR/SFGOV@SFGOV, Starr Terrell/MAYOR/SFGOV@SFGOV, ggiubbini@sfc.org, Severin Campbell/BudgetAnalyst/SFGOV@SFGOV, Debra Newman/BudgetAnalyst/SFGOV@SFGOV, sfdocs@sfpl.info, gmetcalf@spur.org, CON-Media Contact/CON/SFGOV, CON-EVERYONE/CON/SFGOV, EHarrington@swater.org, MHoush@swater.org, tmoala@swater.org, TRydstrom@swater.org, NHom@swater.org, Michael Cohen/MAYOR/SFGOV@SFGOV, Tara Collins/CTYATT@CTYATT
 Date: 08/17/2010 02:25 PM
 Subject: Issued: San Francisco Public Utilities Commission: Wastewater Enterprise Could Improve its Inventory Management
 Sent by: Patti Erickson

The Controller's Office, City Services Auditor (CSA) has issued an audit report of SFPUC Wastewater Enterprise warehouse and inventory controls. The audit found that, although the Wastewater Enterprise has mostly adequate processes and controls over its warehouse and storeroom, it could improve its inventory management through increased use of its MAXIMO enterprise asset management system, increased storeroom security, more efficient storeroom organization, and better tool management. The audit includes 30 recommendations for the SFPUC to improve inventory management.

To view the full report, please visit our website at:
<http://co.sfgov.org/webreports/details.aspx?id=1166>

This is a send-only email address.

For questions regarding this report please contact Audit Manager Elisa Sullivan at elisa.sullivan@sfgov.org or 415-554-7654, or the Controller's Office, Audits Division, at 554-7469.

Thank you.

15



To:
 Cc:
 Bcc:
 Subject: Issued: Police Department -The Department Needs to Improve Its Controls Over Overtime and Premium Pay

From: Controller Reports/CON/SFGOV
 To: Angela Calvillo/BOS/SFGOV@SFGOV, BOS-Supervisors/BOS/SFGOV, BOS-Legislative Aides/BOS/SFGOV, Steve Kawa/MAYOR/SFGOV@SFGOV, Greg Wagner/MAYOR/SFGOV@SFGOV, Tony Winnicker/MAYOR/SFGOV@SFGOV, Starr Terrell/MAYOR/SFGOV@SFGOV, ggiubbini@sftc.org, Severin Campbell/BudgetAnalyst/SFGOV@SFGOV, Debra Newman/BudgetAnalyst/SFGOV@SFGOV, sfdocs@sfpl.info, gmetcalf@spur.org, CON-Media Contact/CON/SFGOV, CON-EVERYONE/CON/SFGOV, George Gascon/SFPD/SFGOV@SFGOV, Joseph Reilly/SFPD/SFGOV@SFGOV, Kenneth Bukowski/SFPD/SFGOV@SFGOV, Tara Collins/CTYATT@CTYATT, Michael Cohen/MAYOR/SFGOV@SFGOV, Shelley Thompson/DHR/SFGOV@SFGOV
 Date: 08/18/2010 10:03 AM
 Subject: Issued: Police Department -The Department Needs to Improve Its Controls Over Overtime and Premium Pay
 Sent by: Patti Erickson

The Office of the Controller, City Services Auditor, has issued a report, San Francisco Police Department: The Department Needs to Improve Its Controls Over Overtime and Premium Pay. The report indicates that while the Department has reduced overtime costs in recent years, it does not consistently follow its policies and procedures for earning, documenting, and approving court appearance premium pay and acting assignment pay. The department also lacks written guidelines that would address the circumstances in which event sponsors who request police services may be allowed to pay for them after the event instead of in advance, as required by Chapter 10B of the City's Administrative Code. Further, the department does not always enforce the restrictions that members not exceed 14 hours of work in a 24-hour period or 20 hours of voluntary overtime in a seven-day work week.

To view the full report, please visit our website at:
<http://co.sfgov.org/webreports/details.aspx?id=1167>

This is a send-only email address.

For questions regarding this report please contact Mark Tipton at mark.tipton@sfgov.org or 415-554-7660 or the Controller's Office, Audits Unit at 554-7469.

16



To:
Cc:
Bcc:
Subject: Fw: Issued: Airport Commission: Compliance Audit of JetBlue Airways Corporation

From: Controller Reports/CON/SFGOV
To: Angela Calvillo/BOS/SFGOV@SFGOV, BOS-Supervisors/BOS/SFGOV, BOS-Legislative Aides/BOS/SFGOV, Steve Kawa/MAYOR/SFGOV@SFGOV, Greg Wagner/MAYOR/SFGOV@SFGOV, Tony Winnicker/MAYOR/SFGOV@SFGOV, Starr Terrell/MAYOR/SFGOV@SFGOV, ggiubbini@sftc.org, sfdocs@sfpl.info, gmetcalf@spur.org, CON-Media Contact/CON/SFGOV, CON-EVERYONE/CON/SFGOV, scott.wickmann@jetblue.com, Tara Collins/CTYATT@CTYATT, Michael Cohen/MAYOR/SFGOV@SFGOV, Jean.Caramatti@flysfo.com, Adela Martinez/ADPROB/SFGOV@SFGOV, Wallace.Tang@flysfo.com, Dan.Ravina@flysfo.com, Gary.Franzella@flysfo.com, Severin Campbell/BudgetAnalyst/SFGOV@SFGOV, Debra Newman/BudgetAnalyst/SFGOV@SFGOV
Date: 09/08/2010 01:38 PM
Subject: Issued: Airport Commission: Compliance Audit of JetBlue Airways Corporation
Sent by: Patti Erickson

The Office of the Controller, City Services Auditor, has issued a report, Airport Commission: Compliance Audit of JetBlue Airways Corporation (JetBlue). The report indicates that JetBlue paid landing fees for all the aircraft landings it reported to the Airport, but did not keep records supporting the monthly reports of landings it submitted to the Airport. As a result, the auditors were unable to determine the airline's actual number of landings.

To view the full report, please visit our website at:
<http://co.sfgov.org/webreports/details.aspx?id=1173>

For information regarding this report, please contact Mark Tipton at mark.tipton@sfgov.org or 415-554-7660 or the Controller's Office, Audit Unit at 415-554-7469.

Thank you.

17



To:
Cc:
Bcc:
Subject: Audit Memorandum Issued: Results of the Review of the Asset Forfeiture Program

From: Controller Reports/CON/SFGOV
To: Angela Calvillo/BOS/SFGOV@SFGOV, BOS-Supervisors/BOS/SFGOV, BOS-Legislative Aides/BOS/SFGOV, Steve Kawa/MAYOR/SFGOV@SFGOV, Greg Wagner/MAYOR/SFGOV@SFGOV, Tony Winnicker/MAYOR/SFGOV@SFGOV, Starr Terrell/MAYOR/SFGOV@SFGOV, ggiubbini@sftc.org, Severin Campbell/BudgetAnalyst/SFGOV@SFGOV, Debra Newman/BudgetAnalyst/SFGOV@SFGOV, sfdocs@sfpl.info, gmetcalf@spur.org, CON-Media Contact/CON/SFGOV, CON-EVERYONE/CON/SFGOV, Tara Collins/CTYATT@CTYATT, Michael Cohen/MAYOR/SFGOV@SFGOV, Pamela Underwood/DA/SFGOV@SFGOV, John Tursi/SFPD/SFGOV@SFGOV, George Gascon/SFPD/SFGOV@SFGOV, Anh Castro/DA/SFGOV@SFGOV, District Attorney/DA/SFGOV@SFGOV
Date: 09/09/2010 01:39 PM
Subject: Audit Memorandum Issued: Results of the Review of the Asset Forfeiture Program
Sent by: Patti Erickson

The Office of the Controller, City Services Auditor, has issued a memo, Results of the Review of the Asset Forfeiture Program. The Asset Forfeiture Program is jointly operated by the San Francisco Police Department and Office of the District Attorney. The memo indicates that the recordkeeping and review process is properly performed and employees are knowledgeable of the program. In addition, seized property is properly handled and safeguarded, reports and forms are adequately completed, and adequate procedures for closing cases are maintained.

To view the full report, please visit our website at:
<http://co.sfgov.org/webreports/details.aspx?id=1174>

This is a send-only email address.

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

Thank you.




Ben Rosenfield
Controller

Monique Zmuda
Deputy Controller

MEMORANDUM

DATE: September 9, 2010

TO: Kamala D. Harris, District Attorney
Chief George Gascón, San Francisco Police Department

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

SUBJECT: Results of the Review of the Asset Forfeiture Program

INTRODUCTION

This memorandum provides the results of the City Services Auditor (CSA) Division's review of procedures and internal controls over operations and protection of assets held as part of the Asset Forfeiture Program, managed jointly by the Office of the District Attorney (DA) and the San Francisco Police Department (SFPD). The scope of this review did not include the proper distribution of forfeited funds by the SFPD in accordance with the provisions of Health and Safety Code Section 11489, or the resulting regulated use of those funds.

At the request of the Controller, the review assessed the adequacy of SFPD and DA procedures and internal controls over operations related to assets held, from the point of seizure to the forfeiture of funds by non-judicial or judicial processes.

BACKGROUND & METHODOLOGY

The Asset Forfeiture Program operates under the provisions of California Health and Safety Code Section 11469 et seq. Asset Forfeiture Programs administer and oversee the confiscation and forfeiture of assets by the county, which are related to a crime. This program is a joint effort by the SFPD and the DA. The California Department of Justice compiles statistical data for each county in California. The Asset Forfeiture Program has two types of cases: state and federal. CSA's review focused on the procedures and internal controls over state forfeiture cases.

The state forfeitures involve the DA and the SFPD working closely together. To maintain the integrity of the program, the Asset Forfeiture Team is purposely limited to a few individuals. The team has three full-time and four part-time employees. The Asset Forfeiture Program is operated by the following employees:

- An assistant district attorney and an asset forfeiture paralegal at the DA.
- One full-time inspector along with four SFPD officers that assist part-time with the program.

The SFPD is responsible for the safekeeping of cash forfeited, beginning with seizure, continuing throughout the process of obtaining forfeiture, and ending with the distribution of the proceeds according to California Health and Safety Code Section 11489, or the return of the cash to the individual. Both of these actions result in closure of the case. The DA is responsible for the legal process of the forfeiture and determines if it wants to pursue the case for forfeiture. Once this is decided, the DA begins with a non-judicial forfeiture and, if challenged, it will seek a judicial forfeiture with the courts. Both groups participate in serving required notices to individuals, based upon resource availability and volume of notices to be served. The California Department of Justice is required by state law to compile statistical data for each year and each county in California. The 2008 annual report (the latest data available) provides information on all forfeitures of assets from illegal drug activities initiated throughout the state during that calendar year. The report also includes the number of cases for which forfeiture was ordered or declared, the value of assets, and recipients of forfeited assets. The City and County of San Francisco initiated 301 cases with an estimated asset value of \$938,013 in 2008, and completed 253 forfeiture cases with a forfeited asset value of \$609,460.

The objectives of the review were to determine whether:

- The recordkeeping and review process over the asset forfeiture function are properly completed.
- Asset forfeiture employees are knowledgeable of the Asset Forfeiture Program and understand their responsibilities.
- Seized property is properly handled and safeguarded.
- The required reports/forms are adequately completed for each asset forfeiture case to ensure adherence to policies and procedures.
- Adequate procedures for closing asset forfeiture cases are properly maintained.

The review covered the period from January 1, 2008, to December 31, 2009. CSA included in its testing a sample of all asset forfeiture cases opened in 2008 and 2009 that closed in 2009. Out of 217 forfeiture files, the auditor judgmentally selected 10 files with a total value of \$59,829, and tested for 23 different attributes of the prescribed process.

To conduct the review, the audit team:

- Discussed the Asset Forfeiture Program with SFPD and DA personnel to gain an understanding of the program.
- Reviewed and gained an understanding of the program's procedures and processes.
- Verified whether procedures and processes were working as intended by selecting a representative sample and testing adherence to the prescribed procedures.

RESULTS

The audit team found that in each of the ten files:

- Recordkeeping and the review process for the asset forfeiture function are properly performed.
- Asset forfeiture employees are knowledgeable of the Asset Forfeiture Program and strive to complete their responsibilities efficiently and effectively.
- Seized property is properly handled and safeguarded throughout the entire process.
- Reports and/or forms are adequately completed for each asset forfeiture case to ensure adherence to policies and procedures.
- Adequate procedures for closing asset forfeiture cases are maintained.

RECOMMENDATION

An ongoing record should be maintained of each discrepancy found in the amount of cash seized. Currently, a cash discrepancy form is completed in each case and given to the chief of police, but a comprehensive record of all discrepancies would allow monitoring of total discrepancy amounts on an ongoing basis.

The response of the SFPD is attached to this report.

CSA extends its appreciation to you and your staff who assisted with this review. If you have any questions or concerns, please call or e-mail me at (415) 554-5393 or tonia.lediju@sfgov.org.

cc: Ben Rosenfield, Controller



OFFICE OF THE DISTRICT ATTORNEY
CITY AND COUNTY OF SAN FRANCISCO
100 MARKET STREET, SUITE 1000
SAN FRANCISCO, CALIFORNIA 94102
415.774.3000



July 27, 2010

Ms. Tonia Lediju
Director of Audits
City Services Auditor

Dear Ms. Lediju:

This letter is in response to the Audit Memorandum, dated June 9, 2010, regarding the Results of the Review of the Asset Forfeiture Program. We were very pleased with this process and the results of this review. We would like to thank Donna Crumte for her excellent job and professional courtesy.

We concur with the recommendation. We would like to clarify the process of handling the cash discrepancies. The Asset Forfeiture Team prepares a Supplemental Police Report entitled "Evidence Discrepancy Report" which reflects the discrepancy in the amount of cash written on the outside of the money envelope and the actual cash found in the money envelope. This report is forwarded to the Lieutenant and Captain of the Narcotics Division.

With regard to your recommendation, the Asset Forfeiture Team will have a monthly meeting with the Lieutenant and Captain of the Narcotics Division regarding any discrepancies. Further, the Asset Forfeiture Team will keep an ongoing comprehensive record of all future discrepancies. Lastly, the District Attorney's Asset Forfeiture Paralegal is in the process of preparing a comprehensive record of all discrepancies going back to 2005.

It should be noted that due to the problems with the San Francisco Crime Lab and its closure on March 9, 2010 there has been no distribution of forfeited funds since February 2010.

Sincerely,

Captain Croce A. Casciato
Commanding Officer
Narcotics-Vice Crimes Division

File 101087
file, page, Bos-11

September 2, 2010

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

To The Board of Supervisors,

I wish to express my concern over a new Pet Food Express store on California or frankly, anywhere else in San Francisco. They already have enough locations here and I believe that allowing them to have more will choke out the small independent shops. Chain stores have no place in San Francisco, that's what Colma is for!

I hope you deny this new store so that struggling small businesses with their unique personalities can flourish.



Gail Colombo
Founder / Owner
Cat Faeries
260 Hazelwood Av
San Francisco, CA 94127

www.catfaeries.com
gail@catfaeries.com

BY _____ Ak

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SAN FRANCISCO

File 101087
BOS-11, cpage

September 4, 2010

2010 SEP -7 PM 3:35

Dear ^{Mr} Board of Supervisors,

I am a dog owner, and I live in San Francisco. I also have a car, so when I need to buy food or supplies for my dog, I can go to any pet store in any part of the city. However, I choose to shop at my neighborhood pet store on Washington St. at Polk. Not only can I walk my dog there when I need something for him, but I know that I am contributing to the economic vitality of my neighborhood at the community level. This is why I am writing to you in support of locally-owned independent pet stores in San Francisco, and asking that you overturn the Conditional Use Permit for the planned Pet Food Express at 3150 California Street.

One of the reasons why I love San Francisco is that it doesn't look like the rest of the country. It is creative and individual, due in large part to its

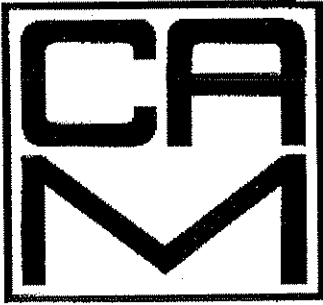
lack of big-box retail and its nurturing of locally-owned business. I think a lot of people like that about San Francisco,

There are already plenty of stores in the area around 3150 California, whether supermarkets or independent stores, that meet the needs of pet owners. I have shopped a time or two at Pet Foods Express before. It's not a bad store, but I don't think one more is needed at the proposed location. Our neighborhood pet stores add life to their communities. Please help them thrive by not allowing the addition of a Pet Foods Express.

Sincerely,



MARK THOMAS
1534 Clay St. #5
San Francisco, 94109



CHRISTINE & MIKE MURRAY
2149 Broadway
San Francisco, CA 94115

Phone: 415 931.3903
Fax: 415 931.3905
E-mail: ChristineMurraySF@gmail.com

File 101087
BDS-11
file, cpage

September 6, 2010

San Francisco Board of Supervisors
c/o Joy Lamug
1 Dr. Carlton B. Goodlett Place
City Hall
Room 244
San Francisco, CA 94102-4689

Dear Board of Supervisors,

Please vote to support our neighborhood pet shops! **George**, on California Street at Filmore must be one of the finest in the nation and yet it began right here and still retains its original charm and excellence. We feel very strongly that it should not be run out of business by a big generic chain with no sense of what makes our neighborhood unique.


Thank you.

Christine Murray

BY _____ Ak

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BOS-11
C-page

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2010 SEP - 8 PM 2:58
BY 

File #101087

September 7, 2010

To:
San Francisco Board of Supervisors

From: Joanne Foy
2235 Beach Street S.F. 94123

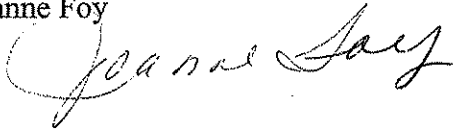
Dear Board of Supervisors:

It would be a terrible shame to allow Pet Food Express to move into the Marina as we have wonderful dog shops on Chestnut Street, Union Street and we would not have the personal care we receive. I have been over to Pet-Co on 16th and find myself walking through the store alone looking for what I need. It is very impersonalized and not a great way to shop for your dog.

