



City and County of San Francisco

Master Report

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

File Number: 120423	File Type: Communication	Status: Filed
Enacted:	Effective:	
Version: 1	In Control: Board of Supervisors	
File Name: Petitions and Communications		Date Introduced: 05/01/2012
Requester:	Cost:	Final Action:
Comment:	Title: Petitions and Communications received from April 24, 2012, through April 30, 2012, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on May 8, 2012. Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information will not be redacted. From concerned citizens, regarding enforcement of parking meters on Sundays. (1) From Planning Department, submitting the 2012 General Advertising Sign Program Report. Copy: Each Supervisor (2) From Francisco Da Costa, regarding alleged abuse of the Sunshine Ordinance. (3) From State Public Utilities Commission, submitting notice that PG&E has filed an application for recovery of costs of the 2011 Market Redesign and Technology Upgrade Initiative. Copy: Each Supervisor (4) From Office of the District Attorney, submitting request for waiver of Administrative Code Chapter 12B for Holiday Inn Golden Gateway. (5) From concerned citizens, regarding Ross Mirkarimi. 3 letters (6) From California Commission on Access to Justice, regarding the San Francisco Law Library. Copy: Each Supervisor (7) From Capital Planning Committee, regarding the Certificates of Participation for Various Port Projects.	

File No. 120379, Copy: Each Supervisor, Budget and Finance Clerk (8)

From State Fish and Game Commission, regarding proposed regulatory action relating to permits and inspection of facilities for restricted species. Copy: Each Supervisor (9)

From Office of the Mayor, submitting notice that Mayor Lee will be out of State from April 28, 2012, through April 30, 2012. Supervisor Chu will serve as Acting-Mayor. Copy: Each Supervisor, City Attorney (10)

From Human Services Agency, submitting an update to the FY2011-2012 Human Services Care Fund. Copy: Each Supervisor (11)

From Anne Epperly, regarding proposed resolution of necessity to exercise the right of eminent domain to acquire certain real property commonly known as 77 O'Farrell Street by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements. File No. 120336, Copy: Each Supervisor (12)

From Bruce Joab, regarding State grants to benefit the coastal habitat. (13)

From Lloyd Schloegel, submitting opposition to California Pacific Medical Center's long range development plan. Copy: Each Supervisor (14)

From Larry Richards, regarding the Americans with Disabilities Act. Copy: Each Supervisor (15)

From Kevin Reed, regarding medical cannabis dispensaries. (16)

From Molly Burke, regarding BART's fleet of the future. (17)

From Flor De Miel Films, submitting support for the Small Business Fund. File No. 120049 (18)

From Police Department, submitting request for release of reserved funds for the COPS Hiring Recovery Project. Copy: Supervisor Chu, Budget and Finance Clerk (19)

From Richard Morris, regarding the CleanPowerSF Community Choice Program. (20)

*From Office of the Controller, submitting report regarding the Art's Commission monitoring over Bayview Opera House's compliance with grant agreement provisions. (21)

*From Office of the Controller, submitting the Master Fee Schedule of Budget Submissions for FY2012-2013 and FY2013-2014. (22)

*From Office of Citizen Complaints, submitting their 2011 Annual Report. (23)

From Paul Nisbett, regarding tech companies paying taxes in San Francisco. (24)

From concerned citizens, regarding the Beach Chalet Project. 2 letters (25)

From Annie Leuenberger, regarding the removal of murals at the Bernal Heights Branch Library. (26)

From Office of the Clerk of the Board, the following individuals have submitted a Form 700 Statement: (27)

David Pilpel, Redistricting Task Force - Leaving
Mark Schreiber, Redistricting Task Force - Leaving
Mylong Leigh, Redistricting Task Force - Leaving

*(An asterisked item represents the cover sheet to document that exceeds 25 pages. The complete document is available at the Clerk's Office Room 244, City Hall.)

History of Legislative File 120423

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
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Text of Legislative File 120423

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2012 APR 30 AM 10:02

AK

BOS-11

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4/29/12

Please DO NOT
Enforce Sunday Meter
Parking in San Francisco!
It is a cost I cannot
afford, and will have to stop
spending in S.F.

