

Petitions and Communications received from January 18, 2011, through January 25, 2011, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on February 1, 2011.

From Dr. Arash Babaki, requesting a street light be installed on Bernal Heights Boulevard, between Folsom and Bradford. (1)

From Port, submitting request for release of reserved funds (\$75,000) for the Youth Employment Program. Copy: Budget and Finance Committee Members and Committee Clerk (2)

From Office of the Controller, submitting the Development Impact Fee Report for FY2009-2010. (3)

From Office of the Mayor, submitting notice that Mayor Edwin Lee will be out of state from January 19, 2011 until January 21, 2011. Copy: Each Supervisor, City Attorney (4)

From Human Services Agency, regarding the 2011 Homeless Count. Copy: Each Supervisor (5)

From Kimo Crossman, regarding the Whistleblower Program. (6)

From Golden Gate Audubon Society, regarding the concession contract and changes at the Stow Lake Boathouse in Golden Gate Park. File No. 101416, Copy: Each Supervisor, Budget and Finance Committee Clerk (7)

From concerned citizens, submitting opposition to the appointment of Richard Johns to the HPC. File No. 101511, Copy: Each Supervisor, 5 letters (8)

From Department of Human Resources, submitting an overview of benefits for City employees. (9)

From Department of Human Resources, submitting an overview of the City's personnel structure. Copy: Each Supervisor (10)

From Anmarie Mabbutt, urging the Board of Supervisors to rescind the admission fee to the Botanical Gardens in Golden Gate Park. (11)

From Glen Chase, regarding PG&E's Wireless Smart Meters. (12)

From Cassandra, regarding Larry Ellison and America's Cup. (13)

From concerned citizens, regarding the sidewalk sitting ban. 40 letters (14)

From Aaron Goodman, regarding the Parkmerced Project. (15)

From Gateway tenants, regarding Kokkari Restaurant and Spare the Air Day. (16)

From James Corrigan, regarding San Francisco firefighters. 2 letters (17)

From Larry Caruso, regarding the Municipal Transportation Agency. (18)

From Howard Wong, regarding an appointment to the HPC. 2 letters (19)

From Planning Association for the Richmond, regarding the concession contract and changes at the Stow Lake Boathouse in Golden Gate Park. File No. 101416 (20)

From Lippe, Gaffney, Wagner, regarding the Living Rivers Council v. State Water Resources Control Board. Copy: Each Supervisor (21)

From State Fish and Game Commission, regarding petition to list the Cedars wild buckwheat as endangered under the California Endangered Species Act. (22)



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Street Light

From: Arash Babaki <arashbabaki@yahoo.com>
To: "Board.of.Supervisors@sfgov.org" <Board.of.Supervisors@sfgov.org>
Date: 01/21/2011 05:25 PM
Subject: Street Light

Dear madam/sir,

I am writing you this since all my previous attempts and appeals to various offices and administrators have not generated a result.

Bernal Heights BLVD, between Folsom and Bradford, does not have even one street

light. As a result, this stretch of almost a mile, is extremely dark at night and has very poor visibility, which causes a huge danger to drivers and pedestrians and creates a heaven for illegal activities, as well as occasional

dumpings of garbage. This stretch includes the entrance to Bernal Hill Park and it is unbelievable that the city administrator have failed to provide and ignore the request for appropriate illumination for the many commuters and pedestrians.

I have contacted 311, the SF public utilities, the board of supervisor and the park dept over a 3-year period of time and have been given a variety of answers and promises, with no action.

It is very disturbing that a neighborhood of tax-paying citizens is being ignored for such basic request, as such ignorance might result in casualties and continuous crime.

Please kindly respond and advise.

With Regards,

Dr. Arash Babaki

(1)



Orig: Jay
COB
c page
B+F chair
B+F clerk

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2010 JAN 18 PM 12:43

BY PC

DATE: January 18, 2011
TO: Angela Calvillo, Clerk of the Board
FROM: Elaine Forbes, Deputy Director, Finance & Administration
Trisha Prashad, Port of San Francisco
RE: Request for Release of Funds

Madam Clerk:

The Port Commission "Port" respectfully requests that the Budget and Finance Committee of the Board of Supervisors schedule a hearing to consider releasing \$75,000 from the FY 2009-10 Youth Employment Program currently on Budget and Finance Committee reserve.

The Port proposes to expend \$65,000 with the Sheriff's Garden Project on native propagation, planting in Port parks and watering through the existing Earth Stewards Program. The Sheriff's Garden Project, consisting of one apprentice and one senior apprentice, will provide enhanced park maintenance along the Port's Southern Waterfront. These funds will be work ordered to the Sheriff's Department to be used in the framework of the Garden Project: Earth Stewards Apprenticeship Program. This project will be managed by the Deputy Director of Port Maintenance in consultation with the Office of Economic and Workforce Development.

The Port proposes to expend \$20,000, of which \$10,000 is on Budget and Finance Committee Reserve, to fund an innovative Maritime Industry Immersion Internship (MIIP). The Port has one of the most diverse Maritime business portfolios of any Port in the United States. Maritime activities range from Ship Repair, Cruse and Cargo Shipping, harbor services, ferries and excursions and Foreign Trade Zones. This unique program was designed as is being administered in conjunction with the California Maritime Academy.

Attached, please find fuller descriptions of the Sheriff's Garden Project and Maritime Industry Immersion Internship Program (MIIP), totaling \$75,000 currently on committee reserve.

Please call 274-0421 with any questions. We request that this item be scheduled at the Chair's earliest convenience.

Cc: Supervisor Carmen Chu, Chair, Budget and Finance Committee
Harvey Rose, Budget Analyst
Meghan Wallace, Mayor's Office
Tom Carter, Port of San Francisco
Michael Nerney, Port of San Francisco

(2)

APPENDIX A

Sheriff's Department / Garden Project – Earth Stewards Apprenticeship Program
Scope of Work and Estimated Project Budget – Port Park Maintenance

Project Justification

Port gardening functions are understaffed with only one Operating Fund gardener and this provides an opportunity to integrate these functions into the Port workforce development program for at-risk youth ages 17-25. The Port would like to collaborate with the Sheriff's Department and its contractor, Garden Project. The Port proposes to fund a new program consisting of 1 apprentice and 1 senior apprentice to enhance park maintenance along the Port's Southern Waterfront and native plant propagation for Port parks. The Port will work order funds to the Sheriff's Department which administers the contract with Garden Project - Earth Stewards Apprenticeship Program.

Estimated Cost & Basis

In this 30-week program the apprentice will be remunerated at \$13.00/hour and the senior apprentice at \$14.50/hour.

Budget

Budget Line Items	Total
Salaries and Fringe Benefits	29,257
Propagation/Plant Purchases	4,200
Operating Expenses	4,680
Admin/Overhead Costs	5,408
Total Program Costs	43,545

Subject to approval by the Board of Supervisors, Port staff will carry forward FY 2009-10 Youth Employment Project funding currently on Budget and Finance Committee reserve (PYEAES06; 5PAAAAAP; 392003; 06F00) and use \$43,545 to fund the Garden Project.

Detailed Scope

1. **Warm Water Cove Park.** Provide a high level of maintenance for the park. Keep grass mowed. Maintain planted areas, water and weed. Establish new planted areas with native species. Remove litter and report graffiti. Demonstrate stewardship and establish a visible presence. Develop relationships with community groups and communicate with park users to nurture community ownership.
2. **BlueGreen Way.** Provide maintenance for the 24 planters (Terry Francois Blvd.). Water, weed and replant.
3. **Plant Propagation.** Propagate 500 plants for Rincon Park. Provide native species for all other Port planted areas.

APPENDIX B

Maritime Industry Immersion Internship (MIIP)

The Port proposes that the Board of Supervisors add \$10,000 to the Port's FY 2010-11 budget, and authorize the use of \$10,000 in funding from the FY 2009-10 Youth Employment Project (on Budget and Finance Committee reserve), to fund an innovative Maritime Industry Immersion Internship Program. (MIIP) The Port has one of the most diverse maritime business portfolios of any Port in the United States. Maritime activities range from Ship Repair, Cruise and Cargo Shipping, harbor services, ferries and excursions and Foreign Trade Zones. This unique program was designed and is being administered in conjunction with the California Maritime Academy. The Port will work with the California Maritime Academy to offer this internship opportunity to a San Francisco resident who is a student at the California Maritime Academy.

Implementation

Located in Vallejo, California, the California Maritime Academy (Cal Maritime) is a unique and specialized campus of the California State University System that offers students bachelor's degrees in international business and logistics, facilities engineering technology, global studies and maritime affairs, marine engineering technology, marine transportation, and mechanical engineering. Cal Maritime is one of only seven degree-granting maritime academies in the United States.

The Port proposes to create a summer internship opportunity for current Maritime Academy students, with a preference for students who are San Francisco residents (Cal Maritime has current enrolled students who are City residents). The Port will work with its maritime tenants to structure an internship opportunity that provides work experience in a variety of maritime settings. This program will be jointly managed by the Port and Cal Maritime's Cooperative Education Program.

The first Port MIIP internship will begin in Spring/Summer 2011. In the intervening period, the Port and Cal Maritime will design the internship, including performance criteria by which the Port, Cal Maritime and program participants can judge program success.

Scope of Work

The purpose of the MIIP is to integrate classroom studies with academic related work experience in San Francisco's maritime industries.

Participants will be employed in the Port MIIP internship for approximately 60 days or more depending on schedules. Typically, students are available between May-August. At the end of the MIIP Program, students must complete a written paper on their experience and receive an evaluation from their supervisor. Port staff will work through Cal Maritime's Career Center to look for candidates with a preference being given for San Francisco residents.

The Port will work with Port maritime tenants for special short-term projects and as a recruitment tool for hiring entry-level professionals. MIIP participants will be sought from Cal Maritime students with the following majors:

Facilities Engineering Technology

- Focuses on operation, maintenance, and management of engineering facilities.

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



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Controller's Office Report: FY 2009-10 Development Impact Fee Report, January 24, 2011

----- Forwarded by Angela Calvillo/BOS/SFGOV on 01/24/2011 06:02 PM -----

From: Controller Reports/CON/SFGOV
To: Angela Calvillo, BOS-Supervisors/BOS/SFGOV, BOS-Legislative Aides/BOS/SFGOV, Steve Kawa, 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, gmetcalf@spur.org, Maura Lane, CON-Media Contact/CON/SFGOV, Maria Su/DCYF/SFGOV@SFGOV, Taras Madison, Mardi Lucich/DCYF/SFGOV@SFGOV, John Rahaim/CTYPLN/SFGOV@SFGOV, Thomas DiSanto, Yvonne Ko/CTYPLN/SFGOV@SFGOV, .Kearstin M Dischinger/CTYPLN/SFGOV@SFGOV, Joshua Switzky/CTYPLN/SFGOV@SFGOV, Vivian Day/DBI/SFGOV@SFGOV, pamela.levin@sfgov.org, Ed Reiskin, Douglas.Legg@sfdpw.org, Maureen.Singleton@sfdpw.org, Trent Rhorer/DHS/CCSF@CCSF, Celia Pedroza/DHS/CCSF@CCSF, Michele Rutherford/DHS/CCSF@CCSF, Douglas Shoemaker/OCDHH/MAYOR/SFGOV@SFGOV, Gigi Whitley/OCDHH/MAYOR/SFGOV@SFGOV, Chandra Egan/OCDHH/MAYOR/SFGOV@SFGOV, Benjamin McCloskey/OCDHH/MAYOR/SFGOV@SFGOV, nathaniel.ford@sfmta.com, Sonali.Bose@sfmta.com, Jay.DeLosReyes@sfmta.com, Kerstin.Magary@sfmta.com, trydstrom@sfgov.org, LArriola@sfgov.org, Ed Harrington, Phil Ginsburg, Katharine Petrucione/RPD/SFGOV@SFGOV, Michael Yarne/MAYOR/SFGOV@SFGOV, susan.cleveland-knowles@sfgov.org
Cc: Ben Rosenfield, monique.zmuda@sfgov.org
Date: 01/24/2011 03:05 PM
Subject: Controller's Office Report: FY 2009-10 Development Impact Fee Report, January 24, 2011
Sent by: Debbie Toy

The Controller's Office is submitting the FY 2009-10 Development Impact Fee Report as required by San Francisco Planning Code Section 409(b) and California Government Code Section 66001. The report contains revenues and expenditures through June 30, 2010 for each development fee, as well as in-kind developments provided in lieu of fees. The summary table on page 5 lists the City's development impact fees, the department or agency collecting and administering each one, and other fee details as of November 2, 2010.

To view the full report, please visit our website at:
<http://www.sfcontroller.org/Modules/ShowDocument.aspx?documentid=1583>

For questions regarding this report, please contact Michelle Allersma at (415) 554-4792 or Sarah Anders at (415) 554-7535.

OFFICE OF THE MAYOR
SAN FRANCISCO



*CPAGE, C: BOS-11
COB, 3 Dep, City Atty*
EDWIN M. LEE *file*
MAYOR

January 18, 2011

Ms. Angela Calvillo
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94109

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 JAN 18 PM 2:25
BY *[Signature]*

Dear Ms. Calvillo,

Pursuant to Charter Section 3.100, I hereby designate Supervisor David Chiu as Acting-Mayor from the time I leave the state of California at 7:50 a.m. on Wednesday, January 19, 2011, until 3:30 p.m., on Friday, January 21, 2010.