Please do not allow a large chain such as Pet Food Express into our area.

Thank you for the consideration.

Joanne Foy



BOS-11

C-page

File # 101087

550 Davis Street, Apartment 29

San Francisco, California 94111

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2010 SEP -7 PM 3:37

BY

W

September 3, 2010

To the S.F. Board of Supervisors:

We ^{are} strenuously opposed to allowing a chain of pet stores to open in San Francisco. Our local small pet stores not only do an excellent job of providing for our pets' needs, but they also are a valuable resource of personal and knowledgeable advice about animal care. Moreover, they relate to each of us on an individual basis, making every visit a friendly, pleasurable experience.

A chain store would provide none of this. The existing, small pet stores represent a highly desirable model for providing service and pet products to SF pets.

It would be a pity for us all - pets, pet owners, pet friends and the city itself - to lose this wonderful resource.

Sincerely,

Barbara and Dick Stewart

and
Kitzmiller and Lionel Stewart

cc: The Animal Connection II
1677 Washington Street
San Francisco 94109

orig: GAO Clerk
COB page



City and County of San Francisco
Employees' Retirement System

September 8, 2010

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

RE: 2009-2010 Civil Grand Jury Report - "Pension Tsunami, The Billion Dollar Bubble"
City [Consolidated] Response Submitted to the Court on August 23, 2010

Dear Judge McBride:

It has come to my attention that members of the Grand Jury are concerned that the consolidated response to their report, referenced above, may not include the views of the San Francisco Employees' Retirement System Board [the "Board"]. As President of the Board, this will confirm that the statements contained in the consolidated report which are identified as being those of the Board, do in fact reflect the Board's views.

San Francisco Employees' Retirement System Executive Director Gary A. Amelio executed the response on behalf of both the Board and the System.

Respectfully submitted,

On behalf of the
San Francisco Employees' Retirement System Board

Croce ["Al"] Casciato, President

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BOARD OF SUPERVISORS
SAN FRANCISCO
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BY PN

- Cc: The Honorable Gavin Newsom
- Gary A. Amelio, SFERS Executive Director
- Ben Rosenfield, Controller
- Joanne Hayes-White, Fire Chief
- Angela Calvillo, Clerk-Board of Supervisors
- Joseph Driscoll, Commissioner
- Sean Elsbernd, Commissioner
- Victor Macras, Commissioner
- Herb Meiberger, Commissioner
- Wendy Paskin-Jordan, Commissioner
- Brenda Wright, Commissioner

Gavin Newsom | Mayor

Tom Nolan | Chairman

Jerry Lee | Vice-Chairman

Cameron Beach | Director

Cheryl Brinkman | Director

Malcolm Heinicke | Director

Bruce Oka | Director

Nathaniel P. Ford Sr. | Executive Director/CEO

September 3, 2010

Dear Colleagues,

The San Francisco Municipal Transportation Agency (SFMTA), which operates Muni, is providing you with an update to the last letter we sent you two months ago regarding SFMTA's fare collection initiatives. It is our hope that you will help us inform the community about our impending changes.

In the letter we sent you in July, we announced preparations for installing new Ticket Vending Machines and Clipper faregates in nine of our Metro subway stations. I am pleased to announce that we are proceeding on schedule, with our first Metro station, Civic Center, becoming operational this week. Barring any unforeseen setbacks, the remaining eight Metro stations will open as follows:

Week of September 6:	Powell Street Station
Week of September 13:	Castro and Church stations
Week of September 20:	Embarcadero, Montgomery and Forest Hill stations
Week of September 27:	West Portal and Van Ness stations

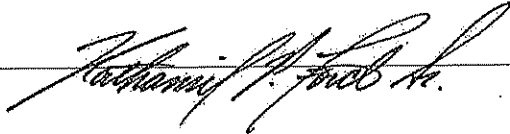
Once the new faregates become operational, customers will enter with a tap of their Clipper card. Customers with paper passes will use the temporary swipe reader installed on top of the new faregates and customers who wish to pay their fare with cash will do so by either purchasing a Clipper card or a Limited Use ticket at the new Muni Ticket Vending Machines. Attached, you will find two items: the first is a reproduction of the instructional sign that will be posted at our faregates, and the second, a summary of our plans for supporting customers at each station opening during this period.

In addition to the changes you will see in our stations, our *Time to Switch* campaign is in full-gear with ads touting Clipper's arrival virtually everywhere. In addition, outreach to our Muni/BART "A" pass customers will continue with each pass holder receiving detailed Clipper information instructing them to acquire a Clipper card to load their September pass. In addition to informing "A" pass customers of the switch to Clipper, we have also mailed a letter to all Muni Regional Transit Connection (RTC) customers providing instructions for loading their discounted monthly pass to their RTC Discount Photo ID card.

September 3, 2010
Page 2

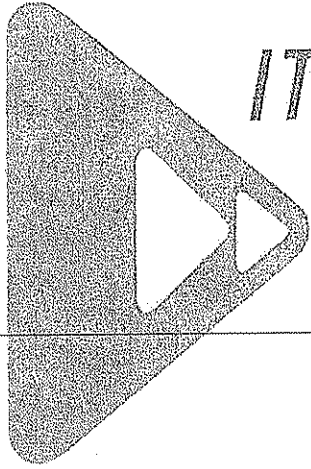
As always, we appreciate your invaluable support during this endeavor. Once again, thank you for helping us inform the community about these important changes.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nathaniel P. Ford Sr.", is positioned above a horizontal line that spans the width of the page.

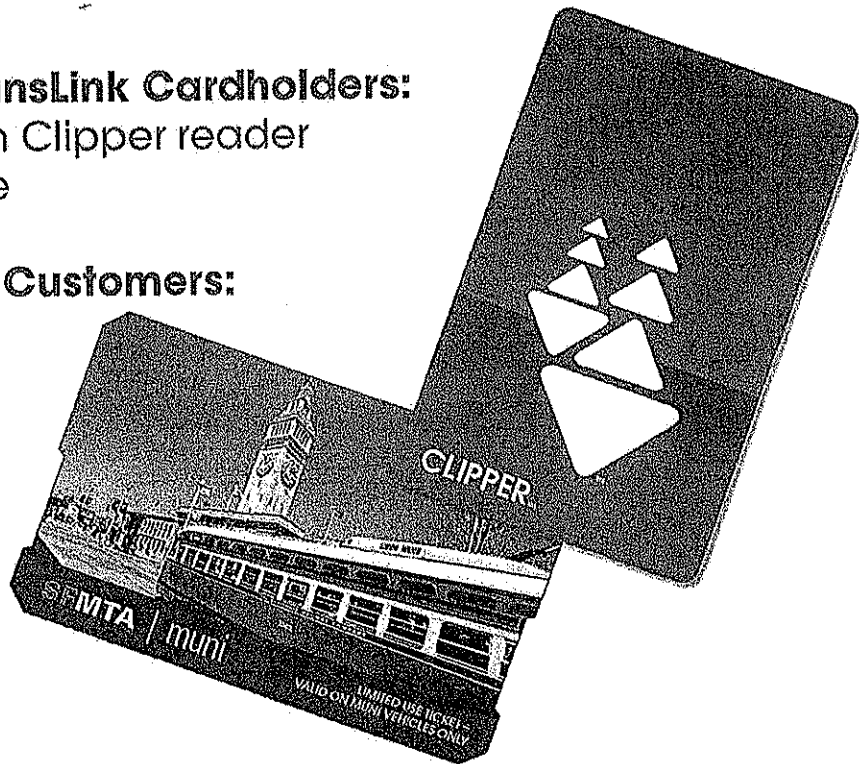
Nathaniel P. Ford Sr.
Executive Director/CEO

Attachments



IT'S TIME TO **SWITCH!**

- **Cash Customers:** Buy a Muni Ticket or Clipper Card at vending machine
- **Token Customers:** Use your token to buy a Muni Ticket at vending machine
- **Paper Pass Customers:** Swipe your card on top of fare gate
- **Clipper/TransLink Cardholders:** Tap card on Clipper reader on fare gate
- **Transferring Customers:** See agent.



Soon, Clipper will be THE way to pay on Muni



Station Openings - Communications and Support

The following lists communications and support activities for each station opening with Clipper faregates and Muni Ticket Vending Machines

PRE-INSTALLATION

- *Advanced notice of construction:* Signs will be posted at each faregate array providing advance notice of construction activities.
- *Customer support (One-day):* Employees will be positioned near the faregates answering customer questions, providing Clipper information and assisting with Senior and Youth Clipper applications.

INSTALLATION

- *Wayfinding signs:* Signs will be posted providing information about why SFMTA is replacing equipment as well as providing directions for entry during construction.
- *Customer support:* Employees will assist customers with faregate entry and provide answers to questions along with information about Clipper and the Limited Use Muni Ticket. They will also assist in processing Senior and Youth sign ups.

STATION OPENING

Support provided at the new faregates

- *Instructional Sign:* Signs will be posted instructing customers how to enter the new faregates.
- *Customer support:* Employees will assist customers with entry and exit and provide answers to questions.

Support provided at the new Muni Ticket Vending Machines

- *Customer support:* Employees will assist customers by answering questions and providing information and Ticket Vending Machine use instructions.

AFTER INITIAL OPENING

Station Agents: Station Agents will be equipped to provide customers with the following information in English, Spanish and Chinese:

- How to use Clipper brochures
- Limited Use Muni Ticket Take Ones
- Faregate instructions
- Fare Media comparisons
- Clipper retail list by zip code

At faregates

- *Instructional signs:* Signs will be posted instructing customers how to enter the new faregates.

At TVMs

- *Instructional signs:* A concise instructional sign will be posted to guide customers through using the TVM. It will also include Clipper Service Bureau phone number.



AEvans604@aol.com
09/07/2010 10:55 PM

To board.of.supervisors@sfgov.org
cc
bcc
Subject Supes to Investigate McDonald's in the Haight

SAN FRANCISCO – The Board of Supervisors will hold hearings on the increase in the price of the special, low-end hamburgers sold by McDonald's at its store in the Haight-Ashbury district.

The so-called bum burgers, popular with the neighborhood's throngs of street addicts and alcoholics, are scheduled to rise in price from \$1.00 to \$1.50.

"This is a war on the poor," said Ross Mirkarimi, just back from a luxurious vacation to South America, who represents the struggling neighborhood at the board.

"The homeless in the Haight need all the money they can get for drugs and alcohol. They can't afford to be drained by expenditures for food."

Chris Daly, who represents the Tenderloin, agreed. "This is a ploy by the Chamber of Commerce to discourage the homeless from sitting and lying on the sidewalks on Haight Street," he charged.

"If residents can't handle the street scene in the Haight, they should move to the suburbs, like my wife and kids."

The group SF Stands Against Sit-Lie will hold a sit-in in front of the Haight store, handing out free bum burgers to passers-by, and encouraging them to urinate and defecate on the sidewalks afterwards.

"Sidewalks are for everything!" exclaimed Nate Miller, the group's leader.

Nutritionists who have analyzed the bum burgers say they consist mostly of warhog intestines, with 99% of the weight in cholesterol. The burgers' fans, however, are not fazed, since they are as oblivious of what they eat as they are of where they relieve themselves.

The board will hold the McDonald's hearings after it finishes with other

22

pressing business, such saving the wild jackdaws of Tanzania.

Beyond Satire, the producers of the Monty Python films, has expressed an interest in recording the proceedings.

ORIGINAL

1505 11
epBge

KIM MALCHESKI
ATTORNEY AT LAW
P.O. BOX 40105
SAN FRANCISCO, CALIFORNIA 94140
(415) 647-2797

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2010 SEP - 9 PM 4: 29
BY _____
AK

SEP 8 2010

TO: Board of Supervisors

RE: MUNI reform

Dear Supervisors:

The voters of San Francisco have twice voted for district elections for supervisors. The whole idea of district elections is that the supervisors will directly represent the people in their districts, rather than downtown corporations, developers, or the City Hall bureaucracy. It is especially important for "progressive" supervisors to take the lead in proposing legislation and propositions to ensure that the people of San Francisco have decent public transit, affordable housing, good public schools, etc.

In the last year, MUNI service has dramatically deteriorated. I would suggest that you ride the 14 Mission bus sometime at rush hour to see just how poor the service is. Hundreds of MUNI passengers and transit operators attended meetings of the MTA board and committee meetings of the Board of Supervisors in the last year to demand real MUNI reform. Both the Controller and Budget Analyst of the CCSF wrote scathing critiques of the incompetent MTA management and dysfunctional MTA board. Those reports contained numerous specific recommendations for the reform of both the management team and the board. It is the responsibility of the Board of Supervisors to ensure that those proposed recommendations are actually implemented.

Instead of proposing a Charter amendment for the November ballot that would have reformed MUNI, the President of the Board of Supervisors cut a backroom deal with the Mayor to set up a meaningless task force. According to the S.F. Chronicle (08-02-10), Supervisor Chiu "delivered the decisive sixth vote to kill" the proposed charter amendment. Instead, Supervisor Chiu privately met with the Mayor to set up yet another task force.

These backroom deals are totally undemocratic and elitist as they exclude MUNI riders and transit operators from participating in the substantive political

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decisions that govern their lives. While supervisors have the right to have meetings with whomever they want, MUNI riders and operators must be included in those meetings and also incorporated into the MTA decision-making structure.

The current structure of the MTA is completely undemocratic because all of the board members are appointed by the Mayor. MUNI riders and operators have no real decision-making power in regard to which MUNI lines are cut. The controller's report on MUNI showed that the top MUNI management team is incompetent or unqualified. MUNI management approved \$67 million in work orders to other City agencies without written agreements or even itemized bills. The supervisors should have passed legislation or proposed a charter amendment that would eliminate or significantly reduce such work orders. Every department should have their own stand-alone budget.

At the risk of stating the obvious, we are S.F. voters with very good political memories. When the next election comes, we will remember which supervisors actually voted to improve MUNI, and which supervisors did not.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Malcheski". The signature is written in a cursive style with a large, stylized "K" and "M".

Kim Malcheski



Brett Hoffman
<brett.w.hoffman@gmail.com

>

09/04/2010 09:20 AM

To MTABoard@sfmta.com, gavin.newsom@sfgov.org,
board.of.supervisors@sfgov.org

cc

bcc

Subject Please don't do this

Hello.

My name is Brett Hoffman. I live in the marina district at 1585 Beach St., #305, 94123. It recently came to my attention that the San Francisco Department of Parking and Traffic is trying to extend the parking meter time until 10pm in addition to charging for meters on Sundays AND raising fees up to \$6.00 per hour. Please do not do this! It will have a significant negative impact on my neighborhood via loss of business and congestion. We are in the middle of the great recession. As a renter, I can tell you that people like me are already strapped. Please don't cause me any more financial distress.

Thank you,
~Brett Hoffman

24



Dan Brady
<creative1@creativeideasforyou.com>

09/07/2010 01:03 PM

To <MTABoard@sfmta.com>,
<Board.of.supervisors@sfgov.org>,
<Gavin.Newsom@sfgov.org>

cc

bcc

Subject Changes in the Parking Meter system

Daniel Brady,
Creative Ideas Consulting
San Francisco, California, 94134

Home page: <http://www.creativeideasforyou.com/index.html>
Email: : creative1@creativeideasforyou.com

To: Gavin Newsom
The San Francisco Board of Supervisors
The SF MTA Board

Whereas the proposed changes to activate parking meters on Sundays and or increase the cost of parking on the street I would advise you that businesses will experience losses, lower income persons will be disproportionately impacted and tourists will be spending more money on parking meters rather than in shops, stores and tourist attractions.

This is a good idea if you want to effectively lessen the disposable income of the poor, reduce the time San Franciscans and tourists spend shopping and thus generating tax revenues for the city, increase the cost of doing business and ensure negative economic impact at a time when the exact opposite is called for.

Oh, yes, and by effectively making it more expensive to use a car for errands and day to day trips you reduce participation in other activities that San Franciscans enjoy and appreciate. Yes, let us reduce our quality of living too. I mean we're on a roll here, aren't we?

Yes there are economic difficulties. That much is agreed upon. But if you enact "austerity" or "revenue enhancement" you are not then creating jobs and generating wealth, you are taking from the wealth and income that is being generated and shifting away from productivity and circulation in the general city economy. Perhaps phrasing it that way will have the light bulb go on.

Then again I am being reasonable and logical – so maybe I should not expect to much.

I'd be willing to discuss other options and ideas; and will leave that choice or invitation up to you.

Daniel Brady

Together we make a difference that is real, as well as a different reality!
Be advised that Co - Consultants may be advised

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Ramon Sender
<ramonsender@comcast.net
>

09/08/2010 10:00 AM

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

cc

bcc

Subject 'NO' to parking meter changes

Please do not raise parking meter fines and extend the hours to Sundays!
Personally, I would prefer adding a percentage point to the sales tax.
Sincerely,

Ramon Sender
Founder of the neighborhood group "The 23rd Street Thirty-Niners"



Linda Lewin
<storyspinner168@gmail.com>

09/07/2010 10:54 PM

To Board.of.supervisors@sfgov.org
cc
bcc
Subject Parking meters

Please do not extend meter hours to Sundays and raise the fees, as they are already too high for low-income people, not to mention the impact on merchants.

Please try to raise funds in another way.

Linda Lewin



"Bob Larive" <bob@fior.com>

09/04/2010 01:58 PM

To "Bob Larive" <bob@fior.com>, "Schwan, Craig"
<Craig.Schwan@ihrco.com>, <lgoodin1@mindspring.com>,
"Aline Estournes" <aestournes@wbcf.com>,
cc "Lee Housekeeper" <NewsService@aol.com>,
<Board.of.Supervisors@sfgov.org>,
<dsaunders@sfnchronicle.com>,
bcc

Subject Bums

1 attachment



winmail.dat

Welcome to our new Captain at Central Station.

Well this morning was really interesting, as was yesterday and the day before. This morning I observed only 42 bums on the Wharf between 7 AM and 8:30 AM. I'm sure there were more. 9 were gathered at Taylor and Jefferson enjoying their booze and bothering tourists and others. It's getting worse! North Beach is no better.