Regards,
[Signature]

(1)

BOS-V

4/30/12

Dear Supervisor,

I understand there is an item under consideration about Sunday Meters. Please DO NOT Enforce Sunday meter parking in San Francisco.

As someone who travels and enjoys the city often, charging for meters on Sunday would cause me to go elsewhere. Other Counties are not charging for meters on Sunday, which makes it more attractive to ~~not~~ spend money elsewhere.

I love the city, but this is a very bad idea.

Please Do Not Enforce
Sunday Meter Parking
in San Francisco.

Kind Regards,

[Signature]



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Sunday meters

From: Josephine Lucchesi <josephinejml@sbcglobal.net>
To: board.of.supervisors@sfgov.org,
Date: 04/23/2012 04:22 PM
Subject: Sunday meters

Here's why I'm against the Sunday meters:

1.. How about all of us who go to church on Sundays?

Many people do go to honor the Lord and pray for you.

2. The teenagers who will go free.. how can you verify they're actually low income?

3.. How about free muni during school hours?

Thanks much for listening.

Josephine



SAN FRANCISCO PLANNING DEPARTMENT

April 25, 2012

President David Chiu, *President of the Board of Supervisors*

Supervisor Eric Mar, *Supervisor, District 1*

Supervisor Mark Farrell, *Supervisor, District 2*

Supervisor Carmen Chu, *Supervisor, District 4*

Supervisor, Christina Olague, *Supervisor, District 5*

Supervisor Jane Kim, *Supervisor, District 6*

Supervisor Sean Elsbernd, *Supervisor, District 7*

Supervisor Scott Wiener, *Supervisor, District 8*

Supervisor David Campos, *Supervisor, District 9*

Supervisor Malia Cohen, *Supervisor, District 10*

Supervisor John Avalos, *Supervisor, District 11*

Ms. Angela Calvillo, *Clerk of the Board of Supervisors*

San Francisco City Hall, Room 244

1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

Re: General Advertising Sign Program Annual Report

Dear Honorable Members of the Board and Madam Clerk:

Planning Code Section 604.2(h) requires that the Planning Department submit to the Planning Commission and the Board of Supervisors an annual report on the Department's General Advertising Sign Program (GASP).

Please find attached twelve copies of the 2012 GASP Annual Report. This report was heard by the Planning Commission at its April 19 regular meeting.

We would be happy to discuss the annual report or other aspects of the GASP in detail and/or provide the Committee with a formal presentation should you so choose. Please do not hesitate to contact Jon Purvis of my staff directly at (415) 558-6354 or at jonathan.purvis@sfgov.org.

Sincerely,

John Rahaim

Director of Planning

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

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BOARD OF SUPERVISORS
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2012 APR 26 PM 2:53

AK



SAN FRANCISCO PLANNING DEPARTMENT

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BOARD OF SUPERVISORS
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General Advertising Sign Program Ak Fifth Annual Report

1650 Mission St.
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Hearing Date: April 19, 2012
Staff Contact: Jon Purvis, Code Enforcement
Jonathan.purvis@sfgov.org, (415) 558-6354

Planning Code Section 604.2(h) requires that the Planning Department submit to the Planning Commission and Board of Supervisors an annual report on the Department's General Advertising Sign Program (GASP) that includes revenues, expenditures, and a progress report on the program's activities. The last report was presented to the Planning Commission on February 24, 2011. This is the fifth annual report and covers the period from February 1, 2011 to March 15, 2012.

The GASP resulted from legislation passed in 2006 which amended the Planning Code to provide for improved monitoring and enforcement of general advertising signs – also known as billboards or outdoor advertising signs. The primary goals of the program are to build and maintain an inventory of all general advertising signs in San Francisco, to correct outstanding sign-related Planning Code violations, and to remove unlawful signs. The GASP's activities are best understood in the context of 2002's Proposition G which passed with 78 percent of the vote and prohibited all new general advertising signs within San Francisco.