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

Sincerely,

Edwin M. Lee
Mayor, City and County of San Francisco

cc: Mr. Dennis Herrera, City Attorney

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City and County of San Francisco



Edwin M. Lee, Mayor

Human Services Agency

Department of Human Services
Department of Aging and Adult Services

Trent Rhorer, Executive Director

1505-11
L073
CPA

January 12, 2011

David Chiu, President
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, #244
San Francisco, CA 94102

RE: 2011 Homeless Count

Dear Supervisor Chiu:

The US Department of Housing and Urban Development requires that all jurisdictions who receive McKinney/Vento funding conduct a bi-annual count of unsheltered homeless people. As you may know, the City & County of San Francisco receives approximately \$18 million in McKinney/Vento funding annually which supports many of our homeless services. In addition to complying with federal mandates, the homeless count offers the City the opportunity to collect and analyze data regarding the street homeless population. We will use this year's data to update our GIS maps that identify the specific locations to focus our efforts to assist the chronically homeless. This data proves invaluable as we continue implementation of the *Ten Year Plan to End Homelessness* and other initiatives to end homelessness.

This year's Homeless Count will take place on Thursday, January 27, 2011 from 7 p.m. to 12 a.m.

San Francisco's Homeless Count is a volunteer-driven effort. Volunteers drive or walk designated routes, taking a count of all homeless persons encountered. We need to recruit 500 volunteers to make this effort successful.

I am writing to ask your assistance in making this year's count a success.

- During the planning stages we ask that your office forward information regarding areas in your district where homeless people are known to sleep to Alison Schlageter of my staff at Alison.Schlageter@sfgov.org.
- Secondly, we ask that your staff help us recruit volunteers by contacting neighborhood groups in your district. Anyone interested in volunteering should call the hotline we have established for the Homeless Count: (415) 558-2346 or email HomelessCount@sfgov.org.

Thank you very much for your help. If you have any questions, please contact me at 557-6541. I look forward to working with you on this effort.

Sincerely,

Trent Rhorer
Executive Director

cc: Angela Calvillo, Clerk of the Board

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2010 JAN 14 PM 4:02
BY _____
AK

5

San Francisco's 2011 Homeless Count Needs You!

Save the date! San Francisco's next bi-annual count of homeless persons will take place on Thursday, January 27, 2011 from 7pm to 12am. A one-hour training takes place from 7-8pm. The homeless count is a volunteer-driven, community-wide effort coordinated by the San Francisco Human Services Agency (HSA). Volunteers are needed to assist with several different aspects of the count (see "roles" below).

Why does San Francisco count its homeless, and how will this information be used? All cities and counties receiving federal funding to provide housing and services for the homeless are required to conduct a bi-annual count of homeless persons living in the street and in shelters and other programs during the final week of January 2011. This information helps the federal government better understand the nature and extent of homelessness nationwide. Locally, the homeless count helps inform the allocation of resources for services to help the homeless, and provides a means of measuring the impact of homeless programs and services.

What will happen during the count? On the night of the count teams of volunteers will cover assigned routes, counting homeless individuals observed on the street across the city. Depending on the area, some volunteers will walk, and some will drive.

There is a role for everyone. Four volunteer dispatch centers located centrally throughout the city to make volunteering for Homeless Count easy! Volunteers will be needed for a number of different roles:

- *Enumerators* will count and record homeless persons observed on the street based on assigned routes. Both walkers and driving enumerators with their own vehicles are needed. Come alone and be matched with a team, or bring your own team of co-workers or friends. All enumerators will receive training. Volunteers will count in teams of 2-3 people. Approximately 500 enumerators are needed.
- *Team Leaders* are volunteers identified as having prior experience and training in working with homeless persons. Team leaders will be paired with less experienced volunteers and will also be assigned to routes known to contain "hotspots" (encampments, high concentrations of homeless persons). Approximately 100 team leaders are needed.
- *Dispatch Center Volunteers* will coordinate the dispatch of enumerators at one of our four dispatch centers, distributing materials and collecting information. Dispatch volunteers must have good problem solving and customer service skills. This is a great way to volunteer for people who cannot volunteer for the entire evening. Approximately 12 dispatch center volunteers are needed.
- *Data Entry Volunteers* will collect the tally sheets collected from volunteers as they return to their dispatch centers and enter the information into a database.

Only available during the day? Volunteers are also needed to conduct interviews with homeless persons at soup kitchens and other service sites during the day on a date still to be determined. It will take some time in early February 2011. Let us know if you are interested in this aspect of the Homeless Count.

To Volunteer for Homeless Count 2011: Please call (415) 558-2346 or e-mail HomelessCount@sfgov.org All volunteers will receive a personal follow-up call to further discuss options for volunteering.

VOLUNTEER
January 27, 2011
7pm to Midnight

**San Francisco's
Citywide
Homeless Count**

The Homeless Count is a community wide effort! Your time is needed, so please get involved.

Interested in volunteering? Please email us:

HomelessCount@sfgov.org

Or call 415-558-2346



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Interesting - Federal Gov releases completed investigations unlike similar to SF Controller
Whistleblower investigation

From: Kimo Crossman <kimo@webnetic.net>
To: controller@sfgov.org, Monique Zmuda <Monique.Zmuda@sfgov.org>, Board of Supervisors
<Board.of.Supervisors@sfgov.org>
Date: 01/23/2011 07:07 PM
Subject: Interesting - Federal Gov releases completed investigations unlike similar to SF Controller
Whistleblower investigation
Sent by: kimocrossman@gmail.com

So the Federal gov has found a way to report on an investigation - unlike the SF Controller?

----- Forwarded message -----

From: **Michael Ravnitzky** <mikerav@verizon.net>
Date: Sat, Jan 22, 2011 at 2:16 PM
Subject: [IREPLUS-L] Some Investigations at the Natl Geospatial-Intelligence Agency
To: IREPLUS-L@po.missouri.edu

SOME COMPLETED INVESTIGATIONS AT THE NATIONAL
GEOSPATIAL-INTELLIGENCE AGENCY
By Michael Ravnitzky , mikerav@verizon.net

Below is a small sampling of NGA Inspector General investigations that have been closed. You can ask NGA for a copy of the results and summary of any or all of these investigations. Just send a note asking for THE FINAL REPORT and THE CLOSING MEMORANDUM for the investigations of interest to you, specifying the OIG Investigation number, and NGA will send you the documents.

Here is the NGA OIG address:

National Geospatial-Intelligence Agency
Attn: Lenore N. Guthrie
Assistant Inspector General for Plans and Programs
Initial Denial Authority
Office of the Inspector General
4600 Sangamore Road, Mail Stop D-130
Bethesda, MD 20816-5003

(6)

07-002 Misuse of Government Equipment and T&A
07-016 Allegation of Retaliation for Raising Issue to D/NGA
07-016 Possible Conflict of Interest and Misconduct by an IPA
08-007 Alleged Ethics Violations in Hiring Process
08-016 Alleged Inappropriate Relationship between a supervisor/subordinate
08-021 Alleged Travel Fraud by a Senior Official
08-045 Inherently Governmental Functions/Contractor Conflicts of Interest
08-046 Concern Regarding Commercial Imagery Contract and Products
08-048 Misuse of Position/Conflict of Interest
08-049 Alleged Commercial Solicitation of NGA Employees by a Supervisor
08-051 Alleged Misuse of NGA E-mail system
08-056 Possible Inappropriate Relationship/Conflict of Interest
08-058 Computer Misuse
08-060 Computer Misuse
09-001 Possible T&A Fraud and Inappropriate Behavior by a Supervisor
09-005 T&A Fraud and Computer Misuse
09-007 Computer Misuse
09-008 Possible Supervisor Favoritism/Possible T&A Abuse/Computer misuse
09-012 Computer Misuse
09-019 Alleged Computer Misuse by Contractor Employee
09-021 Foreign Military Sales Concern
09-023 Computer Misuse by a Contractor Employee
09-024 Alleged Misconduct and Mismanagement
09-029 Computer Misuse Case by a Military Employee
09-031 Alleged Time & Attendance Abuse and Mismanagement
09-032 Alleged Child Pornography
09-034 Computer Misuse Case by an NGA Employee
09-035 Alleged Computer Misuse
09-041 Alleged Misuse of Government Computer
09-042 SBU Computer Misuse - Games
09-048 Alleged Misuse of Government Computer
09-050 Time and Attendance Abuse/Computer Abuse
09-051 Sexual Harassment
09-052 Possible Misuse of a Government Computer
09-053 Computer Misuse
09-057 Misuse of Government Resources - GPC
09-060 Alleged Improper Personal Relationship and Improper Hiring Practices
09-065 Alleged Criminal Misconduct and Intelligence Oversight Violation
09-066 Child Pornography
09-068 Alleged Computer Misuse and Abuse of Official Government Time
09-069 Misuse of Government Computer Equipment by a Contractor
09-074 Passing Counterfeit U.S. Currency
09-079 Computer Misuse

- 09-080 Computer Misuse
- 10-001 Computer Misuse
- 10-003 Intelligence Oversight Issue
- 10-028 Alleged Misuse of Government Email
- 10-029 Misuse of Government Information Technology - Inappropriate Emails
- 10-030 Misuse of Government Information Technology
- 10-031 Misuse of Government Information Technology
- 10-032 Misuse of Government Information Technology
- 10-038 Allegations of Child Porn - Child Molestation
- 10-045 Possible Misuse of Government Resources/Computers
- 10-057 Waste of Resources - Telecommunication Circuit
- 10-065 Misuse of Government Information Technology
- 10-066 Misuse of Government Information Technology

If you decide you would like a complete listing of closed NGA OIG investigations, simply ask for a printout of all closed investigations.

To unsubscribe from IREPLUS-L, please send "unsubscribe IREPLUS-L" in the body of an e-mail message to "listserv@lists.ire.org". Please e-mail listmaster@ire.org if you need help or have questions.



Inspiring people to protect
Bay Area birds since 1917

January 20, 2011

Via US Mail and email

San Francisco Board of Supervisors
C/o Ms. Angela Cavillo, Clerk of the Board of Supervisors
1 Carlton B Goodlett Place, Room 244
San Francisco, CA 94102
Email: Board.of.Supervisors@sfgov.org

Re: Concession at historic Stow Lake Boathouse in Golden Gate Park

Dear Supervisors:

I am writing on behalf of the Golden Gate Audubon Society to provide comments regarding the concession contract and changes at the Stow Lake Boathouse in Golden Gate Park. Since 1917, Golden Gate Audubon has worked to protect San Francisco birds, other wildlife, and their habitats, including Golden Gate Park. Many of our members regularly use and enjoy Golden Gate Park, particularly the heron rookery at Stow Lake, and are very concerned about changes in operations there that may have negative impacts on the local wildlife.

Stow Lake and the surrounding park land provide habitat for many bird species. Of particular interest are the trees that provide a nesting site, or rookery, for Great Blue Herons. These birds and other native bird species are protected under the International Migratory Bird Treaty Act. Herons, egrets and many other species have lost much of the breeding habitat in the Bay Area, particularly in San Francisco, so a new project that may have further negative impacts on the species is a source of great concern.

Disturbance to the existing Great Blue Heron rookery on the island at Stow Lake can be caused by an increase in the intensity of human activity or changes to the environment including any increased lighting or noise, especially during the breeding season. San Francisco Nature Education has monitored this nesting colony and provided educational outreach to the public on this urban nesting site. The Audubon Canyon Ranch and the San Francisco Bay Bird Observatory have studied this rookery and others around San Francisco Bay and have documented their recommendations which can be found at pages 29 and 30 <http://www.egret.org/pdfs/atlas/2REGIONALANALYSIS.pdf> We recommend that any potential changes in human activity near the heron rookery be addressed immediately to minimize the risk of colony site abandonment or disturbance of the nesting herons. Specifically, Golden Gate Audubon offers the following recommendations:

GOLDEN GATE AUDUBON SOCIETY
2530 San Pablo Avenue, Suite G Berkeley, California 94702
phone 510.843.2222 fax 510.843.5351 web www.goldengateaudubon.org

File 101416
BOS-11 V-Young (via email)
BY _____
2011 JAN 24 PM 3:15
RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

②

1) Improved trash management.

Unfortunately, many of the City's parks suffer from lack of adequate trash management. It is common to see overflowing garbage cans in Golden Gate Park, Lake Merced and other popular spots. Poor trash management attracts pests and feral animals, many of which prey upon native birds and other wildlife. Any changes in the concession operations at Stow Lake should require adequate trash pick-up and wildlife-proof trash containers. Moreover, the City should ensure that adequate signage is provided at the site to educate visitors about the importance of properly disposing of trash to preserve the beauty of the park and its value for wildlife.

2) Night lighting should not be installed as this will have negative impacts to the nesting birds and other wildlife in the park.

Night time illumination has several, well-documented negative effects on wildlife. Golden Gate Audubon is particularly concerned about the impacts of increase night time lighting on the nesting herons at Stow Lake. Additional lighting makes it easier for predators to find nests and feed upon young birds and otherwise helpless wildlife. It also can disrupt sleeping, foraging, and breeding patterns of local and migratory birds.

Golden Gate Audubon urges that no new lighting be installed, if at all possible. If lighting is determined to be absolutely necessary, it should, at a minimum, include only fully shielded fixtures set to the minimum-necessary illumination level. Proper light fixtures and light management also conserves electricity, reduces light pollution, and saves money.

3) If access to the concession building is necessary at night it should be via an entrance opposite the nesting island.

It would be greatly preferable that foot traffic in and out of the concession building be directed in such a way as to reduce impacts to the rookery. If the concession building is used as a restaurant or other night time destination, there should be an entrance on side of the building opposite the nesting island. This will reduce noise and other impacts to the herons and other birds that rely on the lake.