It seems Lee and I are the only ones concerned about the "problem". I truly believe if this problem isn't solved it could well be the end of our tourist business here and further the decline of our once wonderful city.

Footnote: I just had to walk down to Boudine to meet a friend (1:30 pm) and there were lots of tourists and a cluster of about 10 bums at the corner of Mason and Jefferson by the bakery. God help us as nobody here in the city will.

Bob

Fior d' Italia

America's Oldest Italian Restaurant

Bob and Jinx Larive

Proprietors

2237 Mason Street

San Francisco CA 94133

(415) 986-1886 www.fior.com

25



"Mary Bull - Greenwood Earth Alliance"
<chalicenew@earthlink.net>

09/02/2010 05:12 PM

Please respond to
"Mary Bull - Greenwood Earth Alliance"
<chalicenew@earthlink.net>

To "Mayor Gavin Newsom" <gavin.newsom@sfgov.org>, "John Avalos" <John.Avalos@sfgov.org>, "David Campos" <David.Campos@sfgov.org>, "Carmen Chu" <Editor \ (Chronicle)\ <chronletters@sfgate.com>

bcc

Subject ***About Community-run Recycling in SF and related issues***

Dear Mayor Newsom, Supervisor Mirkarimi, and Other Members of the Board:

We have lived in the Haight for 30 years now and have owned our own two-flat building for 25 of them.

We very much like and appreciate the community-run recycling center near Kezar. It employs people, it performs several valuable services for the community--both allowing people to drop off recyclables that Scavenger won't take because of unmanageable sizes, and providing recyclables to the community:

At this recycling center we have found and used dozens of like-new packing boxes and other excellent packing materials, and taken thousands of pounds of old newspapers for sheet-mulching gardens in the City and at our farm, just outside the City. It also has been a fabulous source of native plants, and has promoted the planting of thousands of natives in the City. The Management of the recycling center has been very sensitive about changing practices to accommodate suggestions from the immediate neighbors and the larger community, and is more than willing to continue to do so.

We have heard that the Cole Valley Neighborhood Association are the most vocal group against this useful facility. We had occasion to interact with this group when we were part of the planning stages of the farmers market in the park at the end of Waller Street, now going great guns. They were dead set against the farmer's market. In the past, they wanted to implement a public policy that discriminated against people with Mohawks and tattoos, and so on. Need we say more? Only this: Despite the impressive name, we have found that this group is very small and does NOT represent the community in which they live.

We should be promoting this is the kind of community-run service in the City. We need this kind of diversity: Small, local, fair-trade, and green!

It may not be completely apparent to you, but there definitely is a tidal wave growing against Big, Corporate, Rich, and Unaccountable--you should be riding that wave if you want to survive politically.

Thank you!

Mary Bull and Robert Krebsbach
250 & 252 Frederick, San Francisco, CA 94117

26

Chalice Farm 636 Montgomery Rd, Sebastopol CA 95472

cell 415-509-1188 chalicenew@earthlink.net



Jennifer Henerlau
<jhenerlau@yahoo.com>
09/09/2010 12:16 PM

To Board.of.Supervisors@sfgov.org
cc
bcc
Subject thank you

Thank you for having such a great exhibition at the State Fair in Sacramento. It was fun to see all the people t
cable car.

Jennifer Henerlau
Marin County

27

File 091408

~~Rules Comm. Clerk~~
Bos-11, cpage

Post Office Box 42791
San Francisco, California 94142
(415) 431-2990

September 3, 2010

Clerk
Board of Supervisors
City Hall

San Francisco, California
(415) 554-5163 FAX

Dear Members of the Board,

Re: Rules Committee File number 091408

I urge the Board of Supervisors to reject the allocation and transfer of \$375,000 in the Comcast settlement to the Bay Area Video Coalition (aka BAVC) in the matter before the Board for action September 7, 2010.

I have many years experience as a public access producer while resident in another city and am generally familiar with their operation.

LAW AND CONTRACT VIOLATIONS

VC section 13004

Information Practices Act of 1977 (CC section 1798-1798.78),

Civil Code section 1798.81.5

Civil Code 1708.8

Section 11.1 (a) of August 20, 2009 contract with City of San Francisco – false statements

Section 12.4 of August 20, 2009 contract with City of San Francisco – breach of contract

Administrative Code Section 12L.4 (1) – failure to hold public Board meetings

The reasons I urge you to reject this substantial disbursement of funds to BAVC are legal in nature. It is my belief that BAVC has violated both its contract with the City as well as California state law and continues to do so.

On November 20, 2009 I applied for and received so-called SFCommons membership and program timeslots at BAVC's Market Street office.

At the time the BAVC employee who processed my application demanded as a condition for submitting programs that I allow him to scan my California driver's license into their computer system. I did not know it at the time but later learned that this is a violation of California state law (VC section 13004).

BAVC in my belief violated other California privacy law protections and their contract of August 20, 2009 by false stating in their Playback Application would be "kept on file for internal use only" (emphasis added). I later learned in probable violation of state law BAVC outsourced the scan of my driver's license to an offsite company, salesforce.com. This was done not only in violation of their application contract with me but without my knowledge or consent.

28

Page two of two
Pasquariello to Clerk Board of Supervisors
File number 091408

California electronic privacy protection laws BAVC probably violated include the **Information Practices Act of 1977 (CC section 1798-1798.78)**, **Civil Code section 1798.81.5** (reasonable in care of accountability of private electronic data), **Civil Code 1708.8** ("anti-paparazzi" law); cf. Also *Ruiz v Gap, Inc.* (ND Cal 2008) 540 F Supp 2d 1121 and 540 F Supp 2d at 1126 – increased risk of identity theft is sufficient to constitute an "injury in fact."

On August 5, 2010 a member of BAVC administrative staff made false and defamatory statements before the **Rules Committee** of this Board about a producer who has won multiple rulings at the Sunshine Ordinance Task Force against BAVC. These globally televised and archived statements were made in open defiance of BAVC's contract (Section 11 – Events of Defaults and Remedies) which required BAVC be held in material breach of its contract.

In addition to above mentioned Law and Contract violations BAVC is in violation of Administrative Code Section 12L.4 requiring BAVC to hold two public meetings of its Board of Directors per year. In the 12 months since BAVC signed its contract with the City BAVC has not held a single Board of Directors' meeting open to the public.

On May 25, 2010 the Sunshine Ordinance Task Force ruled BAVC in violation of San Francisco's Sunshine law. And in two subsequent meetings BAVC refused to respect the authority of SOTF to order it to produce public documents.

BAVC IS IN MATERIAL BREACH OF ITS CONTRACT

BAVC has violated state law, lied to the Board of Supervisors Rules Committee, as well as its own resident public access producers.

In view of BAVC failures to honor its duties under its August 20, 2009 contract for which it already has been paid \$875,000 the Department of Technology and the Board of Supervisors have an obligation to find BAVC in material breach of its contract and pay BAVC no additional monies.

Yours truly,

Nick Pasquariello

P.S. Please circulate this letter to each and every member of the Board of Supervisors

BDS-11
C-page

Post Office Box 42791
San Francisco, California 94142
(415) 431-2990

File # 091408

September 7, 2010

Clerk
Board of Supervisors
City Hall
San Francisco, California
(415) 554-5163 FAX

Dear Members of the Board,

Re: Rules Committee File number 091408

I urge the Board of Supervisors to reject the allocation and transfer of \$375,000 in the Comcast settlement to the Bay Area Video Coalition (aka BAVC) in the matter before the Board for action September 7, 2010.

I have many years experience as a public access producer while resident in another city and am generally familiar with their operation.

LAW AND CONTRACT VIOLATIONS

- VC section 13004
- Information Practices Act of 1977 (CC section 1798-1798.78)
- Civil Code section 1798.81.5, businesses must take reasonable measures to protect personal information...from "unauthorized access, destruction, use, modification or disclosure."
- Civil Code 1708.8, "anti-paparazzi" law, creates liability for either physical or constructive invasion of privacy...under circumstances in which plaintiff had a reasonable expectation of privacy.
- Section 11.1 (a) of August 20, 2009 contract with City of San Francisco - false statements
- Section 12.4 of August 20, 2009 contract with City of San Francisco - breach of contract
- Administrative Code Section 12L.4 (1) - failure to hold public Board meetings
- Appendix B - Definition of Grant Plan (B) 3 and 4 - illegal closure of "a fully equipped studio" and failure to provide comprehensive inventory list
- Sunshine Ordinance Task Force ruled BAVC on May 25, 2010 in violation of Sunshine Law; referred violation to the Ethics Commission for enforcement

BY _____

PC

2010 SEP -7 AM 8:23

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

The reasons I urge you to reject this substantial disbursement of funds to BAVC are legal in nature. It is my belief that BAVC has violated its contract with the City, its contract with public access producers as well as California state law; and continues to do so.

On November 20, 2009 I applied for and received so-called SFCommons membership and program timeslots at BAVC's Market Street office. These time slots continued in effect until February, 2010.

At the time the BAVC employee who processed my application demanded as a condition for submitting programs that I allow him to scan my California driver's license into their computer system. I did not know it at the time but later learned that this is a violation of California state law (VC section 13004).

BAVC in my belief violated other California privacy law protections and their contract of August 20, 2009 by falsely stating in their Playback Application their digital scan of my driver's license would be "kept on file for internal use only" (emphasis added). I later learned in probable violation of state law BAVC outsourced the scan of my driver's license to an offsite company, salesforce.com. This was done not only in violation of their application contract with me but also without my knowledge or consent.

Page two of two
Pasquariello to Clerk, Board of Supervisors
File number 091408
Expanded complaint of September 6, 2010

California electronic privacy protection laws BAVC probably violated include the Information Practices Act of 1977 (CC section 1798-1798.78), Civil Code section 1798.81.5), reasonable in care of accountability of private electronic data, Civil Code 1708.8 ("anti-paparazzi" law); cf. Also *Ruiz v Gap, Inc.* (ND Cal 2008) 540 F Supp 2d 1121 and 540 F Supp 2d at 1126 – increased risk of identity theft is sufficient to constitute an "injury in fact."

On August 5, 2010 a member of BAVC administrative staff made false and defamatory statements before the Rules Committee of this Board about a producer who has won multiple rulings at the Sunshine Ordinance Task Force against BAVC. These globally televised and archived statements were made in open defiance of BAVC's contract. Section 11 – Events of Defaults and Remedies requires BAVC be held in material breach of its contract in the event it makes false statements in connection with funding requests.

In addition to above mentioned Law and Contract violations BAVC is in violation of Administrative Code Section 12L.4 requiring BAVC to hold two public meetings of its Board of Directors per year. In the 12 months since BAVC signed its contract with the City BAVC has not held a single Board of Directors meeting open to the public.

Appendix B – Definition of Grant Plan states that "a fully equipped studio" will be available for public access use. Many months ago BAVC closed their fully equipped studio to public access use claiming lack of staff, even though they agreed to provide these services as part of their original \$170,000 August 20, 2009 contract. In addition BAVC has failed to provide "a comprehensive inventory list" as required by their contract.

On May 25, 2010 the Sunshine Ordinance Task Force ruled BAVC in violation of San Francisco's Sunshine law. And in two subsequent meetings BAVC refused to respect the authority of SOTF to order it to produce public documents.

These contract and state law violations point to a disturbing pattern of BAVC's lack of transparency and accountability with both the City and the public access producers whom BAVC is contracted to serve.

BAVC IS IN MATERIAL BREACH OF ITS CONTRACT

BAVC has violated state law, lied to the Board of Supervisors Rules Committee, as well as its own resident public access producers.

In view of BAVC failures to honor its duties under its August 20, 2009 contract for which it already has been paid \$875,000, the Department of Technology and the Board of Supervisors have an obligation to find BAVC in material breach of its contract and pay BAVC no additional monies.

Yours truly,

Nick Pasquariello

P.S. Please circulate this letter to each and every member of the Board of Supervisors

PPS.: Please note that this a slightly revised version of the letter I FAXed to the Board Friday, September 3, 2010.

BOS-11
C-page

Post Office Box 42791
San Francisco, California 94142
(415) 431-2990

File # 091409

September 10, 2010

Clerk
Board of Supervisors
City Hall
San Francisco, California
(415) 554-5163 (FAX)

Dear Members of the Board,

Re: Rules Committee File number 091408 – item #24

I urge the Board of Supervisors to reject the allocation and transfer of \$375,000 in the Comcast settlement to the Bay Area Video Coalition (aka BAVC) in the matter before the Board for action September 14, 2010.

The violations cited below taken together or separately constitute a material breach of BAVC's August 20, 2009 contract with the City of San Francisco. These violations are grounds for immediately canceling BAVC's contract. As such the Board should not authorized allocation of any additional funds to BAVC.

LAW AND CONTRACT VIOLATIONS

- > CA VC section 13004, prohibition on copying California driver's licenses
- > Information Practices Act of 1977 (CC section 1798-1798.78) personal and confidential information protected, authorizing civil actions if agency modifies, transfers, or destroys any record containing personal information to avoid compliance with any provisions of Act
- > CA Civil Code section 1798.81.5, businesses must take reasonable measures to protect personal information...from "unauthorized access, destruction, use, modification or disclosure."
- > CA Civil Code 1708.8, "anti-paparazzi" law, creates liability for either physical or constructive invasion of privacy...under circumstances in which plaintiff had a reasonable expectation of privacy.
- > Contract Section 11.1 (a) August 20, 2009 with City of San Francisco – false statements
- > Contract Section 12.4 of August 20, 2009 with City of San Francisco – breach of contract
- > Administrative Code Section 12L.4 (1) – failure to hold public Board meetings
- > Appendix B – Definition of Grant Plan (B) 3 and 4 – illegal closure of "a fully equipped studio" and failure to provide comprehensive inventory list
- > Sunshine Ordinance Task Force ruled BAVC on May 25, 2010 in violation of Sunshine Law; referred violation to the Ethics Commission for enforcement

The reasons I urge you to reject this substantial disbursement of funds to BAVC are legal in nature. It is my belief that BAVC has violated its contract with the City, its contract with public access producers as well as California state law; and continues to do so.

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BY _____

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2010 SEP 10 PM 1:25

Page two of two
Pasquariello to Clerk, Board of Supervisors
File number 091408
Expanded complaint of September 3, 2010

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On August 5, 2010 a member of BAVC administrative staff made false and defamatory statements before the ~~Rules Committee of the Board of Supervisors about a producer who has won multiple rulings at the Sunshine Ordinance Task Force~~ against BAVC. These globally televised and archived statements were made in open defiance of BAVC's contract. Section 11 – Events of Defaults and Remedies requires BAVC be held in material breach of its contract in the event it makes false statements in connection with funding requests.

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Yours truly,

Nick Pasquariello

P.S. Please circulate this letter to each and every member of the Board of Supervisors
PPS.: Please note that this a revised version of the letter I FAXed to the Board Friday, September 3, 2010.

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



To:
Cc:
Bcc:
Subject: CORRECTED REPORT: Municipal Transportation Agency - A Review of the San Francisco AutoReturn Towing Contract

From: Controller Reports/CON/SFGOV
To: Angela Calvillo/BOS/SFGOV@SFGOV, BOS-Supervisors/BOS/SFGOV, BOS-Legislative Aides/BOS/SFGOV, Steve Kawa/MAYOR/SFGOV@SFGOV, Greg Wagner/MAYOR/SFGOV@SFGOV, Tony Winnicker/MAYOR/SFGOV@SFGOV, Starr Terrell/MAYOR/SFGOV@SFGOV, ggiubbini@sftc.org, Severin Campbell/BudgetAnalyst/SFGOV@SFGOV, Debra Newman/BudgetAnalyst/SFGOV@SFGOV, sfdocs@sfpl.info, gmetcalf@spur.org, CON-Media Contact/CON/SFGOV, CON-EVERYONE/CON/SFGOV, Nathaniel.Ford@sfmta.com, George Gascon/SFPD/SFGOV@SFGOV, Roberta.Boomer@sfmta.com, Joseph Reilly/SFPD/SFGOV@SFGOV, rkrouse@autoreturn.com, Tara Collins/CTYATT@CTYATT, Michael Cohen/MAYOR/SFGOV@SFGOV
Date: 09/10/2010 03:12 PM
Subject: CORRECTED REPORT: Municipal Transportation Agency - A Review of the San Francisco AutoReturn Towing Contract
Sent by: Richard Kurylo

CORRECTED REPORT

The cover letter contained an error in the second paragraph which read, "The contract terms need to include a new fee that SFMTA established, and correct the amount of a fee that AutoReturn collects from customers which **San Francisco Police Department (SFPD)** mistakenly set due to a clerical error." The corrected sentence now reads, "The contract terms need to include a new fee that SFMTA established, and correct the amount of a fee that AutoReturn collects from customers which **SFMTA** mistakenly set due to a clerical error."
(Above text bolded for clarity)

Click the link below for the corrected report.

ORIGINAL MESSAGE

The Office of the Controller, City Services Auditor, has issued a report, Municipal Transportation Agency: A Review of the San Francisco AutoReturn Towing Contract. The report indicates that both the San Francisco Municipal Transportation Agency and San Francisco Police Department need to improve contract administration and execution with AutoReturn.

To view the full report, please visit our website at:
<http://co.sfgov.org/webreports/details.aspx?id=1175>

This is a send-only email address.

For questions regarding this report please contact Ben Carlick at ben.carlick@sfgov.org or 415-554-7656, or the Controller's Office, Audits Division, at 415-554-7469.

Thank you.