1. HIGHLIGHTS OF THE PAST YEAR

- After completing initial enforcement action on all signs in the inventory during the last reporting period, GASP activities were incorporated into those of the Department's general Code Enforcement team with reduced staffing and with a primary focus on maintaining the City's general advertising sign inventory and targeting new violations.
- Policies and procedures for the handling of sign relocation applications, as set forth in the Planning and Administrative Codes, was developed, whereby legal general advertising signs may be relocated subject to approval by the Board of Supervisors and the Planning Commission.
- A settlement agreement was finalized between Fuel Outdoor and the City, effective February 15, 2012, which concluded the longest-running legal matter in which the GASP has been involved. It is expected to be implemented over the next year, resulting in the removal of 48 illegal signs, the receipt of substantial penalties, and the relocation of a number of legal signs.
- 66 signs were the subject of new complaints, including 40 newly installed illegal signs and 26 signs that fell out of compliance with the Planning Code (e.g. illegal expansions, added lights, missing placards or abandoned signs).
- 145 signs were removed during the past year, bringing the program total to 733 signs removed over five years.

- 9 Requests for Reconsideration of Notices of Violation (NOV's) were completed, of which two were heard and upheld, while the remaining 7 were either withdrawn by the applicant or had the NOV's rescinded by the Department.
- \$178,000 in penalties was collected in the past year, compared with \$91,000 in the year prior.

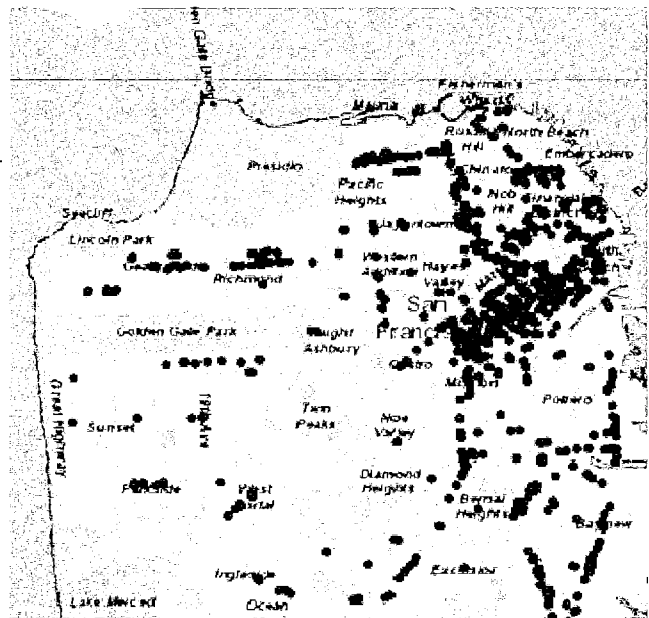
2. PROGRAM BACKGROUND

In mid-2006 legislation enabling the GASP was adopted. As a part of that legislation, sign inventories and authorizing permits were requested from all sign companies doing business in the City. In addition to the various sign company inventories, in 2007 the GASP independently surveyed and documented every general advertising sign in San Francisco. The GASP inventory continues to be updated as new unlawful signs are detected.

As part of the original submittal required from each sign company, a special process was created whereby signs for which no permit could be located were afforded the opportunity to seek an "in-lieu" identifying number in order to establish the legal nonconforming status of the sign. An in-lieu number could only be issued when the sign was determined to be "likely legally authorized."

At the start of 2008, the 'processing' of the overall sign inventory began. This undertaking involved examining individual signs on a case-by-case basis to (1) verify compliance with the Planning Code and any authorizing permits and (2) initiate the abatement of any Code violations. Signs were processed primarily based on geography, with priority given to new complaints and violations brought to the GASP's attention by other permit activity on the site of an alleged violation.

General Advertising Signs in San Francisco (n=360)



When a sign is found to be in violation of the Planning Code, a Notice of Violation (NOV) is issued to both the property owner and – when known – the sign company (together the "responsible party"). The responsible party then has 30 days to either: (1) remove the sign, (2) correct the violation, or (3) file a Request for Reconsideration of the NOV, as discussed below. On the 31st day after issuing the NOV, should the responsible party not availed itself of one of these options, daily penalties begin to accrue based on the size of the sign. Penalties range from \$100 each day for signs smaller than 100 square feet to \$2,500 each day for signs larger than 500 square feet.¹

¹ Planning Code Section 610(b)(2)(B) contains a sliding scale of penalties based on the size of a sign: 100 square feet or less - \$100/day; 101 to 300 square feet - \$1,000/day; 301 to 500 square feet - \$1,750/day; over 500 square feet - \$2,500/day.