4) Construction related activities which cause loud noises should be conducted outside the bird breeding season in Golden Gate Park from January 1 through August 1

The bird breeding season is generally considered to be March 1 through August 1 of each year. However, many birds, including Great Blue Herons, may nest much sooner. Therefore, construction at the site should be avoided from January 1 through August 1 of each year. To the extent that construction is deemed absolutely necessary during this time, a biologist with experience in dealing with rookeries should be consulted to reduce impacts on the nesting birds.

5) Funding should be allocated to enforce no public access to the island where the herons nest.

Currently, there is no public access to the nesting island. Golden Gate Audubon encourages the City to maintain this policy and to fund (1) signage prohibiting public access and (2) assigning park personnel to ensure that the public is not using the islands (or citing those that do).

6) The boat storage roof structure should remain as a gull roost sites in the city.

The boat storage structure on the lake provides one of the few gull roosting sites in this part of the city. While many people regard gulls as pests, they are a native species that deserves conservation and consideration as any other. There should be no changes to the boat storage structure that would reduce its use by gulls or other birds.

Golden Gate Audubon does not have a position on which concessionaire should operate the commercial endeavors at the lake. Rather, we encourage the City to ensure that any operations there have no or minimal impacts on the local wildlife. Overall, there should be no changes in lighting, noise or human activity levels at Stow Lake in order to protect this important urban heron rookery.

Thank you for your consideration of our comments. If you would like to discuss this matter further, please do not hesitate to contact me at mlynes@goldengateaudubon.org or (510) 843-6551.

Thank you,



Michael Lynes
Conservation Director

BOS-11 ~~COB~~
CPA
File 101511



Fw: Vote NO for Richard Johns - Historic Preservation
Angela Calvillo to: Rick Caldeira

01/24/2011 10:43 AM

----- Forwarded by Angela Calvillo/BOS/SFGOV on 01/24/2011 10:44 AM -----

From: djeldred@earthlink.net
To: david.chiu@sfgov.org, Judson.true@sfgov.org, Carmen.Chu@sfgov.org, Eric.L.Mar@sfgov.org,
Ross.Mirkarimi@sfgov.org, david.campos@sfgov.org, scott.wiener@sfgov.org,
Malia.Cohen@sfgov.org, John.Avalos@sfgov.org, angela.calvillo@sfgov.org
Date: 01/24/2011 10:23 AM
Subject: Vote NO for Richard Johns - Historic Preservation

Mr Johns is not the best available candidate for Historic Preservation
Commission Seat 4 as Historian.
Previous commissioner James Buckley or professor Robert Cherny are more
qualified and deserve consideration.
Please vote NO for Richard Johns and allow for a more vetted process to select
this commission seat.

Thank you
David Eldred

8

File 101511



To: BOS Constituent Mail Distribution, Linda Wong/BOS/SFGOV,
Cc:
Bcc:
Subject: BoS Agenda 1-25-2011 Item #19 Appointment of Mr. Johns to Seat 4 of the Historic Preservation Commission

From: "Inge Horton" <ingehor@pacbell.net>
To: <Board.of.Supervisors@sfgov.org>, <david.chiu@sfgov.org>, <Carmen.Chu@sfgov.org>, <Eric.L.Mar@sfgov.org>, <Ross.Mirkarimi@sfgov.org>, <david.campos@sfgov.org>, <scott.wiener@sfgov.org>, <Malia.Cohen@sfgov.org>, <John.Avalos@sfgov.org>
Date: 01/22/2011 10:09 AM
Subject: BoS Agenda 1-25-2011 Item #19 Appointment of Mr. Johns to Seat 4 of the Historic Preservation Commission

Honorable Mr. President and Supervisors,

The City and County of San Francisco has numerous commissions and boards which offer ample opportunity for political appointments and rewarding citizens with special merits. However, the Historic Preservation Commission is not one of them. The Charter contains specific professional qualifications for members of the Historic Preservation Commission with the exception of one at-large seat. Seat #4 shall be filled with a professional historian.

The critical question for the appointment of Mr. Richard Johns to Seat #4 is whether he fulfills this requirement. In the documents attached to his appointment is a resume which shows clearly that he is a lawyer with a long experience in law. There is not one word about his experience as a historian. In his testimony, Mr. Johns presented an impressive list of contributions in historic preservation organizations, however, they were all voluntary positions. In view of his lack of education as a historian as well as of professional and paid positions as a historian, I hope that you will reject his nomination.

Please uphold the intent of Proposition J and the Charter as it relates to the appointment to Seat 4 of the Historic Preservation Commission and do not set a bad precedent with a political appointment.

Sincerely,
Inge Horton

File 101511



To: Linda Wong/BOS/SFGOV, BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Johns Appointment Relies on MIS-READ CHARTER QUALIFICATIONS

From: David Tornheim <DavidTornheim@hotmail.com>
To: Bevan Dufty <Bevan.Dufty@sfgov.org>, Sean Elsbernd <Sean.Elsbernd@sfgov.org>, "Jane Kim (D6 Supervisor)" <Jane.Kim@sfgov.org>, Maila Cohen <Malia.Cohen@sfgov.org>, Carmen Chu <Carmen.Chu@sfgov.org>, Clerk BoardofSupervisors <board.of.supervisors@sfgov.org>, David Campos <David.Campos@sfgov.org>, David Chiu <David.Chiu@sfgov.org>, Eric Mar <Eric.L.Mar@sfgov.org>, John Avalos <john.avalos@sfgov.org>, Mark Farrell <Mark.Farrell@sfgov.org>, Scott Wiener <Scott.Wiener@sfgov.org>
Cc: SF Preservation Consortium <sfpreservationconsortium@yahoogroups.com>, Marlena.byrne@sfgov.org, Sunny Angulo <Sunny.Angulo@sfgov.org>, Frances.Hsieh@sfgov.org
Date: 01/24/2011 10:44 AM
Subject: ~~REDACTED~~ Johns Appointment Relies on MIS-READ CHARTER QUALIFICATIONS
Sent by: <datornheim@hotmail.com>

Dear Supervisors:

I recently reviewed the two hearings (1/3 and 1/20) regarding the proposed appointment of Richard Johns to the historian seat (4) of the Historic Preservation Commission. At both hearings the members of the Rules Committee (new and old) relied on a definition for the minimum qualifications for the seat based on an INCORRECT READING OF THE CHARTER.

At the hearing on 1/3/11, there was confusion as to what the "and/or" this definition from Charter referred to:

Seat 4: an historian meeting the Secretary of the Interior's Professional Qualifications Standards for history with specialized training and/or demonstrable experience in North American or Bay Area history;

Preservationists correctly read it as:

(1) an historian meeting Secretary of the Interior's Professional Qualifications Standards for history with specialized training and/or demonstrable experience in North American or Bay Area history.

But with a quick reading one might mistakenly read the "and/or" so that a candidate could either have the Secretary of Interior's Qualifications or "demonstrable experience in North American or Bay Area history." This was the interpretation made by the Deputy City Attorney at about 55 minutes into the 1/3/11 hearing.

If you look closely at the Charter's language and the grammar, it is clear that The Deputy City's interpretation is INCORRECT. The Deputy City Attorney's version would read:

(2) an historian meeting the Secretary of the Interior's Professional Qualifications Standards for history with specialized training

and/or
demonstrable experience in North American or Bay Area history

These two phrases are not parallel grammatically, as it is incorrect to say "an historian demonstrable experience in North American or Bay Area history." The crucial verb "having" is

missing. Without the word "having", there is only one correct what to interpret the statute: That is (1).

PLEASE REJECT MR. JOHN'S APPOINTMENT, as he does not meet the required qualifications of the Charter for Seat 4.

-David Tornheim
1890 Grove St. #5
San Francisco, CA 94117-1249
(415) 668-2353



To:
Cc:
Bcc:
Subject: Appointment of Mayoral Nominee to Historic Preservation Commission Historian Seat 4
Relies on Mis-read Charter Qualifications - January 25, 2011 Agenda Item 19 [BOS File No. 101511]

----- Forwarded by Linda Wong/BOS/SFGOV on 01/24/2011 01:37 PM -----

From: Cynthia Servetnick <cynthia.servetnick@gmail.com>
To: Supervisor David Chiu <David.Chiu@sfgov.org>, jane.kim@sfgov.org, "Sean.Elsbernd" <Sean.Elsbernd@sfgov.org>, Mark.Farrell@sfgov.org, Supervisor David Campos <david.campos@sfgov.org>, "Carmen.Chu" <Carmen.Chu@sfgov.org>, "Supervisor Eric L. Mar" <Eric.L.Mar@sfgov.org>, Supervisor Ross Mirkarimi <Ross.Mirkarimi@sfgov.org>, Supervisor John Avalos <John.Avalos@sfgov.org>, scott.wiener@sfgov.org, Malia.Cohen@sfgov.org
Cc: edwin.lee@sfgov.org, steve.kawa@sfgov.org, dennis.herrera@sfgov.org, Angela.Calvillo@sfgov.org, "linda.wong" <linda.wong@sfgov.org>, "c.chase" <c.chase@argsf.com>, Alan Martinez <awmartinez@earthlink.net>, "Wolfram, Andrew" <andrew.wolfram@perkinswill.com>, jmbuckley9@comcast.net, cdamkroger@hotmail.com, Carl Hasz <karlhasz@gmail.com>, diane@johnburtonfoundation.org, rm@well.com, c_olague@yahoo.com, wordweaver21@aol.com, plangsf@gmail.com, rodney@waxmuseum.com, mooreurban@speakeasy.net, hs.commish@yahoo.com, "john.rahaim" <john.rahaim@sfgov.org>, Tim Frye <Tim.Frye@sfgov.org>, Linda Avery <linda.avery@sfgov.org>, Jennifer.Matz@sfgov.org, rich.hillis@sfgov.org, "michael.yarne" <michael.yarne@sfgov.org>, "marlena.byrne" <marlena.byrne@sfgov.org>, "Donaldson, Milford" <mwdonaldson@parks.ca.gov>, Anthea_Hartig <Anthea_Hartig@nthp.org>, Cindy Heitzman <cheitzman@californiapreservation.org>, mbuhler@sferitage.org, SF Preservation Consortium <sfpreservationconsortium@yahoogroups.com>
Date: 01/23/2011 12:43 PM
Subject: Appointment of Mayoral Nominee to Historic Preservation Commission Historian Seat 4 Relies on Mis-read Charter Qualifications - January 25, 2011 Agenda Item 19 [BOS File No. 101511]

Dear President Chiu and Members of the Board:

On behalf of the San Francisco Preservation Consortium (Consortium), I urge you to seek a City Attorney opinion on the proper reading of the Charter-required qualifications for the historian position (Seat 4) on the Historic Preservation Commission (HPC), and to reject the appointment of Richard Johns, Esq. to the historian position as he lacks the required qualifications to hold that seat.

Mr. Johns' appointment relies on mis-read Charter qualifications. As Consortium member David Tornheim correctly emphasized the Charter requires, "an historian meeting Secretary of the Interior's Professional Qualifications Standards for history with specialized training and/or demonstrable experience in North American or Bay Area history."

With a quick reading, one might mistakenly infer the "and/or" means a candidate could either have the Secretary of Interior's Professional Qualifications or demonstrable experience in North American or Bay Area history. But, if you look closely at the Charter's language and its grammar, it is quite clear that the Charter does not require, "an historian meeting the Secretary of the Interior's Professional Qualifications Standards for history with specialized training and/or demonstrable experience in North American or Bay Area history." These two phrases are not parallel grammatically as it is incorrect to say "an historian demonstrable experience in North American or Bay Area history." There is only one correct way to interpret the Charter—that is as Mr. Tornheim emphasized in the second paragraph above.

While Mr. Johns' professional, academic and volunteer credentials are impressive, he does not meet the objective professional qualifications established by the Charter and the Secretary of the Interior's Standards for HPC Seat 4. Therefore, Mr. Johns cannot legally be confirmed to the historian position. I respectfully ask you to: 1) seek legal counsel; 2) reject Mr. Johns' appointment; and 3) urge Mayor Lee to take a stand for the integrity of the HPC by nominating a qualified historian to Seat 4.

Sincerely,

Cynthia Servetnick, eGroup Moderator

San Francisco Preservation Consortium

Attachments: Letter from the Consortium to the BOS Rules Committee, January 19, 2011

cc: Mayor Edwin Lee

San Francisco Board of Supervisors

San Francisco Historic Preservation Commission

San Francisco Planning Commission

City Attorney Dennis Hererra

Marlena Byrne, Deputy City Attorney

Steve Kawa, Chief of Staff, Mayor's Office

Jennifer Matz, Director, Mayor's Office of Economic and Workforce Development

Rich Hillis, Mayor's Office of Economic and Workforce Development

Michael Yarne, Mayor's Office of Economic and Workforce Development

John Rahaim, Director, San Francisco Planning Department

Tim Frye, Acting Preservation Coordinator, San Francisco Planning Department

Milford Wayne Donaldson, FAIA, SHPO, State Office of Historic Preservation

Anthea Hartig, Director, National Trust for Historic Preservation Western Office

Cynthia Heitzman, California Preservation Foundation

Mrs. G. Bland Platt, San Francisco Historic Preservation Fund Committee

Mike Buhler, San Francisco Architectural Heritage

On Wed, Jan 19, 2011 at 9:32 AM, Cynthia Servetnick <cynthia.servetnick@gmail.com> wrote:

Dear Chair Kim and Supervisors Elsbernd and Farrell:

On behalf of the San Francisco Preservation Consortium (Consortium), a grassroots historic preservation education and advocacy group comprised of individuals and member organizations, I urge you to reject the nomination of Richard Johns, Esq. to the historian seat (Seat 4) on the Historic Preservation Commission (HPC) as he lacks the City Charter-required qualifications to hold that seat.