29



Coalition of Agencies
Serving the Elderly



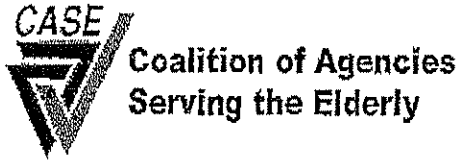
RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2010 SEP 10 2:38

SAN FRANCISCO BOARD OF SUPERVISORS:

The Department of Aging and Adult Services (DAAS) is proposing to cut \$2.1 Million from community services. Seniors and people with disabilities are not responsible for the budget crisis and should not have the budget balanced on our backs. **We are asking you to vote to restore the \$2.1 Million cut to senior services in the DAAS budget.**

	Signature	Printed Name /Address
1		Fung, Lin 馮 蓮 432 19th Avenue, CA 94121
2	HE SHARONG	He, Shao Rong 何 少 容 259 20th Avenue #4, CA 94121
3		Tat, Muoi 畢 麗 華 2654 San Jose Avenue, CA 94112
4		Lee, Sau Lin 李 秀 蓮 500 Raymond Ave.#504, CA 94134
5	SAU NGAN Amy Dea	Wong, Sau Ngan 黃司徒秀銀 46 Carr Street, CA 94124
6		Keung, Ping Wan 姜 炳 雲 462 Amherst Street, CA 94134
7		Lu, Yue Gui 盧 月 桂 1207 34th Avenue, CA 94122
8		Yee, Bo Ping 余 保 萍 2615 46th Avenue, CA 94116

Please fax signed petitions to Board of Supervisors by June 21, 2010. Send to your supervisor and others so that there is a real understanding of the numbers of seniors and disabled adults who are asking for action.

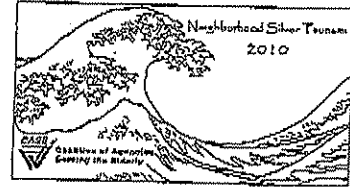
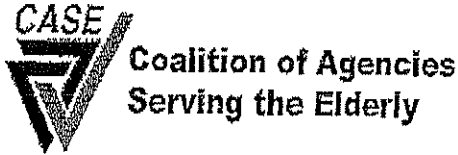


SAN FRANCISCO BOARD OF SUPERVISORS:

The Department of Aging and Adult Services (DAAS) is proposing to cut **\$2.1 Million** from community services. Seniors and people with disabilities are not responsible for the budget crisis and should not have the budget balanced on our backs. **We are asking you to vote to restore the \$2.1 Million cut to senior services in the DAAS budget.**

	Signature	Printed Name /Address
1		Chu, Nga Ming 朱雅明 2173 17th Avenue, CA 94116
2		Chan, Yuk Kam 陳沃錦 20 Varennes Street, CA 94133
3		Chow, Tony 周銳鐘 532 40th Avenue #2, CA 94121
4		Chin, Sui Sim 陳瑞嬋 246 20th Avenue, CA 94121
5		Mak, Audrey 麥淑芬 1726 17th Avenue, CA 94122
6		Tsui, Florence S. 徐淑賢 3112 Balboa Street #3, CA 94121
7		Kwok, Wing Mui T. 田泳梅 737 Folsom Street #712, CA 94107
8		Lam, Sow Foong 林賀秀鳳 2133 32nd Avenue, CA 94116

Please fax signed petitions to Board of Supervisors by June 21, 2010. Send to your supervisor and others so that there is a real understanding of the numbers of seniors and disabled adults who are asking for action.

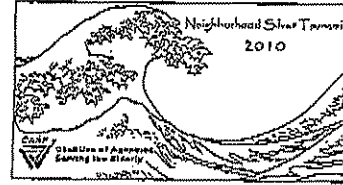
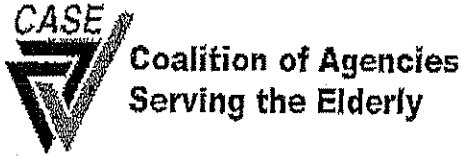


SAN FRANCISCO BOARD OF SUPERVISORS:

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	Signature	Printed Name /Address
1	LIFANGQEN	Cen, Li Fang 岑麗芳 615B 40th Avenue, CA 94121
2	<i>Dong J. Chau</i>	Chau, Dong J. 朱東 2478 24th Avenue, CA 94116
3	林	Lam, Pui Ling 林佩玲 366 Arleta Avenue, CA 94134
4	<i>Amy Dea</i>	Dea, Amy 謝吳清芬 601 40th Avenue, CA 94121
5	XIUXING	Liang, Xiu 梁秀興 1344 Anza Street (B), CA 94118
6	<i>YUEN</i>	Yuen, Lin Oi 袁練愛 23 Glenview Drive, CA 94131
7	<i>Xin Zhang Tam</i>	Tam, Xin Zhang 譚張欣 210 Claremont Blvd, CA 94127
8	<i>Chu Lai</i>	Chu, Lai 朱來 2110 42nd Avenue, CA 94116

Please fax signed petitions to Board of Supervisors by June 21, 2010. Send to your supervisor and others so that there is a real understanding of the numbers of seniors and disabled adults who are asking for action.

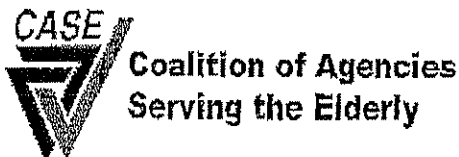


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	Signature	Printed Name /Address
1		Yee, Suey L. 余 瑞 蘭 290 18th Avenue, CA 94121
2		Ma, Suzannah 馬 蘇 丹 華 327 11th Avenue #2, CA 94118
3		Wong, Ngan Yee 黃 銀 意 2698 California St #208, CA 94115
4		Duong, Hao Van 楊 韻 好 548 6th Avenue, CA 94118
5		Yat, Nan Kang 葉 念 強 630 Larch Avenue SSF, CA 94080
6		Wu, Bo Liang 吳 柏 良 366 25th Avenue #102, CA 94121
7		Tan, Ling Guang 譚 齡 光 1298 33rd Avenue, CA 94112
8		Ng, Kam Hang 伍 錦 杏 436 Irvington Street DC, CA 94014

Please fax signed petitions to Board of Supervisors by June 21, 2010. Send to your supervisor and others so that there is a real understanding of the numbers of seniors and disabled adults who are asking for action.

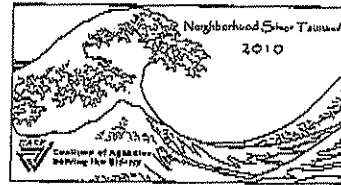
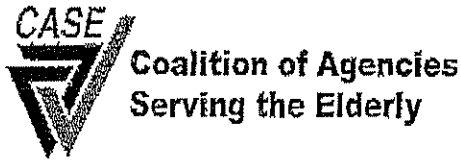


SAN FRANCISCO BOARD OF SUPERVISORS:

The Department of Aging and Adult Services (DAAS) is proposing to cut **\$2.1 Million** from community services. Seniors and people with disabilities are not responsible for the budget crisis and should not have the budget balanced on our backs. **We are asking you to vote to restore the \$2.1 Million cut to senior services in the DAAS budget.**

	Signature	Printed Name /Address
1	<i>DUY TH</i>	Tu, Duy 徐 滿 維 2654 San Jose Avenue, CA 94112
2	<i>Ginn Sun H.</i>	Ginn, Sun H. 甄 愛 娟 675 45th Avenue, CA 94121
3	<i>yee, Mei</i>	Yee, Mei 李 媿 1278 La Playa Street, CA 94122
4	<i>Louie Sinclair</i>	Louie, Sinclair 雷 協 維 15 25th Avenue N., CA 94121
5	<i>Toan Quoc Huong</i>	Huong, Toan Quoc 香 國 銓 5657 California St #3, CA 94121
6	<i>Xi Ling Guo</i>	Guo, Xi Ling 郭 希 玲 1878 19th Avenue, CA 94122
7	<i>Wong, Choi Har</i>	Wong, Choi Har 852-32nd AVE, SF 94121
8	<i>Flora Law</i>	Law, Flora 陳 仙 花 710 Sacramento St #3 2/F, CA 94108

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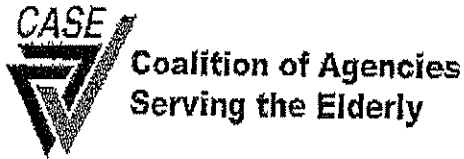


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	Signature	Printed Name /Address
1	Doo CHEW MAH	Mah, Doo Chew 馬子超 4412 Irving Street #2, CA 94122
2	YUE YING YU	Yu, Yue Ying 余悅盈 1613 Castro Street, CA 94114
3		
4		
5		
6		
7		
8		

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	Signature	Printed Name /Address
1	<i>Mack</i>	Mack, Yee Ha 麥 綺 霞 2488 45th Avenue, CA 94116
2	<i>IM Cheong</i>	Cheong, Im 張 艷 2581 30th Avenue, CA 94116
3	<i>Joanna Lai</i>	Lai, Joanna T. 陳 秋 月 3138 Cabrillo Street, CA 94121
4	<i>Ai Zhen Guan</i>	Guan, Ai Zhen 關 愛 珍 1250 Holloway Avenue, CA 94132
5	<i>RUI PENG</i>	Peng, Rui 彭 瑞 812 Shields Street, CA 94132
6	<i>YU DENG SITU</i>	Situ, Yu Deng 司徒 遇 燈 8125 Geary Blvd., CA 94121
7	<i>Tran Thi Lan</i>	Tran, Lan Thi 陳 氏 蘭 491 31st Avenue #316, CA 94121
8	<i>Wei, Tao Ying</i>	Wei, Tao Ying 危 桃 英 380 Clementina St. #514, CA 94103

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Jay Sath
<jay2004a@hotmail.com>
09/11/2010 09:12 AM

To Bevan Dufty <bevan.dufty@sfgov.org>,
<board.of.supervisors@sfgov.org>, Eric Mar
<eric.l.mar@sfgov.org>, Bill Barnes
cc
bcc
Subject SF downtown on a Friday night...

So we took a Friday night off from meeting up with our regular group for happy hour and decided to go downtown for some shopping, dining, and site seeing. The weather was amazing so it was the perfect night. The perfect night to be hit up and harrassed for money on almost every corner! What's being done about this? The problem seems to be getting worse with bums trying to "sell" street parking spaces, people sleeping all over the sidewalks and constantly bugging anyone walking down the street for handouts. This has gotten ridiculous!

I would like to know what the Supervisors' plan is for ending this situation.

Jay Sath
San Francisco, CA



Kimo Crossman
<kimo@webnetic.net>
Sent by:
kimocrossman@gmail.com

09/13/2010 07:42 AM

Please respond to
kimo@webnetic.net

To Jay Nath <jay.nath@sfgov.org>, matierandross
<matierandross@sfgate.com>, Rebecca Bowe
<rebeccab@sfbg.com>, tredmond@sfbg.com, Board of
cc
bcc

Subject 8/13 rehash SF Chron story to post SF data online - Already
required under SF Sunshine

Re SF Chron story today about Newsom plans to require online posting of SF data
<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2010/09/12/BAEE1FBV4U.DTL>

There are already many requirements for this under SF Sunshine:

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(a) It is the policy of the City and County of San Francisco to utilize computer technology in order to reduce the cost of public records management, including the costs of collecting, maintaining, and disclosing records subject to disclosure to members of the public under this section. To the extent that it is technologically and economically feasible, departments that use computer systems to collect and store public records shall program and design these systems to ensure convenient, efficient, and economical public access to records and shall make public records easily accessible over public networks such as the Internet.

(b) Departments purchasing new computer systems shall attempt to reach the following goals as a means to achieve lower costs to the public in connection with the public disclosure of records:

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(2) Implementing a system that permits reproduction of electronic copies of records in a format that is generally recognized as an industry standard format.

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Minutes of meetings shall be posted as soon as possible, but in any event within 48 hours after they have been approved. Each department shall make reasonable efforts to ensure that its World Wide Web site is regularly reviewed for timeliness and updated **on at**

least a weekly basis. The City and County shall also make available on its World Wide Web site, or on a comparable, readily accessible location on the Internet, a current copy of the City Charter and all City Codes. (Added by Proposition G, 11/2/99)

67.21

(l) Inspection and copying of documentary public information stored in electronic form shall be made available to the person requesting the information in any form requested which is available to or easily generated by the department, its officers or employees, including disk, tape, printout or monitor at a charge no greater than the cost of the media on which it is duplicated. Inspection of documentary public information on a computer monitor need not be allowed where the information sought is necessarily and unseparably intertwined with information not subject to disclosure under this ordinance. Nothing in this section shall require a department to program or reprogram a computer to respond to a request for information or to release information where the release of that information would violate a licensing agreement or copyright law. (Added by Ord.

32

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"martin.macintyre@juno.com"
<martin.macintyre@juno.com
>
09/13/2010 08:38 AM

To kimo@webnetic.net
cc jay.nath@sfgov.org, matierandross@sfgate.com,
rebeccab@sfbg.com, tredmond@sfbg.com,
Board.of.Supervisors@sfgov.org, jcote@schronicle.com,
bcc

Subject Re: 8/13 rehash SF Chron story to post SF data online -
Already required under SF Sunshine

Another attempt by Da Mayor to take credit where credit isn't due and a reporter being duped or not taking the time to research or just being lazy.

Martin

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Mortgage Rates Hit 3.25%

If you owe under \$729k you probably qualify for Obama's Refi Program
SeeRefinanceRates.com



Kimo Crossman
<kimo@webnetic.net>
Sent by:
kimocrossman@gmail.com

09/13/2010 08:58 AM

Please respond to
kimo@webnetic.net

To "martin.macintyre@juno.com" <martin.macintyre@juno.com>

cc jay.nath@sfgov.org, matierandross@sfgate.com,
rebeccab@sfbg.com, tredmond@sfbg.com,
Board.of.Supervisors@sfgov.org, jcote@sfchronicle.com,

bcc

Subject 9/13 Newsom rehash: SF Chron story to post SF data online
- Already required under SF Sunshine

That's right Marty. We can add Jay Nath at DT as well for promoting something already required under law.

I wonder, will Herrera's office withdraw their opinion which allows SF Departments to provide data as unsearchable locked PDFs rather than usable spreadsheets and word docs which are also ADA Compliant?

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Tenants 769NorthPoint
<tenants769np@yahoo.com>

09/13/2010 08:59 AM

To kimo@webnetic.net, Jay Nath <jay.nath@sfgov.org>, matierandross <matierandross@sfgate.com>, Rebecca Bowe <rebeccab@sfbg.com>, tredmond@sfbg.com, Board

cc

bcc

Subject Re: 8/13 rehash SF Chron story to post SF data online - Already required under SF Sunshine

I was just going to do a follow up note this morning to Ross Mirkarimi and suggest he go another step further to his suggestion and have all the city's documents be put on the city's web site.

From: Kimo Crossman <kimo@webnetic.net>

To: Jay Nath <jay.nath@sfgov.org>; matierandross <matierandross@sfgate.com>; Rebecca Bowe <rebeccab@sfbg.com>; tredmond@sfbg.com; Board of Supervisors <Board.of.Supervisors@sfgov.org>; jcote@sfchronicle.com; Allen Grossman <grossman356@mac.com>; James Chaffee <chaffeej@pacbell.net>; Peter Warfield <libraryusers2004@yahoo.com>; Tenants 769NorthPoint <tenants769np@yahoo.com>; rwhartzjr <rwhartzjr@sbcglobal.net>; Richard Knee <rak0408@earthlink.net>; Doug Comstock <dougcomz@mac.com>; "Johnson, Hope" <hopeannette@earthlink.net>; David Snyder <DSnyder@sheppardmullin.com>; "Bruce Wolfe, MSW" <sof@brucewolfe.net>; Michael Stoll <mstoll@public-press.org>; paul@beyondchron.org; Ron Vinson <Ron.Vinson@sfgov.org>; Christian Holmer <home@prosf.org>; Brian Roberts <brian.roberts@sfgov.org>; Barry Fraser <Barry.Fraser@sfgov.org>; Chris Vein <chris.vein@sfgov.org>; Ross Mirkarimi <Ross.Mirkarimi@sfgov.org>; superdaly <superdaly@yahoo.com>; John Avalos <john.avalos@sfgov.org>; Rick Galbreath <Rick.Galbreath@sfgov.org>; Rick Hauptman <rbhauptman@aol.com>; Sarah Phelan <sarah@sfbg.com>; Steven Gruel <attystevengruel@sbcglobal.net>; Steve Jones <steve@sfbg.com>; Bruce Brugman <bruce@sfbg.com>; MARTIN L MACINTYRE <martin.macintyre@juno.com>; Luke Thomas <editor@fogcityjournal.com>; editor <editor@sfappeal.com>; editor <editor@sfist.com>; editor@examiner.com

Sent: Mon, September 13, 2010 7:42:50 AM

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

P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 445-7000 Fax: (916) 445-7053
calshpo@parks.ca.gov

September 1, 2010

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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2010 SEP - 3 PM 3:34
BY _____ PM

**RE: National Register of Historic Places Nomination for
Rialto Building**

Dear Board of Supervisors:

Pursuant to Federal Regulations 36 CFR Part 60.6(c) I am notifying you that the State Historical Resources Commission (SHRC) at its next meeting intends to consider and take action on the nomination of the above-named property to the National Register of Historic Places (National Register). Details on that meeting are on the enclosed notice. The National Register is the federal government's official list of historic buildings and other cultural resources worthy of preservation. Listing in the National Register provides recognition and assists in preserving California's cultural heritage. If the item is removed from the scheduled agenda, you will be notified by mail.

Local government comments regarding the National Register eligibility of this property are welcomed. Letters should be sent to California State Parks, Attn: Office of Historic Preservation, Milford Wayne Donaldson, FAIA, State Historic Preservation Officer, Post Office Box 942896, Sacramento, California 94296-0001. So that the SHRC will have adequate time to consider them, it is requested, but not required, that written comments be received by the Office of Historic Preservation fifteen (15) days before the SHRC meeting. Interested parties are encouraged to attend the SHRC meeting and present oral testimony.

As of January 1, 1993, all National Register properties are automatically included in the California Register of Historical Resources (California Register) and afforded consideration in accordance with state and local environmental review procedures.

The federal requirements covering the National Register program are to be found in the National Preservation Act of 1966, as amended, and in Federal Regulations 36 CFR Part 60. State law regarding the California Register is in the Public Resources Code, Section 5024. Should you have questions regarding this nomination, or would like a copy of the nomination, please contact the Registration Unit at (916) 445-7008.