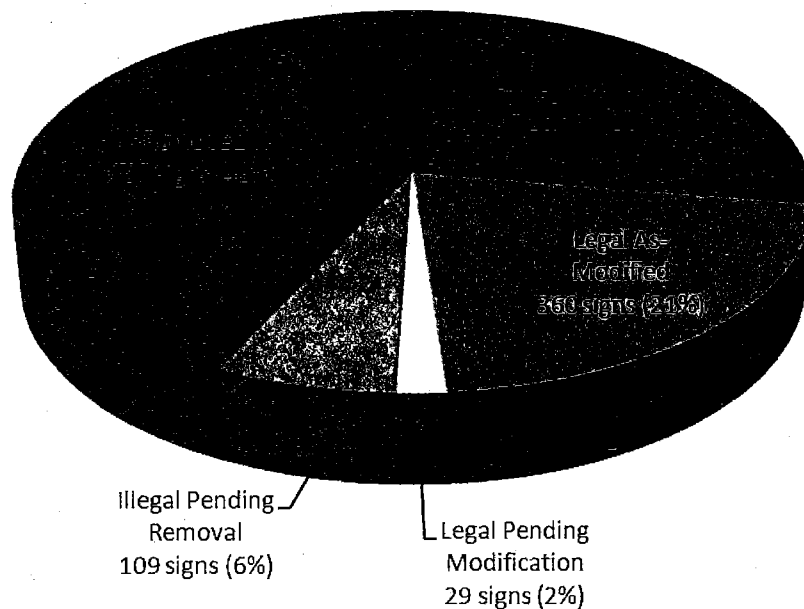
Should the responsible party file a Request for Reconsideration, a hearing on the NOV is scheduled before an Administrative Law Judge (ALJ). This hearing affords a responsible party the opportunity to present evidence demonstrating why an NOV was issued in error. If the ALJ overturns an NOV, the case is closed and any penalties are voided. If the ALJ upholds an NOV, the violation is required to be abated and, if advertising copy remains during the Reconsideration process, a mandatory twenty-day fixed penalty based upon the size of the sign is assessed. ALJ decisions are not subject to further administrative appeals, but can be appealed to the courts.

The GASP continues to receive reports of new signs and new violations with respect to existing signs. On an ongoing basis, Staff investigates the alleged violations and initiates the enforcement process where appropriate. Through this process, additional NOV's are issued and subsequent ALJ hearings can occur.

3. ANNUAL PROGRESS

In December 2010, the GASP completed processing all general advertising signs in the GASP inventory at that time. A 'processed' sign is one that has been: (1) determined to be legal as is, (2) found to exceed the scope of its permit and subsequently modified to comply with the Code, (3) the subject of an NOV for which modification is pending, (4) determined to be illegal and pending removal, or (5) permanently removed.

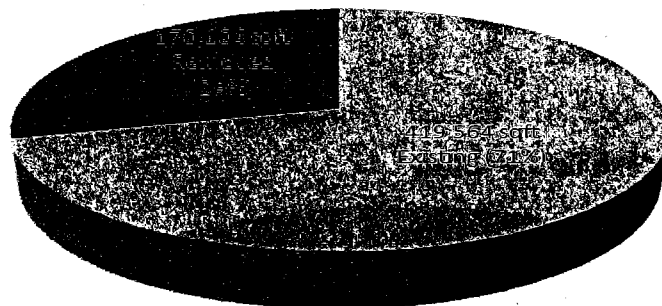
Disposition of all Signs (n=1,702)



Overall Outcomes. There are 1,702 signs in the inventory as of the date of this report.² Of these signs, 860 (51 percent) were legally installed and are either in compliance with the Planning Code, or are pending compliance. These legally installed signs are shown in the map on page 2 and can be viewed on-line at <http://signmap.sfplanning.org>. The remaining 49 percent are signs that have already been removed along with the remaining illegal signs that are pending removal. As of March 15, 2012, 733 signs have been removed, up from 588 at the end of the previous reporting period.³ Most of the remaining 109 signs that are illegal and pending removal are the subject of litigation and are discussed under the 'litigation' heading.