In November 2008, San Franciscans voted for Proposition J, the Charter Amendment that created the HPC instituting the best practices and national standards of historic cities around the country including New York, Boston, Chicago, and Philadelphia. The HPC makes recommendations to the Board of Supervisors about: 1) the designation of landmarks, historic buildings, historic districts, and conservation districts; 2) the approval of permits or certificates for demolition of, or alteration to, designated landmarks and historic buildings, as well as buildings in historic districts and conservation districts; and 3) makes recommendations about proposed ordinances and resolutions

concerning historic preservation.

The Charter requires six of the seven HPC members to have specific professional qualifications related to architecture and historic preservation. The HPC's historian provides the technical expertise necessary to maintain the San Francisco's status as a Certified Local Government (CLG). This program makes the City eligible for federal and state grant funding and provides it an enhanced role in the nomination of historic properties to the National Register of Historic Places and in matters subject to consultation by federal and state agencies.

Richard Johns is an ardent supporter of the City's history and the preservation of its historical sites. He has served on more than one institution dedicated to preserving San Francisco's cultural heritage.

While Mr. Johns' academic and professional credentials are impressive, he is not a professional historian. Based on the materials submitted to the Rules Committee, Mr. Johns does not meet the objective professional qualifications established by the Charter and the U.S. Secretary of the Interior's Standards for HPC Seat 4. Said qualifications include meeting the Secretary of the Interior's Professional Qualifications Standards for history with specialized training and/or demonstrable experience in North American or Bay Area history. Mr. Johns lacks academic training or a degree in history and any significant training or experience as an historian. As Mr. Johns does not have the necessary credentials for the historian seat, he cannot legally be confirmed to this position.

On January 3, 2011 Mrs. G. Bland Platt, Historic Preservation Fund Committee Chair, noted San Francisco preservation professional and former Landmarks Preservation Advisory Board Chair, testified she does not qualify for HPC Seat 4. I hold a professional degree in architecture from Cornell University, passed the American Institute of Certified Planners Examination, have coordinated the Consortium for ten years and have been an advocate for the preservation and appropriate adaptive reuse of many San Franciscan architectural treasures. I do not qualify for HPC Seat 4 nor does Mr. Johns. This is not a political appointment, it is a professional one. On behalf of the Consortium, I respectfully ask you to reject Mr. Johns' nomination and urge Mayor Lee to take a stand for the integrity of the HPC by nominating a qualified historian to Seat 4.

Sincerely,

Cynthia Servetnick, eGroup Moderator

San Francisco Preservation Consortium

Attachments:

Email from Robert Cherny, Ph.D. to the Board of Supervisors, January 17, 2011
Letter from the Consortium to Mayor Newsom, January 2, 2011

cc:

Mayor Edwin Lee
San Francisco Board of Supervisors
San Francisco Historic Preservation Commission
San Francisco Planning Commission
Steve Kawa, Chief of Staff, Mayor's Office
Jennifer Matz, Director, Mayor's Office of Economic and Workforce Development
Rich Hillis, Mayor's Office of Economic and Workforce Development
Michael Yarne, Mayor's Office of Economic and Workforce Development
John Rahaim, Director, San Francisco Planning Department
Tim Frye, Acting Preservation Coordinator, San Francisco Planning Department
Marlena Byrne, Deputy City Attorney
Milford Wayne Donaldson, FAIA, SHPO, State Office of Historic Preservation
Anthea Hartig, Director, National Trust for Historic Preservation
Western Office
Cynthia Heitzman, California Preservation Foundation
Mrs. G. Bland Platt, San Francisco Historic Preservation Fund Committee
Mike Buhler, San Francisco Architectural Heritage

 SFPC - HPC Seat 4 Letter 1-19-11.pdf  SFPC - HPC Seat 4 Letter 1-2-11.pdf  Buckley c.v.pdf  Cherny c.v.pdf
 Johns c. v.pdf  Cherny Letter to BOS 1-17-11.pdf  SFPC - HPC Seat 4 Letter 1-23-11.pdf



ARTHUR D. LEVY
ATTORNEY

January 21, 2011

BY EMAIL

Hon. David Chiu
President of the San Francisco Board of Supervisors
and Members of the Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place
Room 244
San Francisco, California 94102

RE: Nomination of Richard S. E. Johns to the Historian Seat (No. 4)
on the Historic Preservation Commission
Agenda Item: No. 19
Hearing Date: January 25, 2011

Dear President Chiu and Members of the Board:

I represent The Prop J Committee and am writing to urge the Board to closely scrutinize the qualifications of Richard Johns for the Historian Seat (No. 4) on the Historic Preservation Commission. The Committee respectfully submits that while Mr. Johns is certainly an experienced business and transactions attorney, the evidence before the Board establishes beyond doubt that he lacks the minimum professional qualifications the City Charter legally mandates for the Historian Seat. Accordingly, the Charter compels the Board to reject his nomination.

Because the City Charter is the law of San Francisco, the Board must determine whether Mr. Johns meets the Charter's legal requirements before voting on his nomination. This is a critical step in the Board's process; failure to do so will expose the City to litigation over compliance with the City Charter. The Prop J Committee therefore urges the Board to avoid that eventuality before voting on Mr. Johns's nomination by closely reviewing the Charter's baseline requirements for the Historian Seat, scrutinizing Mr. Johns's resume, and obtaining the advice of the City Attorney.

The Prop J Committee is a non-profit, public interest unincorporated association of individuals and organizations formed in 2008 dedicated to the creation and passage of Proposition J. Today, the Prop J Committee remains committed to upholding the integrity of Proposition J and the requirements of the City Charter for all current and future appointments to the

Hon. David Chiu
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Commission. With the passage of Proposition J in 2008, the Prop J Committee believes it is critical for the City to implement the will of the voters and to recognize and observe the professional qualification standards established under the City Charter for nominees to the Historic Preservation Commission.

In November 2008, the voters amended the City Charter by enacting Proposition J and establishing an independent Historic Preservation Commission. The Historic Preservation Commission consists of six members who must satisfy specified minimum professional qualifications and a seventh, non-professional member. The Digest in the Voter Information Pamphlet informed voters that "Six of the seven members would be required to have specific qualifications related to architecture and historic preservation."

The Charter specifies that the six professional seats be filled by "two licensed architects," one "architectural historian," one "historian," one "historic preservation professional or professional in a field such as law, land use, community planning or urban design," and a sixth professional who either meets the requirements of the other professional seats or is qualified in one of the other specified professional disciplines. All members holding the six professional seats must also meet both general and other specific qualification requirements.

The Charter allows only the seventh seat to be filled by a non-professional, a "person[] specially qualified by reason of interest, competence, knowledge, training and experience in the historic, architectural, aesthetic, and cultural traditions of the City, interested in the preservation of its historic structures, sites and areas, and residents of the City." A candidate for Seat No. 7 need not be an architect, architectural historian, historian, or otherwise hold one or more of the professional qualifications required for the other six seats.

Mr. Johns has been nominated to the "historian" seat, not Seat No. 7. He must therefore meet the Charter requirements for the Historian Seat. These are:

- He must be an "historian";
- He must "meet[] the Secretary of the Interior's Professional Qualifications Standards for history"; and
- He must have "specialized training and/or demonstrable experience in North American or Bay Area history."

(Charter, § 4.135.)

Mr. Johns's resume is before the Board. It runs over four pages, detailing his honors and most significant professional and business activities over the past 40 years. His exhaustive resume establishes that he does not meet the Charter's legal requirements for the Historian Seat.

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First, Mr. Johns is not an “historian.” The dictionary definition of an “historian” is “a person who writes or studies history, especially one who is an authority on it.” (COLLINS ENGLISH DICTIONARY (10th Ed. 2009).) Mr. Johns was a college English major. His lengthy and detailed resume does not list a single course taken in history, any article written on an historical subject, or any indication that he is “an authority” on any historical subject.

Second, Mr. Johns does not meet the Secretary of the Interior's Professional Qualifications Standards for history. (Secretary of the Interior's Standards and Guidelines, “Professional Qualifications Standards”, available at http://www.nps.gov/history/local-law/arch_stnds_9.htm [as of Jan. 21, 2011]).

The Secretary's Professional Qualifications Standard for an historian are as follows:

The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one of the following:

At least two years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historic organization or agency, museum, or other professional institution; or

Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

As noted, Mr. Johns lacks the Secretary's threshold professional qualification of a college degree in history or “a closely related field.” His degrees are in English and law.

Mr. Johns does not meet the Secretary's second requirement. He does not have “two years of full-time experience ... with an academic institution, historic organization or agency, museum, or other professional institution.” Nor has he made any written contribution to “scholarly knowledge in the field of history.”

Finally, Mr. Johns fails to meet the Charter's final legal requirement, “specialized training and/or demonstrable experience in North American or Bay Area history.” His resume is silent on any training or experience on any historical subject. Mr. Johns served as President of the San Francisco Museum and Historical Society, as a member of the Mayor's Task Force on the San Francisco Mint, and as Vice President of the Museum of the City of San Francisco. The Prop J Committee is grateful to Mr. Johns for this service. Still, nothing in his resume suggests that in any of these part-time volunteer positions he engaged in any work as an historian, as opposed to occasional work in the nature of board membership, professional services, or fundraising, or that he gained any “demonstrable experience in North American or Bay Area history.” Even if Mr. Johns

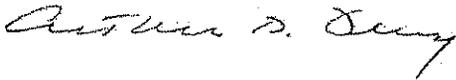
Hon. David Chiu
President of the San Francisco Board of Supervisors
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were to show that he did, he would still fail to meet the Charter's first and second qualifications for the Historian Seat, as explained above.

In closing, the citizens of San Francisco enacted Proposition J and gave it dignity as part of the City Charter. The Board has a legal responsibility to the City to follow, apply, and defend the Charter. The Board also has a financial responsibility to avoid actions that needlessly subject the City to litigation, waste the resources of the City Attorney's office, and expose the public fisc to financial liability to public interest litigants and their attorneys for private attorney general fees.

The Prop J Committee sincerely hopes and requests that the Board will abide by the Charter and reject Mr. Johns's nomination.

Respectfully submitted,



Arthur D. Levy

Enclosures
ADL:mna

cc: Cheryl Adams, Esq. (by email)
Dennis Herrera., Esq. (by email)
Angela Calvillo (by hand delivery and email)



Edwin M. Lee
Mayor

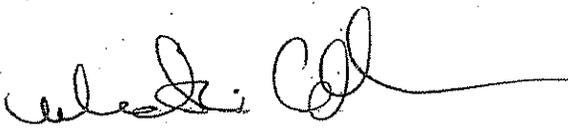
Micki Callahan
Human Resources Director

MEMORANDUM

DATE: January 20, 2011

TO: Honorable Members of the Board of Supervisors

THROUGH: Angela Calvillo, Clerk of the Board

FROM: Micki Callahan, Human Resources Director 

CC: Steve Kawa, Mayor's Chief of Staff
Gary Amelio, Executive Director, San Francisco Employees' Retirement System
Catherine Dodd, Executive Director, Health Services System

RE: **Overview of Benefits for City Employees**

I have prepared this memorandum with the assistance of my colleagues, Catherine Dodd and Gary Amelio, to provide you with an updated summary of employment benefits for City employees. We hope this summary will help simplify what is admittedly a rather complex benefit structure, and offer our ongoing assistance in answering any questions you may have regarding these matters.

Review of CCSF Employment Benefits

In addition to legislated benefits such as Workers Compensation, Unemployment Insurance, and Social Security, City employees receive health benefits through the Health Service System ("HSS"). Retirees receive retiree medical benefits through HSS and pension benefits from San Francisco Employees Retirement System ("SFERS") or from the California Public Employees Retirement System ("PERS"). A summary of what the City offers is provided below.

Health Benefits:

The Health Service System offers medical, dental and vision care benefits to eligible employee and retiree members and their dependents. As of July 1, 2009 there were 107,281 enrollees in HSS administered health plans. 76,922 (72%) were active employee members and their dependents. 30,359 (28%) were retired members and their dependents. By Charter HSS provides health benefits to employees and retirees of the City and County of San Francisco, SF Community College District, SF Unified School District, and SF Superior Court. (SFUSD and SFCCD use other providers for their own employees' dental benefits.)

Eligible dependents for health coverage include spouses, domestic partners, children (in most cases up to age 25) and disabled children beyond age 25. Dependents of deceased employees and retiree members can also continue coverage through their life times.

Eligibility typically terminates when a member leaves employment for reasons other than retirement. However, employees who are laid off from a permanent civil service position and become unemployed are placed on a holdover roster and may continue to receive employer-subsidized medical, dental and vision benefits for up to five years.

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The Charter requires the City to pay an amount for each employee's health benefits that is equivalent to the "ten county average" spent by the ten largest California counties. This guaranteed payment towards premiums is supplemented by dependent care coverage negotiated in each Memorandum of Understanding (MOU). Most MOUs provide that the City will pay 75% of the difference between the Kaiser employee-only rate and the Kaiser family rate. The employees are responsible for premium costs in excess of the City's maximum payment. This results in the City paying for, on average, 85% of health benefit costs, and the employee or retiree paying 15%.

Currently, this system results in a maximum City obligation of over \$15,170 per year per employee. A small number of MOUs have an alternative model, in which the City pays \$225/month to employees, regardless of whether they have dependents; TWU-250A (Transit Operators) is a notable example.