Sincerely,

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

Enclosures: Meeting Notice

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

P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 445-7000 Fax: (916) 445-7053
calshpo@parks.ca.gov
www.ohp.parks.ca.gov



MEETING NOTICE

FOR: State Historical Resources Commission Quarterly Meeting

DATE: November 5, 2010

TIME: 9:00 A.M.

PLACE: SMUD Headquarters Building
Headquarters Auditorium
6201 S Street
Sacramento, California 95817

This room is accessible to people with disabilities. Questions regarding the meeting should be directed to the Registration Unit (916) 445-7008

BOS-11 cpage

OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION



P.O. BOX 942896
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September 1, 2010

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

RE: **National Register of Historic Places Nomination for
San Francisco Juvenile Court and Detention Home**

Dear Board of Supervisors:

Pursuant to Federal Regulations 36 CFR Part 60.6(c) I am notifying you that the State Historical Resources Commission (SHRC) at its next meeting intends to consider and take action on the nomination of the above-named property to the National Register of Historic Places (National Register). Details on that meeting are on the enclosed notice. The National Register is the federal government's official list of historic buildings and other cultural resources worthy of preservation. Listing in the National Register provides recognition and assists in preserving California's cultural heritage. If the item is removed from the scheduled agenda, you will be notified by mail.

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Sincerely,

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

Enclosures: Meeting Notice

34

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

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2010 SEP -9 AM 9:57

QUARTERLY AIDS SURVEILLANCE REPORT

San Francisco Department of Public Health
AIDS Cases Reported Through June 2010

BY AK

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The AIDS Surveillance Report is published quarterly by the
San Francisco Department of Public Health, HIV Epidemiology Section
25 Van Ness Avenue, Suite 500, San Francisco, CA 94102; Phone (415) 554-9050, FAX (415) 431-0353
Director of Health: Mitchell Katz, MD; Section Directors: Susan Scheer, PhD, MPH, Ling Hsu, MPH;
Program Coordinators: Maree Kay Parisi, Viva Delgado, MPH;
Epidemiologists: Miao-Jung Mia Chen, PhD, MPH, Anne Hirozawa, MPH, Alison Hughes, MPH,
Priscilla Lee Chu, MPH, Sharon Pipkin, MPH, Tara Schubert, MS, Annie Vu, MPH
The AIDS Surveillance Report is accessible via internet:
www.sfdph.org/dph/comupg/oprograms/hivepisecc/default.asp

35

City and County of San Francisco

Department of Public Health



Gavin Newsom

Mayor

Mitchell M. Katz, MD

Director

August 3, 2010

Dear Colleague:

We would like to inform you that we have made corrections to three previously published *Quarterly AIDS Surveillance Reports*. These reports contain data on AIDS cases reported through September 2009, December 2009 and March 2010. We have identified an error in the computer code used to summarize cumulative AIDS indicator conditions following a change in the case reporting data management system. This resulted in the numbers and percentages for certain AIDS indicator conditions being displayed incorrectly in Table 11 (Cumulative AIDS Indicator Conditions among Persons with AIDS) and Table 16 (Cumulative AIDS Indicator Conditions among Persons Living with AIDS). Those errors have been corrected and the revised reports have been posted online at www.sfdph.org/dph/comupg/oprograms/hivepisecc/default.asp.

If you have questions concerning our reports, or would like to have more information, please contact the HIV Epidemiology Section of the San Francisco Department of Public Health at (415) 554-9050.

Sincerely,

Handwritten signature of Ling Hsu in black ink.

Ling Hsu

Director, HIV Core Surveillance

Handwritten signature of Susan Scheer in black ink.

Susan Scheer

Director, HIV Epidemiology Section

AIDS Surveillance Summary

San Francisco (as of 06/30/2010)

Cumulative cases ¹ :	28,584
Cumulative deaths:	19,199

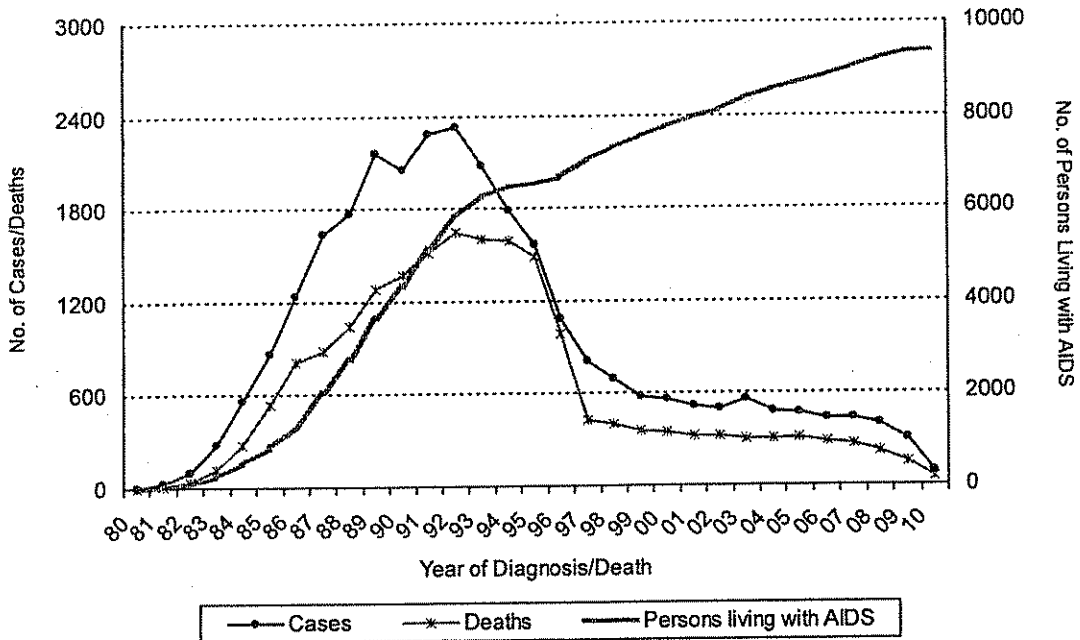
California (as of 03/31/2010)

Cumulative cases:	157,405
Cumulative deaths:	87,885

United States²

Cumulative cases (as of 12/31/2008):	1,106,391
Cumulative deaths (as of 12/31/2007):	597,499

San Francisco AIDS Incidence, Mortality, and Prevalence by Year, 1980-2010³



1. Includes SF residents diagnosed in SF and SF residents diagnosed in other jurisdictions. Excludes persons diagnosed in SF who resided in other jurisdictions at the time of their AIDS diagnosis.
2. The US numbers do not represent actual cases or deaths reported. Rather, these numbers are estimated and adjusted for reporting delays. For additional details, see www.cdc.gov/hiv/topics/surveillance/resources/reports.
3. Reporting for recent year is incomplete. See Table 9 for actual numbers per year.

**Acquired Immunodeficiency Syndrome (AIDS) Quarterly Surveillance Report
Summary of San Francisco Residents with AIDS*
Reported as of 06/30/2010**

Table 1. Adult/Adolescent AIDS Cases (>12 years) by Transmission Category, San Francisco, 1980-2010

Transmission Category	No.	(%)
Gay or bisexual male	20993	(73.5)
Heterosexual male injection drug user	1412	(4.9)
Heterosexual female injection drug user	701	(2.5)
Gay or bisexual male injection drug user	4110	(14.4)
Lesbian or bisexual injection drug user	62	(0.2)
Transgender (1)	408	(1.4)
Hemophiliac	16	(0.1)
Heterosexual contact male (2)	144	(0.5)
Heterosexual contact female (2)	309	(1.1)
Transfusion recipient	143	(0.5)
Risk not reported/Other (3)	248	(0.9)
Total	28546	(100)

Table 2. AIDS Cases by Gender and Year of Diagnosis, San Francisco, 1980-2010

Gender	Year of Diagnosis					
	< 2000 No. (%)	2000 No. (%)	2001 No. (%)	2002 No. (%)	2003 No. (%)	2004 No. (%)
Male	22774 (95.5)	481 (86.5)	455 (88.4)	443 (89.1)	497 (88.6)	424 (88.3)
Female	822 (3.4)	52 (9.4)	45 (8.7)	36 (7.2)	40 (7.1)	39 (8.1)
Transgender (1)	251 (1.1)	23 (4.1)	15 (2.9)	18 (3.6)	24 (4.3)	17 (3.5)
Total	23847 (100)	556 (100)	515 (100)	497 (100)	561 (100)	480 (100)

Gender	Year of Diagnosis					
	2005 No. (%)	2006 No. (%)	2007 No. (%)	2008 No. (%)	2009 No. (%)	2010 No. (%)
Male	419 (89.3)	392 (90.3)	393 (89.7)	352 (87.6)	267 (89.6)	77 (88.5)
Female	37 (7.9)	30 (6.9)	31 (7.1)	41 (10.2)	23 (7.7)	6 (6.9)
Transgender (1)	13 (2.8)	12 (2.8)	14 (3.2)	9 (2.2)	8 (2.7)	4 (4.6)
Total	469 (100)	434 (100)	438 (100)	402 (100)	298 (100)	87 (100)

* Residents of San Francisco at time of initial AIDS diagnosis.

- (1) Transgender information was collected since September 1996. Data prior to this are incomplete.
- (2) Includes persons who have had heterosexual contact with a person with HIV/AIDS or with a person who is at risk for HIV.
- (3) Includes persons for whom risk information is incomplete (due to death, refusal to be interviewed or loss to follow-up), cases still under investigation, or interviewed patients who offered no plausible risk for HIV.

**Acquired Immunodeficiency Syndrome (AIDS) Quarterly Surveillance Report
Summary of San Francisco Residents with AIDS*
Reported as of 06/30/2010**

Table 3. AIDS Cases by Transmission Category and Race/Ethnicity, San Francisco, 1980-2010

Transmission Category (1)	White No. (%)	African American No. (%)	Latino No. (%)	Asian/ Pacific Islander No. (%)	Native American No. (%)
Adult/Adolescent					
Gay or bisexual male	16134 (79.9)	1559 (43.2)	2577 (73.6)	697 (77.1)	55 (43.3)
Injection drug user (IDU)	744 (3.7)	1039 (28.8)	248 (7.1)	39 (4.3)	18 (14.2)
Gay or bisexual male IDU	3006 (14.9)	688 (19.0)	461 (13.2)	72 (8.0)	46 (36.2)
Lesbian or bisexual IDU	28 (0.1)	23 (0.6)	6 (0.2)	2 (0.2)	2 (1.6)
Hemophiliac	8 (0.0)	2 (0.1)	5 (0.1)	1 (0.1)	0 (0.0)
Heterosexual (2)	115 (0.6)	186 (5.1)	106 (3.0)	44 (4.9)	4 (3.1)
Transfusion recipient	68 (0.3)	23 (0.6)	27 (0.8)	19 (2.1)	0 (0.0)
Risk not reported/Other (3)	81 (0.4)	79 (2.2)	59 (1.7)	25 (2.8)	1 (0.8)
Pediatric (0-12 years) (4)	8 (0.0)	13 (0.4)	10 (0.3)	5 (0.6)	1 (0.8)
Total	20192 (100)	3612 (100)	3499 (100)	904 (100)	127 (100)

Table 4. AIDS Cases by Transmission Category and Asian/Pacific Islander Ethnicity, San Francisco, 1980-2010

Transmission Category (1)	Chinese No. (%)	Japanese No. (%)	Filipino No. (%)	Southeast Asian No. (%)	Korean No. (%)	Pacific Islander No. (%)
Adult/Adolescent						
Gay or bisexual male	154 (80.6)	80 (82.5)	224 (80.9)	65 (73.0)	9 (81.8)	46 (65.7)
Injection drug user (IDU)	6 (3.1)	0 (0.0)	8 (2.9)	4 (4.5)	1 (9.1)	9 (12.9)
Gay or bisexual male IDU	9 (4.7)	12 (12.4)	23 (8.3)	7 (7.9)	1 (9.1)	8 (11.4)
Lesbian or bisexual IDU	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	2 (2.9)
Hemophiliac	0 (0.0)	1 (1.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Heterosexual (2)	4 (2.1)	2 (2.1)	11 (4.0)	5 (5.6)	0 (0.0)	4 (5.7)
Transfusion recipient	9 (4.7)	1 (1.0)	6 (2.2)	3 (3.4)	0 (0.0)	0 (0.0)
Risk not reported/Other (3)	7 (3.7)	1 (1.0)	4 (1.4)	5 (5.6)	0 (0.0)	1 (1.4)
Pediatric (0-12 years) (4)	2 (1.0)	0 (0.0)	1 (0.4)	0 (0.0)	0 (0.0)	0 (0.0)
Total	191 (100)	97 (100)	277 (100)	89 (100)	11 (100)	70 (100)

* Residents of San Francisco at time of initial AIDS diagnosis.

- (1) Persons with more than one risk factor (other than the combinations listed in the tables) are tabulated only in the most likely transmission category.
- (2) Includes persons who have had heterosexual contact with a person with HIV/AIDS or with a person who is at risk for HIV.
- (3) Includes persons for whom risk information is incomplete (due to death, refusal to be interviewed or loss to follow-up), cases still under investigation, or interviewed patients who offered no plausible risk for HIV.
- (4) Includes children who have hemophilia or other coagulation disorder, have received a blood transfusion, or who have acquired their infection from an infected mother during the perinatal period.

**Acquired Immunodeficiency Syndrome (AIDS) Quarterly Surveillance Report
Summary of San Francisco Residents with AIDS*
Reported as of 06/30/2010**

Table 5. AIDS Cases by Transmission Category and Year of Diagnosis, San Francisco, 1980-2010

Transmission Category (1)	Year of Diagnosis					
	< 2000 No. (%)	2000 No. (%)	2001 No. (%)	2002 No. (%)	2003 No. (%)	2004 No. (%)
Adult/Adolescent						
Gay or bisexual male	18175 (76.2)	337 (60.6)	312 (60.6)	308 (62.0)	365 (65.1)	316 (65.8)
Injection drug user (IDU)	1561 (6.5)	85 (15.3)	69 (13.4)	64 (12.9)	77 (13.7)	51 (10.6)
Gay or bisexual male IDU	3505 (14.7)	102 (18.3)	91 (17.7)	97 (19.5)	84 (15.0)	85 (17.7)
Lesbian or bisexual IDU	38 (0.2)	3 (0.5)	3 (0.6)	2 (0.4)	3 (0.5)	1 (0.2)
Hemophiliac	15 (0.1)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Heterosexual (2)	256 (1.1)	19 (3.4)	18 (3.5)	15 (3.0)	21 (3.7)	14 (2.9)
Transfusion recipient	141 (0.6)	0 (0.0)	1 (0.2)	1 (0.2)	0 (0.0)	0 (0.0)
Risk not reported/Other (3)	121 (0.5)	9 (1.6)	21 (4.1)	9 (1.8)	10 (1.8)	13 (2.7)
Pediatric (0-12 years) (4)	35 (0.1)	1 (0.2)	0 (0.0)	1 (0.2)	1 (0.2)	0 (0.0)
Total	23847 (100)	556 (100)	515 (100)	497 (100)	561 (100)	480 (100)

Transmission Category (1)	Year of Diagnosis					
	2005 No. (%)	2006 No. (%)	2007 No. (%)	2008 No. (%)	2009 No. (%)	2010 No. (%)
Adult/Adolescent						
Gay or bisexual male	295 (62.9)	286 (65.9)	286 (65.3)	252 (62.7)	196 (65.8)	43 (49.4)
Injection drug user (IDU)	54 (11.5)	41 (9.4)	42 (9.6)	33 (8.2)	34 (11.4)	8 (9.2)
Gay or bisexual male IDU	85 (18.1)	76 (17.5)	70 (16.0)	71 (17.7)	40 (13.4)	23 (26.4)
Lesbian or bisexual IDU	3 (0.6)	2 (0.5)	0 (0.0)	4 (1.0)	2 (0.7)	1 (1.1)
Hemophiliac	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (0.3)	0 (0.0)
Heterosexual (2)	19 (4.1)	20 (4.6)	31 (7.1)	24 (6.0)	15 (5.0)	5 (5.7)
Transfusion recipient	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Risk not reported/Other (3)	13 (2.8)	9 (2.1)	9 (2.1)	18 (4.5)	10 (3.4)	7 (8.0)
Pediatric (0-12 years) (4)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Total	469 (100)	434 (100)	438 (100)	402 (100)	298 (100)	87 (100)

* Residents of San Francisco at time of initial AIDS diagnosis.

- (1) Persons with more than one risk factor (other than the combinations listed in the tables) are tabulated only in the most likely transmission category.
- (2) Includes persons who have had heterosexual contact with a person with HIV/AIDS or with a person who is at risk for HIV.
- (3) Includes persons for whom risk information is incomplete (due to death, refusal to be interviewed or loss to follow-up), cases still under investigation, or interviewed patients who offered no plausible risk for HIV.
- (4) Includes children who have hemophilia or other coagulation disorder, have received a blood transfusion, or who have acquired their infection from an infected mother during the perinatal period.