MEA employees and Unrepresented Managers (including elected officials) are also entitled to the "75% of Kaiser" formula. However, the Municipal Executives Association negotiated a "cafeteria plan" (governed by IRC Section 125) of "flex spending credits" in lieu of City-subsidized dependent coverage. These credits are allocated by the MEA member annually. Credits can be applied pre-tax and post-tax via from a list of options determined by MEA, including employee health premium contributions. This program is managed by Employee Benefit Systems, under contract with HSS.

Pension:

The City provides a "defined benefit" pension, in which the benefits are determined by a formula that uses the member's final salary, years of service and age at retirement. The City's miscellaneous (non-safety) employees receive benefits from SFERS under a "2.3% per year of service at age 62" formula. This means that an employee who retires at age 62 with 25 years of service will receive a pension equivalent to 57.5% of his/her final salary. Retirement eligibility begins at age 50 with a lower age factor of 1%. The maximum pension for miscellaneous employees is 75% of the employee's salary. The salary used in the calculation is that of the employee's single highest year of earnings for employees hired prior to July 1, 2010; however, for employees hired on or after July 1, 2010, the calculation is based on the employee's average of two highest years of earnings.

The majority of the City's safety employees receive a "3% at age 55" pension benefit through SFERS. However, the Deputy Sheriffs receive 3% at 55 benefits through PERS, and some other miscellaneous safety groups (e.g., District Attorney Investigators, Probation Officers, Juvenile Counselors) receive a lower "2% at 50" benefit through PERS. The maximum safety pension is 90% of salary.

Pensions are funded by a combination of employee contributions, employer contributions, and investment earnings. Employee contributions are set by charter at 7.5% of salary for employees hired on or after November 2, 1976, and at 9% safety members hired on or after July 1, 2010. However, the City may agree in negotiations to pay the employee portion on behalf of the employee—this is known as an "Employer-Paid Member Contribution," or EPMC. The City formerly had an EPMC in effect for almost every bargaining group, but beginning in 2006 these payments were discontinued in favor of wage increases. Only certain employees covered under the Unrepresented Ordinance, elected officials and several small miscellaneous safety groups still have an EPMC; and SEIU Local 1021 miscellaneous employees will resume paying their employee contribution on July 1, 2011.

The employer's required pension contribution is determined each year by the SFERS consulting actuary. The rate rises and falls based on the "normal cost" of providing the defined retirement benefit, adjusted for investment earnings or losses, amortization of unfunded actuarial liabilities and propositions, and expenses. The normal cost is the amount of money necessary to fully fund the plan on an actuarial basis for a year given the demographics of its members and the level of benefits provided. If, over time, investment earnings are booming—as they were in the late 1990s—the required employer contribution can be as low as zero. If, over time, investments are doing poorly, the required employer contribution may exceed the normal cost. The current employer cost is 13.56% of payroll, however it will increase to 18.09% in Fiscal Year 2011-2012 and is projected to reach 21.2% in Fiscal Year 2012-2013.

Finally, the City offers employees an optional defined contribution savings plan, known as a 457 plan. It is effectively the public sector version of a 401(k) plan. The City makes no contribution to this plan on behalf of employees.

Other Post-Employment Benefits

The City offers health benefits to qualified retirees and their dependents. The City pays for the employee portion (in the same way it does for actives) and for half of the dependent cost. Unlike defined benefit pensions, retiree health obligations are frequently unfunded. The Governmental Accounting Standards Board (GASB) now requires public employers to disclose their unfunded liability for retiree medical and other post-employment benefits. The City's unfunded liability is in excess of \$4 billion.

In an effort to address this obligation, in July 2008 San Francisco voters approved Proposition B, a charter amendment that increases the number of years of service required to qualify for retiree health benefits. Employees hired prior to January 10, 2009 receive full retiree medical benefits after five years of employment (the minimum service in order to draw a pension). Individuals hired after that date receive retiree medical benefits as follows:

- Access to benefits at retiree cost after five years of service
- 50% of retiree premium paid after 10 years
- 75% of retiree premium paid after 15 years
- 100% of retiree premium after 20 years

In trade for agreeing to restrict future employee retiree medical eligibility in this manner, during labor negotiations regarding Prop B the City agreed to include an increase in the pension formula from 2% at 60 to 2.1% at 60, increasing to 2.3% at 62.

Prop B also required that new employees pay 2% of salary to pre-fund retiree medical benefits, and that the City add 1% for these same individuals. This fund will address future costs, but is nowhere near sufficient to address the existing unfunded liability.

Other Miscellaneous Benefits

- Paid Time Off
 - Vacation – 2 weeks per year, which increases to 3 weeks per year after five years and 4 weeks per year after fifteen years

- Legal Holidays – 11 days per year
- Floating Holidays – generally 5 days per year, but varies by MOU (however, most employees receive an additional 12 floating holidays in Fiscal Years 2010-11 and 2011-12 in light of wage concessions)
- Sick Leave – 13 days per year
- Life Insurance – \$50,000 benefit negotiated in many of the City's MOUs.
- Long Term Disability – employer-paid benefit provided in most of the City's MOUs that provides coverage for up to two years.
- State Disability Insurance – employee-paid benefit that provides coverage for non-work related injuries.
- Catastrophic Illness – employees may donate sick and vacation pay to those employees with life threatening injuries or illnesses.



Edwin M. Lee
Mayor

Micki Callahan
Human Resources Director

MEMORANDUM

DATE: January 20, 2011
TO: Honorable Members of the Board of Supervisors
THROUGH: Angela Calvillo, Clerk of the Board
FROM: Micki Callahan, Human Resources Director 
CC: Steve Kawa, Chief of Staff to Mayor Lee
Anita Sanchez, Executive Director, Civil Service Commission
RE: **Overview of the City's Personnel Structure**

The purpose of this memorandum is to provide Members of the Board of Supervisors with a basic overview of how the City's human resources system works, the different authorities and overlapping jurisdictions responsible for personnel administration, and how employee rights and benefits are established pursuant to the merit system and collective bargaining process. Please let me know if you would like more detail on any elements of this overview, or if there is an area of interest that I have omitted.

Overview of Applicable Personnel Provisions

The City's personnel system is governed by a number of sometimes overlapping provisions of federal and state laws, the Charter, the Administrative Code, the Civil Service Rules, human resources policies and procedures set by the Department of Human Resources (DHR) and Memoranda of Understanding (MOU) with the City's labor unions.

The *Meyers-Milias-Brown Act (MMBA)*, codified in California Government Code §§ 3500, et seq., establishes the right of local government employees to unionize and obligates their employers to meet and confer with unions over wages, hours and other terms and conditions of employment. The Public Employment Relations Board enforces the MMBA and processes charges of unfair labor practices submitted by unions and public employers.

The *City Charter* defines the authority of various agencies in personnel issues, including DHR, the Civil Service Commission, the Municipal Transit Agency (MTA), the Retirement System, the Health Service System, the Board of Supervisors and the Mayor. There are four different Charter sections covering labor negotiations and interest arbitration, with slightly different rules governing each. The Charter also contains provisions on discipline and leave.

Ordinances passed by the Board of Supervisors also affect human resource management, including the Annual Appropriation Ordinance (budget), Annual Salary Ordinance (position authority) and the Employee Relations Ordinance (implements union recognition and representation and other provisions of the MMBA).



The City currently has 33 *MOUs*, which are negotiated by DHR and approved by the Board of Supervisors (all *MOUs* are located on the DHR website at <http://www.sfdhr.org/index.aspx?page=54>). *MOUs* cover salaries, benefits (to the extent they are not set by the Charter or Administrative Code), and a wide range of other issues related to wages, hours and working conditions. Over 99% of City employees are covered by *MOUs*. Disputes over alleged violations of the *MOUs* are resolved through the various *MOU* grievance procedures.

Civil Service Rules are adopted by the Civil Service Commission to administer the merit system (all *Civil Service Rules* are located on the Commission's website at www.sfgov.org/civil-service). The Rules include complex provisions with detailed procedures on examinations, appointments, status and status rights, probationary periods (but not duration), appeals, classifications, certifications, leaves of absence, fitness for duty, layoffs and dismissals. There are four volumes of rules covering miscellaneous employees, police, fire and service critical employees at MTA. The Charter gives the Civil Service Commission sole discretion to adopt or revise the Rules and all policies and procedures related to those Rules.

DHR issues policies and procedures interpreting and implementing the *Civil Service Rules*, *MOU* provisions and other matters. Individual departments may also develop rules specific to their own circumstances.

Entities with Jurisdiction over Personnel Matters

Civil Service Commission: The Civil Service Commission sets rules governing hiring and promotion processes, job classification, layoffs and reinstatement, and certain benefits such as sick leave. The Commission reviews and approves departmental requests for Personal Service Contracts ("contracting out") that fall under its purview. The Commission also hears appeals of actions by the Human Resources Director, such as determinations regarding discrimination and harassment complaints, approvals of classification actions, and restrictions on future employment for terminated employees.

Department of Human Resources: The Charter designates DHR as the central personnel department for the City, with responsibility for the management and administration of all personnel matters, "including, but not limited to, authority to recruit, select, certify, appoint, train, evaluate, promote career development, classify positions, administer salaries, administer employee discipline, discharge, and other personnel activities in order to maintain an effective and responsive work force." DHR is responsible for all meet and confer (collective bargaining) processes involving City employees.

Mayor's Office: DHR operates under direction from the Mayor's office as to budgetary, labor negotiations, and City human resources policy matters.

City Departments and Department Heads: Administrative Code Section 2A.30 generally outlines a Department Head's responsibility as the "appointing officer" for hiring, disciplining and removing employees of the department as necessary to carry out the mission of the department for which he or she is responsible. Although DHR sets City-wide human resources policies and procedures, many of the City's larger departments have their own decentralized human resources staff who are responsible for personnel and payroll matters of the department in accordance with those established policies and procedures (e.g., the Public Utilities Commission, the Department of Recreation and Park, the San Francisco International Airport, etc.).

Municipal Transportation Agency (MTA): Under Proposition E, passed by the voters in November 1999, the MTA was granted autonomy to administer personnel matters for its "service critical" employees, including independent responsibility for classification, compensation, equal employment opportunity, and labor negotiations. Negotiations for non-service critical classes are conducted by DHR; however, MTA conducts its own negotiations with unions representing all service critical classes, and those agreements are codified in separate MOUs between the affected unions and the MTA.

San Francisco Unified School District (SFUSD) and Community College District (CCD): SFUSD and CCD are independent non-City agencies. They have autonomous governing bodies, budget authority and missions and have independent statutory authority to negotiate labor contracts. However, all non-teaching positions in both districts are subject to the City's merit system. Classification, testing, appointment status, leaves and other merit system matters are regulated and administered by DHR and the CSC, just as in most City departments. Structurally, MTA has more autonomy over personnel administration than does either District.

MOUs and Collective Bargaining

Overview of Collective Bargaining in San Francisco

The City is required to meet and confer (negotiate) in good faith before changing or affecting any working condition within the scope of bargaining (i.e., any matter relating to employment conditions, including but not limited to wages, benefits, terms and condition of employment) during the term of an MOU (labor agreement). The City is also prohibited from implementing a change that would violate the terms of an MOU.

The City is not required, however, to meet and confer over the merits, necessity or organization of any service or activity provided by law or executive order—known as "management rights" (e.g., nature and extent of services to be provided, etc.). For example, the City is not required to bargain about its decision to lay off its employees, but it is required to meet and confer in good faith over the impact of layoffs. As indicated below, the Charter also prohibits the City from including certain topics (known as "carve-outs") in the MOUs.

The City has 37 unions representing its approximately 26,000 employees covered by 33 MOUs. The City's larger unions include:

Union	Approx # of Employees	Types of Employees
SEIU, Local 1021 Miscellaneous	10,000	Miscellaneous (e.g., custodians, secretaries and Recreation Directors) and healthcare employees
IFPTE, Local 21	4,500	Professionals, engineers, IT staff, Board Aides, etc.
SEIU, Local 1021 Registered Nurses	1,500	Registered Nurses, Nurse Practitioners, etc.
Municipal Executives' Association	1,100	Managers
Crafts Coalition (a coalition of 20 unions—includes the 15 unions covered by the consolidated Crafts MOU; Electrical Workers, Local 6; Plumbers, Local 38; Stationary Engineers, Local 39; Operating Engineers, Local 3; and Automotive Machinists, Local 1414)	2,300	Craft and Trade specialty positions (e.g., plumbers, carpenters, electricians and building inspectors)
Laborers, Local 261	1,070	General Laborers
Transportation Workers' Union, Local 250-A (9163)	2,000	Transit Operators (NOTE—MTA negotiates this contract without DHR participation pursuant to Charter Section A8.404 as explained above)

Police Officers' Association	2,600	Police Officers, Inspectors, Sergeants, Lieutenants, Captains, etc.
Firefighters' Union, Local 798	1,730	Firefighters, Paramedic/Firefighters, Lieutenants, Captains, etc.
Deputy Sheriffs' Association	930	Deputy Sheriffs, Chief Deputy Sheriff, etc.

Appendix A of the Charter (Section A8.409 for miscellaneous employees, Section A8.590 for safety employees and Section A8.403 for nurses) spells out the City's obligation to bargain in good faith and impasse resolution procedures. For most groups, if the City is unable to reach agreement on its MOUs, the City is required to submit issues in dispute to interest arbitration for a binding ruling by an arbitrator.

Roles and Responsibilities

"The Mayor through the Human Resources Director or his/her designee and in consultation with the Board of Supervisors shall be responsible for [labor negotiations]." *Charter Section 11.100*

- Mayor - provides policy and operational direction for bargaining.
- Board of Supervisors - provides input as to policy, and approves MOUs (reached through agreement, arbitration award or mediated settlement) and settlement agreements.
- DHR/ERD - represents the Mayor in all collective bargaining subjects and processes.
- City Attorney - assists ERD with City-wide labor negotiations, provides legal advice, handles arbitrations and approves MOUs as to form.
- Departments - provide input, participate in bargaining, administer contract provisions.
- Controller - assists with costing, research and data.
- Mayor's Budget Office – assists with costing, research and data, vetting proposals from the union, and establishes economic parameters for bargaining.
- Other Stakeholders – Civil Service Commission, Health Service System, Retirement System, the Payroll and Personnel Division of the Controller's Office and MTA.

Terms and Conditions of Employment Not Established Through Collective Bargaining
Carve-Outs

The Charter permits negotiation of most terms and conditions of employment, except for retirement plans, health plan structures, vacation accrual rates and certain matters related to the merit system, referred to as "civil service carve-outs." Examples of civil service carve-outs include maintenance of the classification plan, status rights, administration of eligible lists, examinations, sick leave accruals, probationary periods (except for duration) and appointment types—these matters are governed by the Civil Service Rules.

Eligibility for Overtime

The Fair Labor Standards Act (FLSA) establishes minimum wage and overtime pay standards for employees in both the private and public sectors. Employees whose jobs are governed by the FLSA are either "exempt" or "nonexempt." Nonexempt employees, accounting for about 80% of City employees, are eligible for overtime pay at the rate of one and one half times the hours required to work in excess of forty hours per week. With certain restrictions, public employees may receive compensatory time off in lieu of overtime pay. FLSA-exempt employees are only eligible for compensatory time (also at a rate of one and one half times the hours worked in excess of forty hours per week).

An employee's FLSA status is based on his or her classification. Under the FLSA, there are three factors that determine whether a classification is FLSA-exempt: 1) the rate of pay; 2) whether he or she is paid on a salary basis; and 3) whether the employee performs exempt job duties ("executive," "professional," or "administrative"). For example, all of the City's attorney and management classifications are FLSA-exempt. FLSA-exempt classes are designated with a "Z" symbol in the City's Compensation Manual, located on the DHR website at <http://www.sfdhr.org/Modules/ShowDocument.aspx?documentid=2118>.

Some MOUs provide for overtime payments or compensatory time off beyond that which is strictly required by the FLSA. Such overtime payments are known as "MOU overtime." In recent years the City has attempted to reduce MOU overtime and compensatory time off provisions, to more closely reflect the FLSA standard.

Exempt, Permanent Civil Service and Provisional Status

Exempt Appointments

Article X of the Charter requires that all City employees be appointed through a competitive examination process unless exempted from civil service selection, appointment and removal procedures. There are nineteen categories of Exempt employees, including but not limited to: department heads and elected officials, department heads' executive assistants and confidential secretaries (only one of each is allowed per department head), deputy directors, commissioners, attorneys, temporary and seasonal employees (also referred to as "as-needed employees," limited to 1040 hours in a fiscal year), and employees working on special projects with limited term funding (limited to three years).

Exempt employees are at will and therefore serve at the pleasure of the appointing officer. Further, Exempt employees are not entitled to displace ("bump") less junior employees in their classification during layoffs, and in turn also cannot be displaced by more senior employees in their classification.

Permanent Civil Service Appointments

Employees who are certified and appointed from an eligible list established through a competitive examination process have Permanent Civil Service (PCS) status. Most City employees are PCS, which means that they must complete a probationary period and can only be removed for cause. During layoffs, PCS employees may have the right to displace other PCS employees in their classification based on Citywide seniority in accordance with the Civil Service Rules, or to "reinstate" to a previous underlying PCS position in a lower classification. In the event that they have no placement rights following a layoff or displacement, PCS employees are placed on a holdover roster for five years, during which time they have a right to any vacancy in their classification based on seniority in accordance with the Civil Service Rules.

Provisional Appointments

By Charter, employees may be hired provisionally in the event that DHR has been unable to conduct an examination for a classification, such that there is no current eligible list. Departments must receive approval from DHR to make a provisional appointment, and DHR requires departments to undertake a competitive selection process in making provisional appointments. Provisional appointments generally may not exceed three years. Provisional employees do not have preference over others in the filling of permanent civil service vacancies.

Classification Plan

Each City job classification has a unique title and Job Code (e.g., 1835 Legislative Assistant), and a job specification that describes the minimum qualifications and general duties of employees in the classification.

Each classification is assigned to a pay range, and in most cases, a five-step salary progression on which employees advanced based on years of satisfactory service. All classes, job descriptions, pay rates, and bargaining unit (union) assignments are found on the DHR web site under "Classification and Compensation" (at <http://www.sfdhr.org/index.aspx?page=32>).



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: request to immediately rescind Botanical Gardens admission fee - no legal contract governing its collection

From: Anmarie Mabbutt <tenniselement@yahoo.com>
To: board.of.supervisors@sfgov.org
Cc: mmckechnie@sfbg.org, brent.dennis@sfgov.org, ben.rosenfeld@sfgov.org, ross.mirkarimi@sfgov.org, recpark.commission@sfgov.org, phil.ginsburg@sfgov.org, eric.mar@sfgov.org
Date: 01/21/2011 11:31 AM
Subject: request to immediately rescind Botanical Gardens admission fee - no legal contract governing its collection

Dear Board President
Chiu and the rest of
the Board of
Supervisors,

Please include this
letter as part of the
correspondence for
the next full meeting
of the Board of
Supervisors.

I respectfully request
you consider an
immediate halt to the
collection of any
admissions fee for the
San Francisco
Botanical Gardens.
Currently, no legal
contract or agreement
exists governing its
collection - no legal
obligation or written
agreement of any kind
that requires the
Society to properly
report and/or deposit
the funds collected.

According to Article 3
- Term - Section 3.1
of the "grant
agreement" executed
by General Manager
Phil Ginsburg and
Botanical Garden

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Society Director
Michael McKechnie
last summer that was
intended to govern the
terms of the operation
of the fee collection
program - **"This
Agreement shall be
effective when the
Controller has
certified to the
availability of funds
in Section 2.2 and
has notified Grantee
thereof in writing."
The Controller has
confirmed in writing
that no such
certification has
ever been provided.**
Thus there is no
"grant agreement" or
written contract of any
kind governing the
collection of this new
admissions fee by the
Botanical Garden
Society.

Furthermore, the
**Botanical Garden
Society is occupying
portions of the
County Fair Building
and the Botanical
Gardens under the
terms of a lease that
was issued in clear
violation of Section
16.112 of the City
Charter** - no public
hearing was held and
no notice of public
hearing published
prior to the approval
of this lease. This
lease appears to be a
gross
misappropriation of
public property, a
mass giveaway of
public park space
without the statutorily
required prior public
review.

Since March 1, 2002, for \$1/year, the Botanical Garden Society has been leasing 1127 square feet of office space in the County Fair Building and the Library Building, 84 square feet for a visitor orientation center and bookstore, 1378 square feet of library space in the Helen Russell Crocker Horticultural Library and 1680 square feet of horticultural space in the Gardens.

All total, the Recreation & Park Commission approved, without the required public hearing, a lease of 4,269 square feet of public park space and facilities for \$1/year to the Botanical Garden Society. No matter how the "public interest" is defined, there appears no way that this lease has served the best interests of the public. During the nine years of this lease, the Botanical Garden Society has paid \$9 to occupy over 4,000 square feet of public park land and facilities to generate profits in excess of one million dollars.

According to the Society's 2009 federal tax return, the Society earned \$2,242,450 in revenue off of the gardens, \$296,795 in

revenue off of education and youth outreach activities and \$230,840 from library operations. How? On what authority and under what fee structures did the BGS generate annual revenues in excess of \$3 million off of this public park land? Any payments for rental of and/or special events at the gardens or the County Fair Building are paid to the Department not the Society.

Finally, the Botanical Garden Society is currently occupying this public property under the extension portion - Article 26, Section 26.1, of the original Lease agreement but the Society never requested the extension as required by the agreement. At the expiration of the lease's original term, it appears the Society continued to occupy the premises without ever submitting a request for extension of the lease terms. **On January 20, 2005, the Society made a \$320,000 gift to the Department that was never reported or approved by the Board of Supervisors as required by Section 10.100-305 of the Administrative Code. Six weeks later, the RPD General Manager Yomi Agunbiade**

**issued a letter
providing for a
seven year
extension of the
Society's lease.**

In all, it appears the Botanical Garden Society has donated and the San Francisco RPD has accepted more than \$2.5 million in cash and in kind gifts without ever seeking or receiving the approval of the Board of Supervisors as clearly required by Section 10.100-305 of the Administrative Code. The lease to the Botanical Garden Society expires on February 28, 2011. Please reject any efforts to issue a new lease to the Society.

Thank you for your time.

Sincerely,

Anmarie Mabbutt



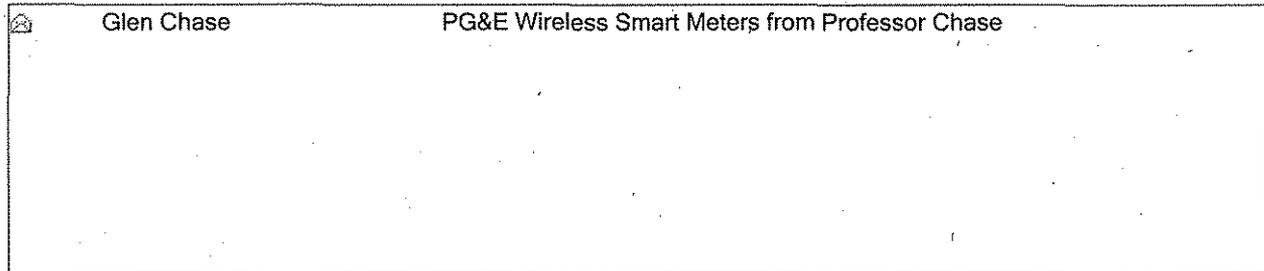
PG&E Wireless Smart Meters from Professor Chase

Board.of.Supervisors, John.Avalos, David.Chiu,

Glen Chase to: Malia.Cohen, Mark.Farrell, Eric.L.Mar,
Scott.Wiener, David.Campos, Carmen.Chu,

01/24/2011 01:26 AM

Cc: Glen Chase



1 attachment



Santa Cruz 2011 Ordinance.pdf

Angela Calvillo, Clerk of the Board - please distribute to complete Board of Supervisors, Supervisor aides, County Council and yourself.

Thank you!

To: San Francisco County Board of Supervisors

From: Professor Glen Chase

Re: PG&E Wireless Smart Meters

Date: 1/23/2011

Dear Supervisors,

PG&E has deceptively associated their WIRELESS meters with the advantages of an improved grid, a smart grid and smart meters.

1. NO EIR. Even though this program may represent the largest new technology deployment in California's history, no Environmental Impact Report (EIR) was done.

PG&E claims CEQA EIR exemptions (15301b, 15302c) that refer to exempting minor utility meter modifications. However, CEQA law does not exempt adding a transmitting antenna and a receiving antenna to 10 million homes, essentially turning every home into a broadcast station in addition to changing the meter. The

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antennas are housed within the enclosure of the utility meter, but functionally no different than mounted to the roof of each home and no less Environmental Impact.

2. THE PROGRAM. The original PG&E "Smart Meter" program was approved for \$1.7 Billion in July, 2006, but the meters were approved as WIRED meters with the information being transmitted through the power lines.

In March, 2009, PG&E went back for a rate increase of nearly 1/2 Billion. This \$.5 Billion + the original \$1.7 Billion gets you the current advertised \$2.2 Billion program.

However, and without scrutiny, PG&E ALSO SWITCHED THE METERS FROM WIRED TO WIRELESS during this rate increase request when relatively no one was watching or suspecting such a change. This explains why the current challenge against PG&E is not many years later, but as soon as it was realized the wireless consequences that this changed program now imposes.

3. The Federal Smart Grid Program does NOT mandate WIRELESS meters on homes.

- Wireless creates most all problems: electrical interference, potential hacking of signal information, fires, and health risks.

- Wired Smart Systems eliminate these unnecessary problems and they have been successfully implemented in Europe and the U.S.

- PG&E (not the CPUC) chose Wireless due to financial benefits they realize from (1) eliminating thousands of jobs with \$ savings not shared with customers and (2) the capability to shut off customer utilities remotely.

4. The 'Grid' is the physical infrastructure that carries electricity from place to place throughout the country. The U.S. grid is in need of significant maintenance and improvements as are bridges and other infrastructure in the U.S.

'Smart' (grid) implies controlled by computer system programs rather than manually by operations personnel. PG&E has intentionally blurred the distinction between 'Wireless' and 'Smart' and 'Grid' and associated their inferior Wireless meters with the potential advantages of an improved grid and a smart grid.

5. Industry news has vehemently criticized PG&E for misrepresenting the value of Wireless Smart meters to the public and for strong-arming customers. Industry wants the grid updated and they want it smart due to the many product opportunities that could compliment a smart grid.

Industry is concerned that PG&E misrepresenting the value of Wireless meters to customers could turn them against the smart grid and impede that program.

6. PG&E Wireless smart meters do NOT give customers information that they can use to save energy or lower their utility bills, contrary to PG&E claims.

PG&E Wireless smart meters do NOT give customers Real-Time (right now) information. PG&E wireless meters only give PAST information, typically yesterday's information. And customers must go on line to access it and look at bar graphs in 15-minute segments. Whether the information is yesterdays or even 15 minutes ago, it is worthless to customers. Imagine your speedometer giving you information from 15 minutes ago or from yesterday.

People are more accustomed to using monthly utility information that is on the same schedule as their bill paying to attempt to conserve energy. If people are educated on how to completely shut off appliances, TV's and Computers and the relative power usage of each, then they can reduce energy usage.