**Acquired Immunodeficiency Syndrome (AIDS) Quarterly Surveillance Report
Summary of San Francisco Residents with AIDS*
Reported as of 06/30/2010**

Table 6. AIDS Cases by Gender, Age Group and Race/Ethnicity, San Francisco, 1980-2010

Male Age at Diagnosis (Years)	White No. (%)	African American No. (%)	Latino No. (%)	Asian/ Pacific Islander No. (%)	Native American No. (%)	Total (1) No. (%)
0 - 12	4 (0.0)	4 (0.1)	5 (0.2)	4 (0.5)	1 (0.9)	19 (0.1)
13 - 19	12 (0.1)	1 (0.0)	13 (0.4)	1 (0.1)	2 (1.8)	30 (0.1)
20 - 24	306 (1.6)	69 (2.3)	119 (3.7)	25 (3.1)	5 (4.5)	527 (2.0)
25 - 29	1657 (8.4)	247 (8.4)	453 (14.1)	83 (10.3)	22 (20.0)	2491 (9.2)
30 - 39	8804 (44.7)	1159 (39.4)	1519 (47.4)	358 (44.6)	51 (46.4)	11992 (44.5)
40 - 49	6475 (32.9)	981 (33.4)	802 (25.0)	247 (30.8)	24 (21.8)	8587 (31.8)
50 - 59	1953 (9.9)	376 (12.8)	238 (7.4)	64 (8.0)	4 (3.6)	2659 (9.9)
60 +	481 (2.4)	104 (3.5)	58 (1.8)	21 (2.6)	1 (0.9)	669 (2.5)
Male subtotal	19692 (100)	2941 (100)	3207 (100)	803 (100)	110 (100)	26974 (100)
Female Age at Diagnosis (Years)	White No. (%)	African American No. (%)	Latino No. (%)	Asian/ Pacific Islander No. (%)	Native American No. (%)	Total (1) No. (%)
0 - 12	4 (1.0)	9 (1.7)	5 (2.9)	1 (1.6)	0 (0.0)	19 (1.6)
13 - 19	1 (0.3)	2 (0.4)	2 (1.2)	0 (0.0)	0 (0.0)	5 (0.4)
20 - 24	15 (3.9)	10 (1.8)	10 (5.8)	5 (7.8)	1 (7.1)	41 (3.4)
25 - 29	41 (10.6)	46 (8.4)	24 (14.0)	11 (17.2)	1 (7.1)	125 (10.4)
30 - 39	154 (39.8)	203 (37.2)	59 (34.5)	25 (39.1)	8 (57.1)	456 (37.9)
40 - 49	103 (26.6)	187 (34.3)	43 (25.1)	15 (23.4)	4 (28.6)	357 (29.7)
50 - 59	40 (10.3)	65 (11.9)	15 (8.8)	4 (6.3)	0 (0.0)	128 (10.6)
60 +	29 (7.5)	23 (4.2)	13 (7.6)	3 (4.7)	0 (0.0)	71 (5.9)
Female subtotal	387 (100)	545 (100)	171 (100)	64 (100)	14 (100)	1202 (100)
Transgender (2) Age at Diagnosis (Years)	White No. (%)	African American No. (%)	Latino No. (%)	Asian/ Pacific Islander Native American No. (%)	Total (1) No. (%)	
13 - 29	22 (19.5)	27 (21.4)	33 (27.3)	15 (37.5)	97 (23.8)	
30 - 39	55 (48.7)	47 (37.3)	57 (47.1)	17 (42.5)	181 (44.4)	
40 +	36 (31.9)	52 (41.3)	31 (25.6)	8 (20.0)	130 (31.9)	
Transgender subtotal	113 (100)	126 (100)	121 (100)	40 (100)	408 (100)	

* Residents of San Francisco at time of initial AIDS diagnosis.

(1) Total includes persons with multiple or unknown race.

(2) Transgender information was collected since September 1996. Certain age or race/ethnic groups are combined for transgender cases because of small number.

Acquired Immunodeficiency Syndrome (AIDS) Quarterly Surveillance Report
Summary of San Francisco Residents with AIDS*
Reported as of 06/30/2010

Table 7. AIDS Cases by Race/Ethnicity and Year of Diagnosis, San Francisco, 1980-2010

Race/Ethnicity	Year of Diagnosis					
	< 2000 No. (%)	2000 No. (%)	2001 No. (%)	2002 No. (%)	2003 No. (%)	2004 No. (%)
White	17577 (73.7)	317 (57.0)	296 (57.5)	293 (59.0)	283 (50.4)	261 (54.4)
African American	2738 (11.5)	113 (20.3)	99 (19.2)	89 (17.9)	105 (18.7)	78 (16.3)
Latino	2640 (11.1)	93 (16.7)	74 (14.4)	76 (15.3)	126 (22.5)	110 (22.9)
Asian/Pacific Islander	619 (2.6)	25 (4.5)	34 (6.6)	30 (6.0)	35 (6.2)	21 (4.4)
Native American	92 (0.4)	2 (0.4)	5 (1.0)	2 (0.4)	6 (1.1)	4 (0.8)
Total (1)	23847 (100)	556 (100)	515 (100)	497 (100)	561 (100)	480 (100)

Race/Ethnicity	Year of Diagnosis					
	2005 No. (%)	2006 No. (%)	2007 No. (%)	2008 No. (%)	2009 No. (%)	2010 No. (%)
White	272 (58.0)	242 (55.8)	250 (57.1)	209 (52.0)	153 (51.3)	39 (44.8)
African American	81 (17.3)	80 (18.4)	79 (18.0)	76 (18.9)	59 (19.8)	15 (17.2)
Latino	86 (18.3)	78 (18.0)	73 (16.7)	67 (16.7)	57 (19.1)	19 (21.8)
Asian/Pacific Islander	24 (5.1)	23 (5.3)	28 (6.4)	40 (10.0)	17 (5.7)	8 (9.2)
Native American	3 (0.6)	6 (1.4)	0 (0.0)	3 (0.7)	3 (1.0)	1 (1.1)
Total (1)	469 (100)	434 (100)	438 (100)	402 (100)	298 (100)	87 (100)

Table 8. AIDS Cases and Cumulative Rates per 100,000 by Race/Ethnicity and Gender, San Francisco

Race/Ethnicity	Male	Female	Total (2)
	No. (Rate)	No. (Rate)	No. (Rate)
White	19692 (11379.2)	387 (235.9)	20079 (5956.1)
African American	2941 (7890.0)	545 (1395.0)	3486 (4566.2)
Latino	3207 (6249.9)	171 (346.1)	3378 (3354.0)
Asian/Pacific Islander	803 (813.3)	64 (59.8)	867 (421.5)
Native American	110 (8005.8)	14 (1110.2)	124 (4705.9)
Total (1)	26974 (7441.2)	1202 (332.5)	28176 (3891.9)

* Residents of San Francisco at time of initial AIDS diagnosis.

(1) Total includes persons with multiple or unknown race.

(2) Transgender cases were excluded because population size for transgender can not be determined for rates calculation.

**Acquired Immunodeficiency Syndrome (AIDS) Quarterly Surveillance Report
Summary of San Francisco Residents with AIDS*
Reported as of 06/30/2010**

Table 9. AIDS Incidence, Mortality, and Prevalence by Year, San Francisco, 1980-2010

Year	Number of Cases Reported per Year	Number of Cases Diagnosed per Year (1)	Number of Deaths Occurred per Year (1)	Number of Persons Living with AIDS (1)
1980	0	3	0	3
1981	21	26	8	21
1982	75	99	32	88
1983	197	274	111	251
1984	451	557	273	535
1985	673	859	534	860
1986	981	1236	807	1289
1987	1287	1629	877	2041
1988	1408	1763	1038	2766
1989	1584	2161	1275	3652
1990	1686	2046	1364	4334
1991	1685	2284	1505	5113
1992	1638	2327	1641	5799
1993	4271	2073	1599	6273
1994	1915	1787	1592	6468
1995	1633	1564	1481	6551
1996	1242	1082	987	6646
1997	1060	804	422	7028
1998	794	695	401	7322
1999	724	578	356	7544
2000	626	556	348	7752
2001	497	515	322	7945
2002	440	497	323	8119
2003	533	561	302	8378
2004	557	480	305	8553
2005	500	469	312	8710
2006	424	434	288	8856
2007	537	438	269	9025
2008	560	402	224	9203
2009	357	298	148	9353
2010	228	87	55	9385
Total	28584	28584	19199	

* Residents of San Francisco at time of initial AIDS diagnosis.
(1) Data in recent years is incomplete due to delay in cases/deaths reporting.

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Table 10. Cases by Initial AIDS-Defining Condition, San Francisco, 1980-2010

Initial AIDS-Defining Condition	Def. (1) No.	Pres. (2) No.	Total No. (%)
Bacterial infections, recurrent, <13 years [HIV+(3)]	8	N/A (4)	8 (0.0)
Candidiasis of bronchi, trachea, or lungs	25	N/A	25 (0.1)
Candidiasis of esophagus	303	226	529 (1.9)
Cervical cancer, invasive [HIV+]	5	N/A	5 (0.0)
Coccidioidomycosis, disseminated or extrapulmonary [HIV+]	8	N/A	8 (0.0)
Cryptococcosis, extrapulmonary	380	N/A	380 (1.3)
Cryptosporidiosis, intestinal (>1 mo. duration)	334	N/A	334 (1.2)
Cytomegalovirus (except liver, spleen, lymph nodes), >1 month of age	204	N/A	204 (0.7)
CMV retinitis with loss of vision [HIV+]	0	113	113 (0.4)
HIV encephalopathy [HIV+]	392	N/A	392 (1.4)
Herpes simplex: chronic (>1 mo.), bronchitis, pneumonitis, esophagitis	100	N/A	100 (0.3)
Histoplasmosis, disseminated or extrapulmonary [HIV+]	26	N/A	26 (0.1)
Isosporiasis, intestinal (>1 mo. duration) [HIV+]	21	N/A	21 (0.1)
Kaposi's sarcoma (5)	2551	293	2844 (9.9)
Lymphoid interstitial pneumonia/pulmonary lymphoid hyperplasia, <13 years	4	0	4 (0.0)
Lymphoma, Burkitt's (non-Hodgkin's) [HIV+]	108	N/A	108 (0.4)
Lymphoma, immunoblastic (non-Hodgkin's) [HIV+]	420	N/A	420 (1.5)
Lymphoma, primary in brain (5)	40	N/A	40 (0.1)
Mycobacterium avium complex or M. kansasii, disseminated or extrapulmonary	257	3	260 (0.9)
Mycobacterium tuberculosis, pulmonary [HIV+]	205	15	220 (0.8)
Mycobacterium tuberculosis, disseminated or extrapulmonary [HIV+]	144	5	149 (0.5)
Mycobacterium other species, disseminated or extrapulmonary [HIV+]	16	11	27 (0.1)
Pneumocystis carinii pneumonia	5099	604	5703 (20.0)
Pneumonia, recurrent [HIV+]	220	27	247 (0.9)
Progressive multifocal leukoencephalopathy	50	N/A	50 (0.2)
Salmonella sepsis, recurrent [HIV+]	8	N/A	8 (0.0)
Toxoplasmosis of brain, >1 month of age	43	200	243 (0.9)
Wasting syndrome [HIV+]	683	N/A	683 (2.4)
CD4 T lymphocyte count <200 or percent <14 [HIV+]	15429	N/A	15429 (54.0)
Any AIDS indicator condition and HIV-negative and CD4 count <400 (6)	4	N/A	4 (0.0)
Total	27087	1497	28584 (100)

* Residents of San Francisco at time of initial AIDS diagnosis.

- (1) Indicator conditions diagnosed definitively (e.g. culture or biopsy proven).
- (2) Indicator conditions diagnosed presumptively in a person who has laboratory evidence of HIV infection.
- (3) [HIV+]: Indicator conditions that require laboratory evidence of HIV infection.
- (4) N/A: Conditions which require definitive diagnoses only.
- (5) Laboratory evidence of HIV infection in persons > 60 years of age.
- (6) In the absence of other causes of immunocompromise.

**Acquired Immunodeficiency Syndrome (AIDS) Quarterly Surveillance Report
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Table 11. Cumulative AIDS Indicator Conditions among Persons with AIDS, San Francisco, 1980-2010

AIDS Indicator Condition (1)	Total No. (%)
Bacterial infections, recurrent, <13 years [HIV+(2)]	11 (0.0)
Candidiasis of bronchi, trachea, or lungs	138 (0.5)
Candidiasis of esophagus	2556 (8.9)
Cervical cancer, invasive [HIV+]	11 (0.0)
Coccidioidomycosis, disseminated or extrapulmonary [HIV+]	62 (0.2)
Cryptococcosis, extrapulmonary	1859 (6.5)
Cryptosporidiosis, intestinal (>1 mo. duration)	1373 (4.8)
Cytomegalovirus (except liver, spleen, lymph nodes), >1 month of age	2449 (8.6)
CMV retinitis with loss of vision [HIV+]	2486 (8.7)
HIV encephalopathy [HIV+]	2479 (8.7)
Herpes simplex: chronic (>1 mo.), bronchitis, pneumonitis, esophagitis	436 (1.5)
Histoplasmosis, disseminated or extrapulmonary [HIV+]	158 (0.6)
Isosporiasis, intestinal (>1 mo. duration) [HIV+]	67 (0.2)
Kaposi's sarcoma (3)	6708 (23.5)
Lymphoid interstitial pneumonia/pulmonary lymphoid hyperplasia, <13 years	5 (0.0)
Lymphoma, Burkitt's (non-Hodgkin's) [HIV+]	545 (1.9)
Lymphoma, immunoblastic (non-Hodgkin's) [HIV+]	1131 (4.0)
Lymphoma, primary in brain (3)	390 (1.4)
Mycobacterium avium complex or M. kansasii, disseminated or extrapulmonary	5074 (17.8)
Mycobacterium tuberculosis, pulmonary [HIV+]	654 (2.3)
Mycobacterium tuberculosis, disseminated or extrapulmonary [HIV+]	478 (1.7)
Mycobacterium other species, disseminated or extrapulmonary [HIV+]	332 (1.2)
Pneumocystis carinii pneumonia	10986 (38.4)
Pneumonia, recurrent [HIV+]	1005 (3.5)
Progressive multifocal leukoencephalopathy	310 (1.1)
Salmonella sepsis, recurrent [HIV+]	58 (0.2)
Toxoplasmosis of brain, >1 month of age	1159 (4.1)
Wasting syndrome [HIV+]	4331 (15.2)

* Residents of San Francisco at time of initial AIDS diagnosis.

(1) Cases may have more than one condition.

(2) [HIV+]: Indicator conditions that require laboratory evidence of HIV infection.

(3) Laboratory evidence of HIV infection in persons > 60 years of age.

**Acquired Immunodeficiency Syndrome (AIDS) Quarterly Surveillance Report
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Table 12. Living Adult/Adolescent AIDS Cases (>12 years) by Transmission Category, San Francisco

Transmission Category	No.	(%)
Gay or bisexual male	6718	(71.7)
Heterosexual male injection drug user	459	(4.9)
Heterosexual female injection drug user	279	(3.0)
Gay or bisexual male injection drug user	1270	(13.6)
Lesbian or bisexual injection drug user	29	(0.3)
Transgender (1)	197	(2.1)
Hemophiliac	5	(0.1)
Heterosexual contact male (2)	91	(1.0)
Heterosexual contact female (2)	179	(1.9)
Transfusion recipient	20	(0.2)
Risk not reported/Other (3)	124	(1.3)
Total	9371	(100)

Table 13. Living AIDS Cases by Transmission Category and Race/Ethnicity, San Francisco

Transmission Category	White No. (%)	African American No. (%)	Latino No. (%)	Asian/ Pacific Islander No. (%)	Native American No. (%)
Adult/Adolescent					
Gay or bisexual male	4690 (78.9)	551 (42.1)	1143 (74.9)	364 (76.0)	25 (44.6)
Injection drug user (IDU)	269 (4.5)	348 (26.6)	88 (5.8)	17 (3.5)	10 (17.9)
Gay or bisexual male IDU	871 (14.6)	240 (18.3)	182 (11.9)	42 (8.8)	16 (28.6)
Lesbian or bisexual IDU	13 (0.2)	13 (1.0)	1 (0.1)	1 (0.2)	1 (1.8)
Hemophiliac	3 (0.1)	2 (0.2)	0 (0.0)	0 (0.0)	0 (0.0)
Heterosexual (2)	54 (0.9)	107 (8.2)	75 (4.9)	33 (6.9)	3 (5.4)
Transfusion recipient	7 (0.1)	2 (0.2)	5 (0.3)	6 (1.3)	0 (0.0)
Risk not reported/Other (3)	41 (0.7)	41 (3.1)	28 (1.8)	13 (2.7)	0 (0.0)
Pediatric (0-12 years) (4)	0 (0.0)	4 (0.3)	5 (0.3)	3 (0.6)	1 (1.8)
Total	5948 (100)	1308 (100)	1527 (100)	479 (100)	56 (100)

* Residents of San Francisco at time of initial AIDS diagnosis.

- (1) Transgender information was collected since September 1996. Data prior to this are incomplete.
- (2) Includes persons who have had heterosexual contact with a person with HIV/AIDS or with a person who is at risk for HIV.
- (3) Includes persons for whom risk information is incomplete (due to death, refusal to be interviewed or loss to follow-up), cases still under investigation, or interviewed patients who offered no plausible risk for HIV.
- (4) Includes children who have hemophilia or other coagulation disorder, have received a blood transfusion, or who have acquired their infection from an infected mother during the perinatal period.

**Acquired Immunodeficiency Syndrome (AIDS) Quarterly Surveillance Report
Summary of San Francisco Residents with AIDS*
Reported as of 06/30/2010**

Table 14. Living AIDS Cases by Gender, Race/Ethnicity and Age as of 06/30/2010, San Francisco

Male Current Age (Years)	White No. (%)	African American No. (%)	Latino No. (%)	Asian/ Pacific Islander No. (%)	Native American No. (%)	Total (1) No. (%)
0 - 12	0 (0.0)	0 (0.0)	1 (0.1)	0 (0.0)	0 (0.0)	2 (0.0)
13 - 19	0 (0.0)	1 (0.1)	0 (0.0)	0 (0.0)	0 (0.0)	1 (0.0)
20 - 24	5 (0.1)	6 (0.6)	12 (0.9)	4 (1.0)	1 (2.1)	29 (0.3)
25 - 29	40 (0.7)	12 (1.2)	36 (2.6)	6 (1.5)	3 (6.4)	100 (1.2)
30 - 39	391 (6.8)	81 (8.0)	207 (15.1)	71 (17.2)	2 (4.3)	769 (8.9)
40 - 49	2008 (34.9)	378 (37.3)	614 (44.8)	169 (40.9)	27 (57.4)	3218 (37.2)
50 - 59	2287 (39.8)	374 (36.9)	375 (27.3)	114 (27.6)	12 (25.5)	3176 (36.7)
60 +	1015 (17.7)	161 (15.9)	127 (9.3)	49 (11.9)	2 (4.3)	1357 (15.7)
Male subtotal	5746 (100)	1013 (100)	1372 (100)	413 (100)	47 (100)	8652 (100)
Female Current Age (Years)	White No. (%)	African American No. (%)	Latino No. (%)	Asian/ Pacific Islander No. (%)	Native American No. (%)	Total (1) No. (%)
0 - 12	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
13 - 19	0 (0.0)	2 (0.9)	3 (3.2)	1 (2.5)	0 (0.0)	6 (1.1)
20 - 24	0 (0.0)	2 (0.9)	0 (0.0)	1 (2.5)	0 (0.0)	3 (0.6)
25 - 29	2 (1.3)	6 (2.6)	4 (4.3)	3 (7.5)	0 (0.0)	15 (2.8)
30 - 39	16 (10.3)	28 (11.9)	19 (20.4)	9 (22.5)	2 (28.6)	76 (14.2)
40 - 49	72 (46.5)	69 (29.4)	27 (29.0)	14 (35.0)	1 (14.3)	185 (34.5)
50 - 59	46 (29.7)	98 (41.7)	26 (28.0)	8 (20.0)	4 (57.1)	184 (34.3)
60 +	19 (12.3)	30 (12.8)	14 (15.1)	4 (10.0)	0 (0.0)	67 (12.5)
Female subtotal	155 (100)	235 (100)	93 (100)	40 (100)	7 (100)	536 (100)
Transgender (2) Current Age (Years)	White No. (%)	African American No. (%)	Latino No. (%)	Asian/ Pacific Islander Native American No. (%)	Total (1) No. (%)	
13 - 39	9 (19.1)	11 (18.3)	18 (29.0)	9 (32.1)	47 (23.9)	
40 +	38 (80.9)	49 (81.7)	44 (71.0)	19 (67.9)	150 (76.1)	
Transgender subtotal	47 (100)	60 (100)	62 (100)	28 (100)	197 (100)	

* Residents of San Francisco at time of initial AIDS diagnosis.