7. Wireless Smart Meters are transmitting almost constantly 24 hours per day, every day, NOT just for a 45 second period of the day as PG&E claims.

Pulsed signal transmission radiation (the type emitted by WIRELESS smart meters) is considerably more of a concern than steady signal transmissions. The pulsed bursts from PG&E Wireless meters are approximately two thousandths of a second in duration.

There are approximately 25,000 or more pulsed signal radiation transmissions per day from each meter attached to each home. Rather than admitting this massive number of signal transmissions occurring, PG&E represents their transmissions occurring only during a 45 second period each day, to appear trivial as a small part

of the day.

About 15 signal transmissions are actually occurring every minute, 24 hours per day. But PG&E adds only the two thousandths of a second length of each transmission to get the total transmission time of 45 seconds.

That is equivalent to the following: If a person experienced a massive 24 hour aerial bombing of their city with 25,000 bombs dropped in their immediate proximity, PG&E would call that only a 45 second bombing since the detonation time of each bomb is only two thousandths of a second.

8. PG&E reveals only average signal radiation (not peak) of their Wireless meters.

In the above bomb example, this would average the explosion impact of the bombs calculated for only 45 seconds per day with NO impact during the other 23 hours, 59 minutes and 15 seconds (or 86,355 seconds) of the day. The average impact of such a thing would be something in the range of a light breeze.

That would thoroughly misrepresent the true impact of the 24 hour bombing raid, and that is the method that PG&E uses to misrepresent their Wireless meters.

9. PG&E claims their Wireless meters put out a signal and associated signal radiation that is small. Yet, the Wireless meter manufacturers claim that the meters are sufficiently strong to send signals through mountains.

10. Highly qualified, unbiased, independent, world renowned scientists have observed cell damage, DNA chain breaks and breaches in the blood-brain barrier in laboratory tests in both test tubes and lab rats. These tests have been repeated in other laboratories in other countries with the same results. Nearly a dozen of these scientists reported their findings and those of colleagues at the Commonwealth Club in San Francisco Nov 18, 2010.

The results of these tests have been written into articles, peer reviewed and placed in prestigious peer reviewed Science Journals. This, and other related information, is being used by countries in Europe and some municipalities in the U.S. as they move from Wireless to WIRED systems or choose Wired over

Wireless for their utility meter transmissions (Italy- 27 million wired utility meters, Indiana Electric, EPB Tennessee, Kennebunk Maine) and internet system connections in their schools (Switzerland, France), etc. To my knowledge, no country in the world is changing from a Wired system to a Wireless system.

Other scientists, predominantly those in or supported by the Wireless industry, are saying they didn't find the damage and it is not proven. Their statement is also correct because little if anything in this world can be proved to 100% certainty. It appears to me that they are requiring greater confidence levels of proof for damage from pulsed signal radiation than for other potential dangers that already have public health precautions.

A student of mine characterized it as follows: If a few honest people say they found your lost wallet and show it to you, that has more weight than a few dozen others who said they could not find it.

There is also still the determination of whether the damage that occurs to cells in test tubes and to the brains of rats results in damage to humans. It seems that it would and epidemiology studies support that it does. But to know for sure it will likely take more years to determine at a 99.999% certainty level and even more years to determine the complete extent of the damage, if that can ever be completely known.

At this time, the likelihood of damage following these and other tests are sufficient to limit the public's exposure, particularly in situations where wired alternatives exist. And forced installation against people's will seems quite inappropriate.

11. The California Council of Science and Technology (CCST) January 2011 Report does NOT say that Wireless smart meters are safe. Be careful of some media headlines.

The CCST Report says quite clearly that further study is needed on the non-thermal impacts of RF radiation on humans.

Given the political and funding relationships of CCST members and the Wireless industry, this CCST report conclusion is a tremendously strong statement and warning regarding required public policies.

12. There are further deceptive statements and inaccurate representations of this WIRELESS meter program that PG&E has made. But I have covered a lot already in this one communication, and so I will complete at this time and offer that you

please contact me if you have any questions or would like to speak to me regarding this program.

RECOMMENDATION. I encourage you to read the ordinances of the City of Watsonville, Fairfax, Santa Cruz County (attached) and Marin County against PG&E Wireless meter installations, do your own investigation and pass a similar ordinance of your own.

13. VIDEOS. I have also included below links to some short Videos that contradict PG&E on subjects described in the title of each video. Also included below is the Video of the Commonwealth Club event referenced above in #8.

*My Background: I am a Professor of Systems Management specializing in Environmental Economics and Statistics. I integrate uncertain information from complex sciences in developing Management Systems that need to operate now, without waiting for a higher degree of certainty some time in the future.

I served as an Associate Professor teaching graduate level courses in Systems Management at USC for eight years. I have taught at multiple universities in the Central Coast area, including The Naval Post Graduate School, The Monterey Institute of International Studies and Cal State University, Monterey Bay. I also consult to industry.

If you have any questions or want to speak with me directly, please contact me. I am located in Santa Cruz, California.

Please send an email confirmation to me that you have received this email communication.

Thank you.

Professor Glen Chase
glenchase@aol.com

Attached: Santa Cruz County Urgency Moratorium Ordinance - Wireless Smart Meters

VIDEOS referenced in #13 above:

A. Insurance Companies Won't Insure Wireless Devices Due To Health Risks (3 minutes, 13 seconds)

<http://eon3emfblog.net/?p=382>

B. Microwave radiation dangers in our home (6 minutes, 20 seconds)

<http://www.youtube.com/watch?v=aAnrmJ3un1g>

C. Truth about Smart Meters - Dr. Karl Maret, MD, Biomedical Engineer (Dr. Maret's presentation begins at 23:40 on the video telecast).

<http://www.communitytv.org/programs/online/truth-about-smart-meters>

D. Radiation Measured From Smart Meter Mounted On A Home (6 minutes, 21 seconds)

<http://www.youtube.com/watch?v=uRejDxBE6OE>

E. Skyrocketing Utility Bills after smart meter installation (3 minutes, 19 seconds)

<http://www.bakersfieldnow.com/news/63581287.html?tab=video>

F. Top EMF scientists in the world reporting at the Commonwealth Club in San Francisco on Nov 18, 2010: cell damage, DNA breaks, blood/brain barrier breaches, etc.

<http://electromagnetichealth.org/electromagnetic-health-blog/cc-video/>

Cassandra's

Diary

BY

2010 JAN 24 PM 3:20

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

Larry ELLISON & the American Cup—A Fiasco in the making for S.F. Taxpayers.

The Port of S.F should do a little homework on the elitist Larry Ellison and his not so generous pocket giving's to the people of S.F.

How generous is this man from ORACLE, and how much will come out of his own pocket should be investigated by the various S.F. Watch-dog, Supervisors, S.F Port Authority Members, etc.

Just interview a few hundred of his employees in secret and you'll find this Midas whose touch only runs into his own pockets, has not given a yearly bonus or raise for five years to most of those at his Redwood City based ORACLE Corp...Generous is not an easy word to come by when alluding to this man who wants the S.F. Taxpayers to foot his elitist America Cup play-toy'

The S.F. Port Commission Members must secure the validation of the citizens of S.F. before it commits itself and our financial support to those shadowy figures who bank themselves in the fog of non-disclosure along the Embarcadero, plus those self interest developers and individuals seeking to control the Brannan Street Warf areas of development...This could be the biggest Con Game since the sale of the Brooklyn Bridge...

The so-called "City Family" are ripe for the pickings.

While kidnapped children have the Amber Alert, the Mission Bay Citizens Advisory Group should be alerted to the kidnapping of this very valuable Port Property by self-dealing individuals....

San Franciscans-wake up...Sound the alarm...Man the boats before we San Franciscans are pulled under the bay waters in greater debt...We are not the unsinkable Molly Brown Mr. Ellison, so put your money where you want us to put ours..

CASSANDRA

13

Overturn San Francisco's Discriminatory Sidewalk Sitting Ban

Janie Massey

to:

Board.of.Supervisors

01/20/2011 11:47 PM

Please respond to Janie Massey

Show Details

Security:

To ensure privacy, images from remote sites were prevented from downloading. Show Images

Greetings,

As you know, after the San Francisco Board of Supervisors voted 8-3 against a measure to ban sitting on city sidewalks in June 2010, Mayor Gavin Newsom took Proposition L, better known as the sit-lie ordinance, to the ballot.

Supporters, especially businesspeople in the Haight-Ashbury neighborhood, said it would curb loitering and aggressive panhandling. But since the police acknowledge that enforcement will be "complaint-driven," opponents are sure it will be unfairly used against homeless people.

Penalties for repeat offenders include 30-day jail sentences and \$500 fines. Officials can go ahead and add to that jail sentence, since \$500 might as well be \$1,000,000 for many of the city's homeless. It makes no sense to put people in jail, costing taxpayers money, because they can't pay a fine.

Please take action once again to end this discriminatory sidewalk sitting ban.

Janie Massey
Danielsville, GA

Note: this email was sent as part of a petition started on Change.org, viewable at www.change.org/petitions/view/overturn_san_franciscos_discriminatory_sidewalk_sitting_ban. To

respond, email responses@change.org and include a link to this petition.



14



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: initiating demolition of a national eligible site.....(image) - A.Goodman

From: Aaron Goodman <amgodman@yahoo.com>
To: board.of.supervisors@sfgov.org
Cc: linda.avery@sfgov.org
Date: 01/15/2011 01:27 AM
Subject: initiating demolition of a national eligible site.....(image) - A.Goodman

SF Planning Commissioners, SF Historic Preservation
Commisison, SF Board of Supervisors.....

The saddest part of the hearing on January 13th, 2011 SF
Planning Commission hearing, was that there was little
discussion of the VALUE of the landscape design present.

If we price artwork of master-class artists, and even architects
sketches and models as monetary instruments. Why is there
ZERO assessed value to the landscape of Parkmerced, and the
loss of this to the people who live there. Thomas Dolliver
Church was a "master-class" landscape architect... Let that sink
in to your heads for a moment and perhaps look at the attached
photo image of just ONE of the individual courtyards there that
differ like night and day in there simple, utilitarian, design. There
is the educational value, the material cost value, the
environmental principle value of preservation, all ignored by the
current zombie-like approval process occuring on this
project. The CBRE report glazes over this in as much of a state
of ignorance as the SFSU-CSU Masterplan and Parkmerced
Vision projects combined.

The value of this landscape is PRICELESS , to see no-one in
city government willing to step up and question the issue of its
destruction in the feeding frenzy of agencies supporting its
division, transit intrusion, CSU impact, and complete
destruction, makes me feel like the lorax speaking for the trees.

When you demolish this space, this landscape, and this cultural
landscape, there is no going back... you are not only ignoring
the landscape but the people that inhabit it and for whom it was
built prior, as essential housing, social housing, and needed
scaled down neighborhood and community publicly accesible
park...you ignore the past and its ability to inform, as much as
the future and its ability to work with and alongside existing
buildings, and you leave little in your destructive path but profits,
and tax benefits, pro-forma spread sheets, and pathetic 1
minute speaking times which consistently erode the public
process input, and need for proactive community based
planning for our cities housing needs.

Garden's are for People, a book by Thomas Dolliver Church

that sadly not one of you seem to have read.....and even more
sadly ones that you do not seem to comprehend....

aaron goodman
amgodman@yahoo.com



pm_block42.JPG



Re: Winter Spare the Air Alert - Monday, January 17, 2011

gatewaytenants to: enviroflash, board.of.supervisors,
ross.mirkarimi, matierandross, eric.l.mar

01/19/2011 05:48 AM

gatewaytenants *This is a joke with Kokkari Restaurant @ 200 Jackson 94111. They bu*

This is a joke with Kokkari Restaurant @ 200 Jackson 94111. They burn all day (massive fireplace) and throw a few "shrimp on the barbie" to (sic legally) excuse their 24/7/365 ravaging of the environment. The avoidance threshold is too low. HELP!

On 1/16/2011 2:16 PM, Spare the Air wrote:

- > Winter Spare the Air Alert - Monday, January 17, 2011
- >
- > The Bay Area Air District has issued a Winter Spare the Air Alert for Monday, January 17, 2011, which bans wood burning both indoors and outdoors through tomorrow morning.
- >
- > Air quality in the Bay Area is forecast to be unhealthy. It is illegal for Bay Area residents to burn wood in fireplaces, wood stoves and inserts, pellet stoves, and outdoor fire-pits. This wood-burning ban will be in effect for Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southern Sonoma and southwestern Solano Counties.
- >
- > You will receive an AirAlert email each day that a Winter Spare the Air Alert is in effect.
- >
- > Winter air pollution is mainly caused by tiny particles, or soot, from wood smoke. Smoke from wood-burning fires is linked to illnesses such as asthma, bronchitis and lung disease, and is especially harmful for children and the elderly.
- >
- > For more information about the Wood Burning Rule, or to check before you burn, visit www.sparetheair.org or call 1-877-4-NO-BURN.
- >
- > You can also call 1-800-430-1515 and register to receive automatic phone calls when a Winter Spare the Air Alert is in effect.
- >
- > To see the current air quality forecast, visit www.sparetheair.org.
- >
- > Thank you for doing your part to Spare the Air!
- >
- > This AirAlert is provided by your Bay Area Air Quality Management District.
- >
- >
- > Do not reply directly to this email. If you want more information on the air quality forecast, or other aspects of the local air quality program, please contact your local air quality agency using the information above. For more information on the U.S. EPA's AIRNow Program, visit <http://www.airnow.gov>

16

.