(1) Total includes persons with multiple or unknown race.

(2) Transgender information was collected since September 1996. Certain age or race/ethnic groups are combined for transgender cases because of small number.

**Acquired Immunodeficiency Syndrome (AIDS) Quarterly Surveillance Report
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Table 15. Living AIDS Cases by Initial AIDS-Defining Condition, San Francisco

Initial AIDS-Defining Condition	Def. (1) No.	Pres. (2) No.	Total No. (%)
Bacterial infections, recurrent, <13 years [HIV+(3)]	7	N/A(4)	7 (0.1)
Candidiasis of bronchi, trachea, or lungs	6	N/A	6 (0.1)
Candidiasis of esophagus	53	52	105 (1.1)
Cervical cancer, invasive [HIV+]	0	N/A	0 (0.0)
Coccidioidomycosis, disseminated or extrapulmonary [HIV+]	1	N/A	1 (0.0)
Cryptococcosis, extrapulmonary	47	N/A	47 (0.5)
Cryptosporidiosis, intestinal (>1 mo. duration)	106	N/A	106 (1.1)
Cytomegalovirus (except liver, spleen, lymph nodes), >1 month of age	22	N/A	22 (0.2)
CMV retinitis with loss of vision [HIV+]	0	21	21 (0.2)
HIV encephalopathy [HIV+]	58	N/A	58 (0.6)
Herpes simplex: chronic (>1 mo.), bronchitis, pneumonitis, esophagitis	15	N/A	15 (0.2)
Histoplasmosis, disseminated or extrapulmonary [HIV+]	9	N/A	9 (0.1)
Isosporiasis, intestinal (>1 mo. duration) [HIV+]	7	N/A	7 (0.1)
Kaposi's sarcoma (5)	318	66	384 (4.1)
Lymphoid interstitial pneumonia/pulmonary lymphoid hyperplasia, <13 years	2	0	2 (0.0)
Lymphoma, Burkitt's (non-Hodgkin's) [HIV+]	23	N/A	23 (0.2)
Lymphoma, immunoblastic (non-Hodgkin's) [HIV+]	47	N/A	47 (0.5)
Lymphoma, primary in brain (5)	1	N/A	1 (0.0)
Mycobacterium avium complex or M. kansasii, disseminated or extrapulmonary	18	0	18 (0.2)
Mycobacterium tuberculosis, pulmonary [HIV+]	72	7	79 (0.8)
Mycobacterium tuberculosis, disseminated or extrapulmonary [HIV+]	35	2	37 (0.4)
Mycobacterium other species, disseminated or extrapulmonary [HIV+]	2	2	4 (0.0)
Pneumocystis carinii pneumonia	409	142	551 (5.9)
Pneumonia, recurrent [HIV+]	72	10	82 (0.9)
Progressive multifocal leukoencephalopathy	0	N/A	0 (0.0)
Salmonella sepsis, recurrent [HIV+]	1	N/A	1 (0.0)
Toxoplasmosis of brain, >1 month of age	8	21	29 (0.3)
Wasting syndrome [HIV+]	130	N/A	130 (1.4)
CD4 T lymphocyte count <200 or percent <14 [HIV+]	7592	N/A	7592 (80.9)
Any AIDS indicator condition and HIV-negative and CD4 count <400 (6)	1	N/A	1 (0.0)
Total	9062	323	9385 (100)

* Residents of San Francisco at time of initial AIDS diagnosis.

- (1) Indicator conditions diagnosed definitively (e.g. culture or biopsy proven).
- (2) Indicator conditions diagnosed presumptively in a person who has laboratory evidence of HIV infection.
- (3) [HIV+]: Indicator conditions that require laboratory evidence of HIV infection.
- (4) N/A: Conditions which require definitive diagnoses only.
- (5) Laboratory evidence of HIV infection in persons > 60 years of age.
- (6) In the absence of other causes of immunocompromise.

**Acquired Immunodeficiency Syndrome (AIDS) Quarterly Surveillance Report
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Table 16. Cumulative AIDS Indicator Conditions among Persons Living with AIDS, San Francisco

AIDS Indicator Condition (1)	Total No. (%)
Bacterial infections, recurrent, <13 years [HIV+(2)]	10 (0.1)
Candidiasis of bronchi, trachea, or lungs	23 (0.2)
Candidiasis of esophagus	439 (4.7)
Cervical cancer, invasive [HIV+]	1 (0.0)
Coccidioidomycosis, disseminated or extrapulmonary [HIV+]	10 (0.1)
Cryptococcosis, extrapulmonary	269 (2.9)
Cryptosporidiosis, intestinal (>1 mo. duration)	289 (3.1)
Cytomegalovirus (except liver, spleen, lymph nodes), >1 month of age	205 (2.2)
CMV retinitis with loss of vision [HIV+]	196 (2.1)
HIV encephalopathy [HIV+]	187 (2.0)
Herpes simplex: chronic (>1 mo.), bronchitis, pneumonitis, esophagitis	84 (0.9)
Histoplasmosis, disseminated or extrapulmonary [HIV+]	26 (0.3)
Isosporiasis, intestinal (>1 mo. duration) [HIV+]	15 (0.2)
Kaposi's sarcoma (3)	872 (9.3)
Lymphoid interstitial pneumonia/pulmonary lymphoid hyperplasia, <13 years	2 (0.0)
Lymphoma, Burkitt's (non-Hodgkin's) [HIV+]	61 (0.6)
Lymphoma, immunoblastic (non-Hodgkin's) [HIV+]	115 (1.2)
Lymphoma, primary in brain (3)	13 (0.1)
Mycobacterium avium complex or M. kansasii, disseminated or extrapulmonary	301 (3.2)
Mycobacterium tuberculosis, pulmonary [HIV+]	181 (1.9)
Mycobacterium tuberculosis, disseminated or extrapulmonary [HIV+]	98 (1.0)
Mycobacterium other species, disseminated or extrapulmonary [HIV+]	38 (0.4)
Pneumocystis carinii pneumonia	1392 (14.8)
Pneumonia, recurrent [HIV+]	222 (2.4)
Progressive multifocal leukoencephalopathy	13 (0.1)
Salmonella sepsis, recurrent [HIV+]	4 (0.0)
Toxoplasmosis of brain, >1 month of age	84 (0.9)
Wasting syndrome [HIV+]	599 (6.4)

* Residents of San Francisco at time of initial AIDS diagnosis.

(1) Cases may have more than one condition.

(2) [HIV+]: Indicator conditions that require laboratory evidence of HIV infection.

(3) Laboratory evidence of HIV infection in persons > 60 years of age.

**SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH
SEROEPIDEMIOLOGY AND SURVEILLANCE BRANCH
AIDS OFFICE
25 VAN NESS AVENUE, SUITE 500
SAN FRANCISCO, CALIFORNIA 94102**

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STATE OF CALIFORNIA

Fish and Game Commission

August 31, 2010

TO ALL AFFECTED AND INTERESTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to section 27.20, et al. Title 14, California Code of Regulations, relating to recreational and commercial groundfish fishing, which will be published in the California Regulatory Notice Register on September 3, 2010.

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

Ms. Marija Vojkovich, Regional Manager, Marine Region, Department of Fish and Game, (805) 568-1246 has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Sherrie Fonbuena
Associate Governmental Program Analyst

Attachment

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

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 215, 220, 240, 702, 7071, 8587.1 and 8588 of the Fish and Game Code and to implement, interpret or make specific sections 97, 200, 202, 205, 206, 215, 220, 240, 1802, 5508, 5509, 7056, 7071, 8585.5, 8586, 8587, 8587.1 and 8588, Fish and Game Code; 50 Code of Federal Regulations (CFR) Part 660, Subpart G; 50 CFR 660.384; and Section 27.20, Title 14, California Code of Regulations, proposes to amend sections 27.20, 27.25, 27.30, 27.32, 27.35, 27.45, 27.50, 27.65, 28.26, 28.27, 28.28, 28.29, 28.48, 28.49, 28.54, 28.55, 28.56, 28.58, 28.65, 52.10 and 150.16, and repeal sections 27.40, 28.51, 28.52, 28.53, and 28.57, Title 14, California Code of Regulations (CCR), relating to recreational and commercial fishing regulations for federal groundfish and associated species for consistency with federal rules.

Informative Digest/Policy Statement Overview

Under California law, the Commission adopts regulations for recreational groundfish fishing in state waters zero to three miles from shore. The Commission has authority over commercial nearshore fishing, whereas the legislature has authority over other commercial fishing in state waters. The Pacific Fishery Management Council (Council), consisting of representatives from West Coast states, a tribal representative, and the National Oceanographic and Atmospheric Administration (NOAA) Fisheries, recommends management measures for jointly managed fisheries operating in federal waters three to 200 miles from shore. These management measures are established as federal regulations by the Secretary of Commerce. For consistency, ease of enforcement, and to avoid confusion on the part of recreational and commercial fishermen, the Commission routinely adopts regulations to bring state law into conformance with federal rules for groundfish and other federally-managed species. The proposed changes described in this action would make the requisite changes to make state regulations consistent with new federal regulations that are expected to be effective in January, 2011.

Groundfish and Associated Species

There are 90 species of federal groundfish that occur in state and federal waters off the coast of California, including lingcod, several rockfishes, cabezon, kelp greenling, California scorpionfish, some flatfishes, and some sharks. These 90 species are managed primarily by the Council under the Pacific Coast Federal Groundfish Fishery Management Plan (Magnuson-Stevens Fisheries and Conservation Act 16 U.S.C Section 1851 et seq. or "Magnuson") and are defined in Section 1.91, Title 14, CCR. Harvest of California scorpionfish, cabezon, nearshore rockfishes, and greenlings, all of which are federal groundfish, occurs primarily in state waters. Management guidelines for these species are also included in the state's Nearshore Fishery Management Plan (NFMP). California develops regulations for state waters that conform to, or are more conservative than, federal regulations.

California sheephead, ocean whitefish and all greenlings of the genus *Hexagrammos* are species that occur almost exclusively within state waters in California and are managed by the Department of Fish and Game (Department). These state-managed species, otherwise identified as "associated species" are known to be caught with federal groundfish, and thus are regulated in conjunction with federal groundfish by the state. The same regulations that apply to the 90 species of federal groundfish also apply to these associated species pursuant to regulations in Title 14, CCR.

Managing to Annual Catch Limits

Past and current management of federal groundfish and associated species include annual limits on take known as optimum yields (OYs); in the NFMP these limits are called Total Allowable Catch (TAC). In response to the recent reauthorization of the Magnuson Act, the Council revised the annual limits to specifically account for scientific and management uncertainty. These new harvest limits replace the OYs and are called Annual Catch Limits (ACLs), a federal take limit that accounts for all sources of fishing related mortality and is set at a level that is expected to prevent overfishing. Recreational and commercial sector-specific allocation limits are called harvest guidelines (HG).

The Council develops groundfish regulations on a biennial basis. At its June 2010 meeting, the Council adopted new ACLs for some federal groundfish species along with HGs for the different fishery sectors for the 2011 and 2012 cycle. Management measures (e.g., seasons, depth constraints, bag limits) were also decided by the Council to keep within the new limits for each state and sector.

Stock Assessment Outcomes

Federal catch limits are adopted by the Council and established in regulation by the Secretary of Commerce. For state-managed nearshore species (Section 1.90, Title 14, CCR), more restrictive limits may apply in California depending on application of the fishery control rules of the NFMP, and set at appropriate levels to maintain healthy stocks using the state's standards for sustainability.

Overfished Stocks

If a stock assessment reveals that the current population size is at or below 25 percent of the unfished biomass (the historic population size), it is considered "overfished".

Of the six groundfish species in California that are considered overfished species, yelloweye rockfish is the most constraining to the California recreational fishery.

For areas where yelloweye rockfish are most often encountered, proposed fishing seasons and depth constraints are similar to status quo. The depth constraint remains at 20 fm north of Point Arena and was not relaxed in areas further south to avoid yelloweye rockfish encounters. The Northern Management Area fishing season will only be extended by one and a half months.

Cowcod remains in an overfished status and continues to constrain the season length and allowable fishing depth to 60 fm in the Southern Management Area (Santa Barbara, Ventura, Los Angeles, Orange and San Diego Counties). The Cowcod Conservation Area (CCA) management area already protects a large portion of offshore southern California waters, where cowcod are most likely to occur. The CCA now has a proposed depth constraint of 30 fm.

Precautionary Stocks

The Council adopted new cabezon ACL values of 179 metric tons (394,600 pounds) for 2011 and 168 metric tons (370,400 pounds) for 2012 based on the new stock assessment information.

However, according to the NFMP, California is required to manage more conservatively for stocks whose depletion level is "precautionary," meaning the stock is below the NFMP's "healthy" target of 60 percent of unfished levels. The new cabezon assessment suggests the

current population level is only 48 to 57 percent of unfished biomass in northern and southern California respectively. Following the NFMP's more restrictive control rules that apply when stocks are above 40 percent and below 60 percent of unfished levels, the Department is proposing that the Commission set the annual cabezon TAC at 148 metric tons (326,200 pounds).

The proposed TAC would be significantly higher than the current TAC established in Section 52.10, Title 14, CCR (152,100 pounds or approximately 69 metric tons). Because the TAC is allocated 39 percent to the commercial sector and 61 percent to the recreational sector, the allocations to each sector that presently are established in Section 52.10 would be adjusted proportionally so that the recreational fishery would be allowed 199,000 pounds, and the commercial fishery 127,200 pounds.

Based on the increased ACL, for the recreational sector of the fishery the Council increased the statewide cabezon bag limit from two to three fish within the ten fish rockfish, cabezon, greenling (RCG) bag limit. Under a 3-fish bag limit, projected catches are still anticipated to fall below the recreational allocation of 199,000 pounds.

Commercial harvest is regulated to provide seasonal take of cabezon with cumulative trip limits per individual permittee. In August 2003, the Commission established cumulative trip limits for cabezon similar to the federal management approach for nearshore rockfish by limiting each permittee's take to a specified maximum level in a two-month period. The trip limits need to be adjusted upward to accommodate the proposed increase to the commercial allocation. The Department has proposed a range of trip limit options that would accommodate this increase. The range would allow the Commission to select any value between zero and 1000 pounds for each of five two-month cumulative limit periods.

Blue rockfish is another "precautionary" species and its status constrains central California. Although blue rockfish is not as constraining as it was in 2009–2010, blue rockfish still limits the 2011–2012 season length in Management Areas from Point Arena to Point Conception. The Council approved a moderate increase in the season length in Central California (Point Arena to Point Conception) in order to stay within the new HG of 241 metric tons for blue rockfish .

Healthy Stocks

In June, the Council greatly increased the California recreational HG for lingcod from 422 metric tons in 2010 to 1151 metric tons in 2011 and 2012. In order to maximize opportunity for lingcod while continuing to avoid overfished species, the Council chose to remove the lingcod spawning closure for all modes of recreational fishing in California. To allow for additional retention of lingcod, the Council adopted a new recreational size limit for lingcod of 22 inches (down from 24 inches) in an effort to maximize fishing opportunity and make regulations consistent among California, Oregon, and Washington. The new proposed fillet length is 14 inches.

The Council chose to increase the scorpionfish depth constraint from 40 to 60 fm in the Southern Management Area during January and February, making the depth constraint 60 fm year-round—consistent with the rest of the year.

Increased Fishing Opportunity

Based on the outcomes of recent stock assessments, and resulting increases to ACLs, the Council increased recreational fishing opportunities where appropriate. The resulting 2011 and 2012 season structure and depth constraints adopted by the Council are provided in Table 1.

The proposed regulatory changes in Table 1 will affect boat-based anglers targeting groundfish and associated species; shore-based fishing and spearfishing continue to be allowed year-round for these species.

Table 1. Proposed season structure and depth constraints for the California recreational groundfish fishery for 2011 and 2012, adopted for federal waters by the Council in June 2010.

Management Area	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Northern	CLOSED				May 14 (2011) or May 12 (2012)–Oct 31 < 20 fm						CLOSED	
Mendocino	CLOSED				May 14 (2011) or May 12 (2012)–Aug 15 < 20 fm				CLOSED			
San Francisco	CLOSED				Open Jun 1–Dec 31 < 30 fm							
Central	CLOSED				Open May 1–Dec 31 < 40 fm							
Southern*	CLOSED		Open Mar 1–Dec 31 < 60 fm									
CCA*	CLOSED		Open Mar 1–Dec 31 < 30 fm**									

* California scorpionfish is open year-round

** Only nearshore and shelf rockfish, lingcod, cabezon, California scorpionfish, greenlings, California sheephead, and ocean whitefish are allowed in the CCA.