> To unsubscribe or edit your EnviroFlash account:

<http://www.enviroflash.info/unsubscribe.cfm?id=1B075359-5FE0-45DF-9128-5B157CD>
BF87C

>

> This message is compliant with the federal Can Spam Act of 2003 (Public Law
108-187)



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Would Chief of Department Jerry Brown reduce this number of cell phones in the SFFD to 30? Jim

From: JAMES CORRIGAN <marylouc@mac.com>
To: board.of.supervisors@sfgov.org
Cc: Sean Elsbernd <Sean.Elsbernd@sfgov.org>, John Avalos <John.Avalos@sfgov.org>, Carmen.Chu@sfgov.org, Jane.Kim@sfgov.org
Date: 01/18/2011 09:11 PM
Subject: Would Chief of Department Jerry Brown reduce this number of cell phones in the SFFD to 30? Jim

Dear San Francisco Board of Supervisors:

As a baby step in managing next year's budget, I recommend that the number of cell phones in the San Francisco Fire Department be reduced from 60 to 30.

Sincerely yours,

James Joseph Corrigan

January 18, 2011

Dear Sir:

In response to your e-mail from Friday, January 14, 2011, the Fire Department does utilize cell phones for various divisions within the Department. These include Operations, Support Services, and Fire Prevention.

The Fire Department has approximately 60 assigned phones that are paid for through the General Fund budget.

Sincerely,

Joanne Hayes-White
Chief of Department

Gov. Brown strips cell phones from state employees

Marisa Lagos, Carolyn Jones, Chronicle Staff Writers
Wednesday, January 12, 2011

(01-11) 18:40 PST Oakland -- Gov. Jerry Brown issued his first executive order Tuesday, taking aim at a convenience that wasn't in vogue the last time he was the state's top official: cell phones.

The governor ordered state agency and department heads to collect half of the approximately 96,000 state-issued cell phones used by public employees, a move he said will save California at least \$20 million a year. Brown also plans to return his own state-issued cell phone, said Evan Westrup, a spokesman for the governor.

Each cell phone costs an average of \$36 a month, according to the governor's office.

"It is difficult for me to believe that 40 percent of all state employees must be equipped with taxpayer-funded cell phones," Brown said in a statement. "The current number of phones out there is astounding."



NFL Playoff Sundays and Fire Safety in San Francisco.
JAMES CORRIGAN to: board.of.supervisors

01/17/2011 10:02 AM

History: This message has been forwarded.

View: (Mail Threads)

Dear San Francisco Board of Supervisors:

On NFL Playoff Sundays, do 40 of our firehouses send out firefighter shoppers in their private automobiles to buy Brunch, so all the others can watch the football game on TV?

For many years, in the interest of Public Safety, the SFFD at least proffers that all firehouse shopping must be done with the rigs. In this way, the Emergency vehicles are able to respond to a life-and-death emergency with a **full crew**.

But , c'mon, yesterday was NFL playoff Sunday.

This female firefighter shopped along with me on Sunday morning, January 16, 2011, and loaded up her Mustang GTO to take the Brunch menu back to her emergency unit camped out in front of the TV.

Whether it was one emergency vehicle or 20 SFFD emergency vehicles running short-handed, it's a most dangerous game to place creature comforts of S.F. firefighters over Public Safety.

Jim Corrigan









Muni Service Theft.

Larry Caruso

to:

Carmen Chu, David Campos, David Chiu, Eric Mar, Jane Kim, Malia Cohen, Mark Farrel, Scott Weiner, Supervisors

01/17/2011 10:07 PM

Show Details

The worst problem facing San Francisco is Muni theft of service, immobilization, and multiple buses right behind one another at \$26 per hour.

Its rooted in the union/charter that lets them do it to SF. Fire Mr. Ford.

Its oppressive, adverse and criminal to all. Please take charge now.

18

LEGAL COMPLIANCE---APPOINTMENT TO HPC COMMISSION

WongAIA

to:

mayoredwinlee, Ross.Mirkarimi, carmen.chu, sean.elsbernd, Eric.L.Mar, john.avalos, david.campos, David.Chiu, Board.of.Supervisors, Malia.Cohen, Mark.Farrell, Jane.Kim, Scott.Wiener

01/21/2011 01:25 PM

Cc:

cityattorney

Show Details

Via Electronic Mail

TO: Mayor Edwin Lee and Honorable Members of Board of Supervisors

CC: City Attorney Dennis Herrera

RE: LEGAL COMPLIANCE---APPOINTMENT TO HISTORIC PRESERVATION COMMISSION

Because of the unique legal text of the 2008 Proposition J and the resulting requirements in San Francisco's City Charter, I respectfully request that the Mayor and the Board to Supervisors confer with the City Attorney--- in order to comply with the required qualifications for the HPC's Historian Seat.

The City Charter states:

*"Seat 4 must be a **historian** meeting the **Secretary of the Interior's Professional Qualifications for history** with **specialized training and/or demonstrable experience** in North America or Bay Area history."*

In the last week, the Board has received communiqués from Historic Preservation Organizations, professional preservation architects, historians and architects, who have provided information on the definition of historian and the extent of qualifications for historians in their professional/ academic realms.

The HPC's composition includes technical and professional expertise, which benefits the Commission's work, the citizenry and the City. Like any other profession, a Historian must meet thresholds of education, credentials, experience, performance and knowledge---further refined by qualifications of the Secretary of the Interior and that federal agency's standards for historic preservation.

Best Regards,

Howard Wong, AIA

Ph: (415)-982-5055

19



To: Linda Wong/BOS/SFGOV,
 Cc:
 Bcc:
 Subject: LEGAL COMPLIANCE 2---HPC HISTORIAN APPOINTMENT CLEARER

From: WongAIA@aol.com
 To: mayoredwinlee@sfgov.org, Ross.Mirkarimi@sfgov.org, carmen.chu@sfgov.org,
 sean.elsbernd@sfgov.org, Eric.L.Mar@sfgov.org, john.avalos@sfgov.org,
 david.campos@sfgov.org, David.Chiu@sfgov.org, Board.of.Supervisors@sfgov.org,
 Malia.Cohen@sfgov.org, Mark.Farrell@sfgov.org, Jane.Kim@sfgov.org, Scott.Wiener@sfgov.org,
 cityattorney@sfgov.org
 Cc: Marlana.byrne@sfgov.com, ethics.commission@sfgov.org
 Date: 01/24/2011 01:32 AM
 Subject: LEGAL COMPLIANCE 2---HPC HISTORIAN APPOINTMENT CLEARER

Via Electronic Mail---Clearer Focus

TO: Mayor Edwin Lee and Honorable Members of Board of Supervisors
CC: City Attorney Dennis Herrera, Marlana Byrne and Ethics Commission
RE: LEGAL COMPLIANCE 2---APPOINTMENT TO HISTORIC PRESERVATION COMMISSION

The City Charter is very clear---in terms of legal language and grammatical construct (and recently has been incorrectly read):

- "Seat 4 must be a *historian* meeting the *Secretary of the Interior's Professional Qualifications for history*"
- "With *specialized training and/or demonstrable experience in North America or Bay Area history.*"

The 2008 Voters Ballot Book clarifies the professional qualifications for HPC's Seat 4 Historian. In the Digest: "Six of the seven members would be required to have specific professional qualifications related to architecture and historic preservation."

The official "Proponent's Argument in Favor of Proposition J" names those who can clarify Prop J's legal language: "Proposition J was drafted collaboratively with the City's Planning Department, Mayor's Office, Landmarks Board, and the California Office of Historic Preservation."

Moreover, the specified qualifications are in the context of the specified authority of the HPC: *Landmark and Historic District Designations, Certificates of Appropriateness, Significant or Contributory Building and Conservation District Designations in C-3 Districts, Alteration of Significant or Contributory Buildings or Buildings in Conservation Districts in the C-3 Districts, Mills Act Contracts, Preservation Element of the General Plan*

Fundamentally, HPC's Seat 4 Historian is a professional historian, with requisite education, academic qualifications and professional experience in the knowledge field of historic preservation. In the greater society, a professional in any knowledge field has legal/ academic standards---whenever an individual practices as an architect, engineer, attorney, physician, psychologist, scientist, educator.....

As San Franciscans, legal compliance must override political pressures to shape Commissions that affect land-use and entitlements. Governmental checks and balances are important. If the political pressures are too great, independent bodies need to be consulted.

Sincerely,
 Howard Wong, AIA

* * * * *

Via Electronic Mail

TO: Mayor Edwin Lee and Honorable Members of Board of Supervisors

CC: City Attorney Dennis Herrera

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The HPC's composition includes technical and professional expertise, which benefits the Commission's work, the citizenry and the City. Like any other profession, a Historian must meet thresholds of education, credentials, experience, performance and knowledge---further refined by qualifications of the Secretary of the Interior and that federal agency's standards for historic preservation.

Best Regards,
Howard Wong, AIA
Ph: (415)-982-5055

PAR Planning Association for the Richmond

3145 Geary Blvd., # 205 - San Francisco CA 94118-3316
Voice Mail and Facsimile (415) 541-5652 --- www.sfpar.org

January 24, 2011

Chairwoman Carmen Chu, Supervisors Kim & Mirkarimi
Budget and Finance Committee
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4690

In re: Proposed Agreement with Stow Lake Boathouse, LLC (BOS File 101416)

Dear Chairwoman Chu and Supervisors Kim and Mirkarimi

PAR has been asked to respond to the proposal for the San Francisco Recreation and Parks Department to enter into a lease-management agreement with the Stow Lake Boathouse, LLC for that concession in Golden Gate Park. It is the first item on the agenda of your meeting of Wednesday, January 26th.

Clearly the physical conditions of the boathouse have been deteriorating over the last few years, as have the RPD budgets. From 2006 to 2009 the RPD issued four "Requests For Proposed" agreements (RFPs) that would address both issues. After all four processes were determined to be "failed procurements", last year the RPD issued a "Request for Qualifications" (RFQ) for a proposed concessionaire with whom to negotiate such an agreement.

After reviewing the three responses to that RFQ and the evaluations of them, the Stow Lake Boathouse, LLC (under a different name) clearly appears to be the most creative, experienced and competitive of the three respondents. After the Recreation and Parks Commission approved it to be the presumptive concessionaire, negotiations of the agreement began.

While it is reasonable to speculate that the financial benefit to the City from the proposed agreement might have been even more favorable had proposed agreements with competing budget details been solicited and evaluated, RFPs had already been tried on four prior occasions but were determined to be failures.

To avoid further deterioration to the boathouse, it is suggested the proposed agreement be approved subject to the three conditions that are now being recommended by the BOS' Budget Analyst.

Sincerely,



Raymond R. Holland
President

Cc: Victor Young, BOS Clerk
Supervisor Eric L. Mar
Supervisor Mark Farrell

Phil Ginsburg, RPD/RPC
PAR Board of Directors

20

Lippe Gaffney Wagner LLP www.lgwlawyers.com

SAN FRANCISCO • 329 Bryant St., Ste. 3D, San Francisco, CA 94107 • T 415.777.5600 • F 415.777.9809
SACRAMENTO • 9333 Sparks Way, Sacramento, CA 95827 • T 916.361.3887 • F 916.361.3897

Thomas N. Lippe
Brian Gaffney
Keith G. Wagner
Celeste C. Langille
Kelly A. Franger
Erin C. Ganahl

305-11
cpage

December 10, 2010

Via U.S. Mail

San Francisco County
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

Re: *Living Rivers Council v. State Water Resources Control Board*
(Alameda County Superior Court Case No.: RG-10-543923, filed October 27, 2010)

Dear Director:

I am writing to notify your agency, pursuant to Public Resources Code section 21167.6.5, subdivision (c), that our client, Living Rivers Council, filed a lawsuit against the State Water Resources Control Board alleging violations of the California Environmental Quality Act ("CEQA") on October 27, 2010.

Your agency has been notified because the State Water Resources Control Board identified your agency as a potential trustee or responsible agency with jurisdiction over natural resources affected by the Board's May 4, 2010 adoption of the Policy for Maintaining Instream Flows in Northern California Coastal Streams, which is the subject of this lawsuit. (See Public Resources Code § 21167.6.5, subd. (b).)

No action or response to this notice by your agency is required under CEQA.

If you have any further questions about the lawsuit or this notice, please feel free to contact us.

Thank you for your attention to this matter.

Very Truly Yours,

/s/Kelly Franger
Kelly A. Franger

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2010 DEC 13 PM 3:53
BY _____
AK

(2)

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

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2073.3 of the Fish and Game Code, the California Fish and Game Commission, on December 28, 2010 received a petition from the California Native Plant Society (Milo Baker Chapter) to list The Cedars wild buckwheat (*Eriogonum cedrorum*) as endangered under the California Endangered Species Act.

The Cedars wild buckwheat is found at The Cedars, in northwestern Sonoma County, but only in areas with serpentine talus slopes and rock crevices at 1000 – 1800 feet elevation. The Cedars wild buckwheat population is reported to be restricted to three areas that comprise less than 500 acres of The Cedars.

Pursuant to Section 2073 of the Fish and Game Code, on January 7, 2011 the Commission transmitted the petition to the Department of Fish and Game for review pursuant to Section 2073.5 of said code. It is anticipated that the Department's evaluation and recommendation regarding the petition will be received by the Commission at its May or June 2011 meeting. Interested parties may contact Terri Stewart, Habitat Conservation Planning Branch, Department of Fish and Game, 1416 Ninth Street, 12th Floor, Sacramento, CA 95814, or telephone (916) 653-9834 for information on the petition or to submit information to the Department relating to the petitioned species.

January 11, 2011

Fish and Game Commission

Jon K. Fischer
Acting Executive Director

BY _____
AK

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 JAN 20 PM 3:07

22