The Council adopted a 30 fm depth constraint for the Cowcod Conservation Area (CCA), rather than the current 20 fm, meaning all areas within the CCA that are deeper than 30 fm will continue to be closed to fishing for groundfish and associated species. The current 20 fm depth constraint is defined using general depth contours, while the 30 fm depth constraint will be defined by Federal waypoints. Waypoints are preferable for angler compliance and enforceability.

Only four areas within the CCA currently open to groundfish fishing will be affected by increasing the allowable fishing depth to 30 fm: Santa Barbara and San Nicolas Islands, and Tanner and Cortes Banks. Areas such as Osbourne Bank, which are currently open to 20 fm but drop off into deeper depths too quickly to allow compliance, will be closed to fishing.

The Council decided to expand the list of rockfish species that may be retained within the CCA to increase fishing opportunity south of Point Conception. Currently, only nearshore species are allowed and all shelf rockfish encountered within the CCA must be discarded. The Council adopted new regulations to allow for the take and possession of shelf rockfish, as defined in Section 1.91, Title 14, CCR, in the CCA.

Regulation Simplification and Consistency

In addition to changes that are expected to provide increased fishing opportunity, other changes to California recreational fishing regulations were adopted to simplify regulations. The Council removed the 10 fm depth closure around the Farallon Islands and Noonday Rock in order to simplify regulations. Of the habitat currently closed to fishing under this regulation, the vast majority is now part of the North Farallon Islands State Marine Reserve and Southeast Farallon Islands State Marine Reserve. The reserves were established May 1, 2010, and prohibit fishing for groundfish and associated species. The limited area outside the reserves in less than 10 fm is not a concern for fishery management or conservation and would remain open to groundfish fishing under the specified depth constraint and season length in that Management Area.

To simplify the names used to describe the recreational Management Areas, the longer, less intuitive status quo names will be replaced with single word names that relate to the geographic location of the area. In addition, the Council chose to combine the Monterey (from Pigeon Point

to Point Lopez) and Morro Bay (Point Lopez to Point Conception) South-Central Groundfish Management Areas into one area.

The Department proposes to combine regulations concerning minor federal groundfish into one section of Title 14, CCR, for simplification. These species include: Petrale sole, starry flounder, soupfin shark, Dover sole, English sole, arrowtooth flounder, spiny dogfish, big skate, California skate, longnose skate, rattfish, Pacific rattail, finescale codling, Pacific Cod, Pacific whiting, sablefish, longspine thornyhead and shortspine thornyhead.

For added consistency, the Council adopted gear restrictions such that no more than one line and two hooks may be used to recreationally take cabezon and greenlings. This action will make angling gear restrictions consistent among cabezon, greenlings, rockfish and lingcod, which are commonly caught and managed together as the RCG complex.

The specific proposed Title 14 regulation changes identified in this regulatory package (outlined below) are necessary in order to make the State's recreational groundfish regulations consistent with the new federal rules that will be established by NMFS following the Council's actions. The proposed changes are necessary to provide the best fishing opportunities possible while staying within federal and state harvest limits.

- Modifications to Section 27.20, Groundfish Management Areas, Seasons, Depth, Exceptions, and Fishery Closure/Rule Change Process Described.

Existing regulations in subsection 27.20(e) describe the fishery closure and/or rule change process. A harvest limit includes optimum yield, recreational HG, and recreational harvest target. Proposed changes would include "annual catch limit" and "annual catch target" as valid types of harvest limits.

- Modifications to Section 27.25, Northern Groundfish Management Area.

Existing seasons, depth constraints, and special closure areas regulations (subsection 27.25(b)) establish a May 15 through September 15 season with a maximum depth constraint of 20 fm (120 feet) for groundfish and associated species for the waters between the Oregon border and the 40° 10' North Latitude management line near Cape Mendocino (Humboldt County). Proposed regulations would expand the fishing season for all groundfish and associated species by changing the season duration to May 14, 2011 (May 12, 2012) through October 31, and maintain the maximum depth constraint of 20 fm (120 feet).

- Modifications to Section 27.30, North-Central North of Point Arena Groundfish Management Area.

The name of the North-Central North of Point Arena Groundfish Management Area, defined in subsection 27.30(a), would be changed to the "Mendocino Groundfish Management Area" for brevity and ease of use.

Existing seasons, depth constraints, and special closure areas regulations (subsection 27.30(b)) establish a May 15 through August 15 season for groundfish and associated species with a maximum depth constraint of 20 fm (120 feet) for the waters between the 40° 10' North Latitude management line near Cape Mendocino (Humboldt County) and Point Arena (Mendocino County). Proposed regulations would keep the fishing season for all groundfish and associated species near status quo, only changing the opening date to May 14, 2011 (May 12, 2012) rather than May 15, while maintaining the maximum depth constraint of 20 fm (120 feet).

- Modifications to Section 27.32, North-Central South of Point Arena Groundfish Management Area.

Section 27.32 would be renumbered as Section 27.35.

The name of the North-Central South of Point Arena Groundfish Management Area, defined in subsection 27.32(a) would be changed to the "San Francisco Groundfish Management Area" in subsection 27.35(a).

Existing seasons, depth constraints, and special closure areas regulations in subsection 27.32(b) establish a June 13 through October 31 season for groundfish and associated species with a maximum depth constraint of 30 fm (180 feet) for the waters between Point Arena (Mendocino County) and Pigeon Point (San Mateo County). Regulations proposed for subsection 27.35(b) would expand the fishing season for all groundfish and associated species by changing the season length to June 1 through December 31, and maintain the maximum depth constraint of 30 fm (180 feet).

Regulations in Subsection 27.32(b)(4) establish a 10 fm or less fishing closure around the Farallon Islands and Nooday Rock. The proposed regulations would eliminate the 10 fm depth closure. Areas shallower than 10 fm within the Northern Farallon Islands or the Southeast Farallon Islands State Marine Reserves would continue to be closed; areas shallower than 10 fm outside the reserves would allow for groundfish fishing.

- Modifications to Section 27.35, Monterey South-Central Groundfish Management Area and Section 27.40, Morro Bay South-Central Groundfish Management Area.

Section 27.35 would be renumbered as Section 27.40.

Proposed regulations would combine the Monterey South-Central Groundfish Management Area, defined in subsection 27.35(a), and the Morro Bay South-Central Groundfish Management Area, defined in Section 27.40(a) into one management area. The new management area would be named the "Central Groundfish Management Area" and defined in 27.40(a) as ocean waters between Pigeon Point (San Mateo County) and Point Conception (Santa Barbara County).

Existing seasons, depth constraints, and special closure areas regulations (subsections 27.35(b) and 27.40(b)) establish a May 1 through November 15 season for groundfish and associated species, with a maximum depth constraint of 40 fm (240 feet), in both the Monterey and the Morro Bay South-Central Groundfish Management Areas. Regulations proposed for the new Central Groundfish Management Area in subsection 27.40(b) would expand the fishing season for all groundfish and associated species by changing the season length to May 1 through December 31. The maximum depth constraint would be maintained at the status quo of 40 fm (240 feet).

- Modifications to Section 27.45, Southern Groundfish Management Area.

Existing seasons, depth constraints, and special closure areas regulations (Section 27.45(b)) establish a March 1 through December 31 season for groundfish and associated species with a maximum depth constraint of 60 fm (360 feet) for the waters between Point Conception (Santa Barbara County) and the U.S.-Mexico border, except that California scorpionfish may be taken in January and February with a maximum depth constraint of 40 fm (240 feet). Proposed regulations would keep the open fishing season at status quo, but increase the 40 fm California scorpionfish depth constraint to 60 fm. This action would make the Southern California

scorpionfish depth constraint (60 fm) consistent with the Southern groundfish depth constraint (60 fm), and California scorpionfish would continue to be open year-round.

- Modifications to Section 27.50, Cowcod Conservation Areas

Existing seasons and depth constraint regulations (subsection 27.50(b)) establish a March 1 through December 31 season for specific groundfish and associated species with a maximum depth constraint of 20 fm (120 feet) for the waters inside the CCA as defined by general depth contour lines, except California scorpionfish may be taken year-round. Proposed regulations would increase the depth constraint inside the CCA from 20 fm to 30 fm year-round, as defined by Federal waypoints. Proposed regulations would add shelf rockfish, as defined in subsection 1.91(b), to the list of allowable species or species groups to be taken or possessed March 1 through December 31.

- Modifications Concerning Lingcod to Sections 27.25, Northern Groundfish Management Area; 27.30, North-Central North of Point Arena Groundfish Management Area; 27.32, North-Central South of Point Arena Groundfish Management Area; 27.35, Monterey South-Central Groundfish Management Area; 27.40, Morro Bay South-Central Groundfish Management Area; 27.45, Southern Groundfish Management Area; and 27.50, Cowcod Conservation Areas.

Existing lingcod season regulations in subsections 27.25(c)(3), 27.30(c)(2), 27.32(c)(3), 27.35(c)(3), 27.40(c)(3), 27.45(c)(3), and 27.50(c)(2) establish a lingcod spawning closure during January through March, and December for shore-based anglers. Proposed regulations would allow for take and possession of recreationally caught lingcod during these months from beaches, banks, piers, jetties, breakwaters, docks, and other man-made structures connected to the shore.

Existing lingcod season regulations described in subsections 27.25(c)(4), 27.30(c)(3), 27.32(c)(4), 27.35(c)(4), 27.40(c)(4), 27.45(c)(4), and 27.50(c)(3) establish a lingcod closure during January through March, and December for divers and spearfishers. Proposed regulations would remove the diving/spearfishing provision so that recreational divers and spearfishers would be allowed to take and possess lingcod during these months.

Existing lingcod season regulations in subsections 27.45(b)(1), and 27.50(b)(1) through 27.50(b)(4) establish a lingcod spawning closure during January through March, and December for boat-based anglers in the Southern Groundfish Management Area and the CCA. Proposed regulations would allow for the statewide take and possession of recreationally caught lingcod during these months from any vessel when the season for groundfish and associated species is open by management area.

- Modifications to Section 27.65, Filleting Fish on Vessels

Existing regulations in subsection 27.65(b)(3) establish a 16 inch minimum fillet length for lingcod filleted on a vessel. Proposed regulations would lower the minimum lingcod fillet length to 14 inches when filleted on a vessel. This action is necessary to accommodate the decrease in the statewide lingcod minimum size limit from 24 inches to 22 inches total length. Each fillet would still need to bear intact a one-inch square patch of skin for identification.

- Modifications to Section 28.26 California Sheephead; Section 28.27 Lingcod; Section 28.28 Cabezon; Section 28.29 Kelp Greenling, Rock Greenling; Section 28.49 Dover Sole, English Sole, Petrale Sole, Arrowtooth Flounder, and Starry Flounder; Section 28.51 Spiny Dogfish, Soupfin Shark; Section 28.52 Big Skates, California Skates, and Longnose Skates; Section 28.53 Ratfish, Rattails and Codlings; Section 28.54 California Scorpionfish (Sculpin);

Section 28.55 Rockfish (Sebastes); Section 28.56 Leopard Shark; Section 28.57 Pacific Cod, Pacific Whiting, Sablefish, and Thornyheads; and Section 28.58 Ocean Whitefish.

The proposed regulations would combine Sections 28.49 Dover Sole, English Sole, Petrale Sole, Arrowtooth Flounder, and Starry Flounder; Section 28.51 Spiny Dogfish, Soupfin Shark; Section 28.52 Big Skates, California Skates, and Longnose Skates; Section 28.53 Ratfish, Rattails and Codlings; and Section 28.57 Pacific Cod, Pacific Whiting, Sablefish, and Thornyheads into one section, Section 28.49.

Existing regulations establish seasons and depth constraints for these species or species groups. Additionally, some species or species groups have size, bag limits, exceptions, and/or gear restrictions. The proposed regulations would change season dates and/or depth constraints to match the proposed regulations for the different Groundfish Management Areas discussed above.

- Modifications to Section 28.27, Lingcod.

Subsections 28.27(a)(1) through 28.27(a)(7) define the open season for lingcod in each Management Area. Existing regulations in these subsections would be modified to make the lingcod season consistent with the general groundfish season as described above.

Existing regulations in subsection 28.27(c) establish a minimum size limit of 24 inches for lingcod statewide. The proposed regulations would modify the lingcod minimum size limit from 24 inches to 22 inches.

Existing regulations in subsection 28.27(d) establish a method of take for targeting lingcod. The allowable gear used to take lingcod is defined as not more than two hooks and one line. The proposed regulations would clarify these gear restrictions apply only when recreational angling for lingcod. Lingcod take by hand or while diving or spearfishing would continue to be allowed.

- Modifications to Section 28.28, Cabezon.

Existing regulations in subsection 28.28(b) provide for a two fish bag limit within the ten fish aggregate bag limit for rockfish, cabezon and greenling (the RCG complex). Proposed regulations would increase the cabezon bag limit from two fish to three fish, within the RCG complex bag limit.

Modifications to subsection 28.28(d) would define an allowable method of take for cabezon while angling. This action would restrict the cabezon method of take to not more than two hooks and one line, consistent with the lingcod and rockfish regulations.

- Modifications to Section 28.29, Kelp and Rock Greenling.

Modifications to subsection 28.29(d) would define an allowable method of take for kelp and rock greenling while angling. This action would restrict the kelp and rock greenling method of take to not more than two hooks and one line, consistent with the lingcod and rockfish regulations.

- Modifications to Section 28.54, California Scorpionfish (Sculpin).

Existing open areas, seasons, and depth constraints regulations (subsection 28.54(a)(6)) establish a January 1 through December 31 season for scorpionfish for the Southern Groundfish Management Area with a maximum depth constraint of 60 fm (360 feet) during March through December and a maximum depth constraint of 40 fm (240 feet) during January and February. Proposed regulations would change the January and February depth constraint for California scorpionfish to 60 fm (360 feet).

- Modification to Section 28.55 Rockfish (Sebastes).

Existing regulations in subsection 28.55(d) establish a method of take for targeting rockfish. The allowable gear used to take rockfish is defined as not more than two hooks and one line. The proposed regulations would clarify these gear restrictions apply only when recreational angling for rockfish. Rockfish take by hand or while diving or spearfishing would continue to be allowed.

- Modification to Section 28.65, General Fin Fish Gear Restrictions.

Regulations in subsection 28.65(c) define the angling gear restriction when rockfish or lingcod are aboard or in possession as only one line and not more than two hooks. Proposed regulations would extend this gear restriction to cabezon and kelp and rock greenlings.

- Modifications to Section 52.10, Take of Sheephead, Cabezon and Greenling.

Current regulations in subsection 52.10(a)(2) set the annual TAC for cabezon at 152,100 pounds (69 metric tons). Proposed changes would increase the statewide TAC to 326,200 pounds (148 metric tons); consistent with the NFMP guidelines and the higher ACL adopted by the Council.

The commercial and recreational fisheries are each allocated a specified portion of the TAC in current regulation—subsections 52.10(a)(2)(A and B). Thus, the allocated harvest amounts for the commercial and recreational fisheries would need to be adjusted proportionally upward to account for the increase to the TAC. The current allocation ratio is 39 percent to the commercial sector and 61 percent to the recreational sector. This existing ratio was applied to the proposed new TAC to generate proposed sector allocations:

The commercial fishery allocation would increase from 59,300 pounds to 127,200 pounds. The recreational fishery allocation would increase from 92,800 pounds to 199,000 pounds.

- Modifications to Section 150.16, Commercial Take of Nearshore Fishes.

The current cabezon two month cumulative trip limits per individual, established in subsection 150.16(e)(6)(A), are designed to keep catches to the allowable commercial catch of 59,300 pounds and are as follows:

January-February: 300 pounds
March-April: 100 pounds
May-June: 250 pounds
July-August: 150 pounds
September-October: 900 pounds
November-December: 100 pounds

The Department has proposed a range of trip limit options to accommodate the proposed increase to the commercial allocation in Section 52.10. The proposed values per each two-month period range from 0 to 1,000 pounds. The Commission may select values from that range which will provide for commercial fishing yet ensure the commercial fishery does not exceed its new higher annual allocation (see above under Modifications to Section 52.10) and which will continue to align the cabezon season with the minor nearshore rockfish season set by the Council.

Additional changes are proposed to clarify and simplify the regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Lions Gate Hotel, 3410 Westover Street, McClellan, California, on Thursday, September 16, 2010 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Four Points by Sheraton Hotel, 8110 Aero Drive, San Diego, California, on Thursday, October 21, 2010 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before October 14, 2010 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. **Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on October 18, 2010.** All comments must be received no later than October 21, 2010, at the hearing in San Diego, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Jon K. Fischer, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Jon K. Fischer, or Sherrie Fonbuena at the preceding address or phone number. **Marija Vojkovich, Regional Manager, Marine Region, Department of Fish and Game, (805) 568-1246 has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

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

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

Impact of Regulatory Action

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed management actions would relax recreational groundfish fishing regulations in all of the Groundfish Management Areas for one or more fish species and may have positive impacts to some businesses in California. Sport fishing business owners, boat owners, tackle store owners, boat manufacturers, vendors of food, bait, fuel and lodging, and others that provide goods or services to those that recreationally pursue groundfish off California may be positively affected to some degree from increases to business if the 2011 and 2012 seasons are adopted, relative to previous management cycles. Likewise, commercial fishing industry businesses may realize positive benefits from increased catches of cabezon. However, anticipated impacts are speculative and would vary considerably by geographic location and by the nature and extent of the regulatory action taken.

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

The proposed regulatory action could produce some impact on the creation or elimination of jobs or businesses that rely on recreational or commercial fishing for groundfish and associated species. However, the degree of impact is highly speculative in nature and cannot be quantified. See response to (a) above.

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

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

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

- (h) Effect on Housing Costs: None.

Effect on Small Business

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

Consideration of Alternatives

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

FISH AND GAME COMMISSION

Dated: August 23, 2010

Jon K. Fischer
Acting Executive Director