Because general advertising signs vary widely in size, typically ranging between 72 and 1,200 square feet, understanding the size of signs removed and signs remaining also provides a useful metric. This will be even more important following future relocation processes, when the number of signs in the City's inventory may actually increase as larger signs may be replaced with a greater number of smaller signs. While the number of signs may increase through the relocation process, sign area (square-footage of sign face) will never increase. Beginning this year, the annual report compares existing and removed square footage of signage.

Sign Square Footage (n=589,668)



The 1,702 signs in the inventory (including existing and removed signs) represent 589,688 square feet of sign surface area. Of this, 170,104 square feet has been removed, representing 29 percent of the total. Should all the signs that have been removed be placed in a contiguous rectangle, they would cover one entire city block.

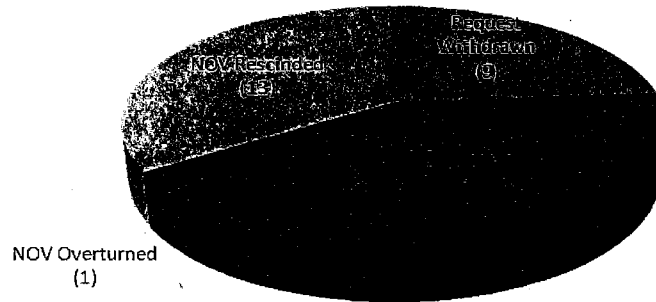
Requests for Reconsideration. Over the span of the GASP, 40 Requests for Reconsideration have been received, of which 38 have been processed to completion. Of those 38 completed requests, 15 resulted in NOV's being upheld, while only one resulted in an NOV being overturned. The remaining 22 Requests were either withdrawn by the applicant or the NOV in question was rescinded by the Department. With respect to these latter categories, it should be noted that through the course of hearing preparation, new information is often presented by a Requestor that allows the Department to reconsider the basis for the NOV. Should that evidence indicate that, contrary to previous evidence, a

² The inventory grew by 30 sign records since last year due to 40 illegal signs being added and 10 signs being deleted. A sign is permanently deleted from the database only if it is determined not to be a general advertising sign (e.g. the Coca-Cola sign at 601 Tompkins Avenue was deleted after it was approved as a vintage sign).

³ 83 percent of removed signs did not comply with the Planning Code and were the subject of an NOV and associated enforcement actions, and 17 percent were removed by a property owner or sign company independent of an NOV.

sign is in fact legal, the Department typically rescinds the NOV. Similarly, upon seeing the strength of the Department's case, Requestors may withdraw their request rather than waste their resources defending a sign that cannot be brought into compliance. Nine Requests were processed since the last reporting period in February of 2011. Two Requests were heard and had the NOV upheld, two were withdrawn and five had the NOV rescinded. Two Requests are pending a hearing.

Outcomes of Completed Requests for Reconsideration (n=38)



In-Lieu Applications. All requests for in-lieu permits were processed before the end of the last reporting period. Of the 321 requests made, 124 (39 percent) were found to be likely legal and were provided an in lieu number. The other 197 (61 percent) were found to be not likely legal and have been removed.

New Signs. Despite the Department's efforts, new general advertising signs continue to appear throughout the City, albeit at a reduced rate from previous years. There were 40 new illegal signs installed at 23 different locations during this reporting period, down from 98 new signs during the last reporting period. All but 7 of these new signs have been removed to date.

Requests for Relocation. With the completion of the inventory process and the validation of the inventories of a number of sign companies as being complete and without violation, requests for sign relocation can now be submitted. Although a number of inquiries were made, only one request was actually filed. It was withdrawn after a determination that the sign being proposed for relocation would not comply with the criteria of Section 303(l) at the proposed new location.

4. LITIGATION

Since the inception of the GASP, numerous outdoor advertising companies have sued the City to curtail enforcement of the City's sign ordinances and to overturn decisions made with respect to particular signs. Of the 109 signs that are illegal and pending removal, all but eight belong to two companies that are involved in active litigation with the City. The City reached a settlement agreement with one of these companies, effective February 15, 2012, and all of their signs will be either removed or legalized through the relocation process during the next reporting period.

No new litigation was filed during this reporting period and of the 13 lawsuits filed over the past five years only two remain outstanding. Among the 13 actions, ten relate to individual signs and seek to overturn a City decision while three challenged specific Planning Code provisions or related to broader policy issues.

5. FINANCIAL DATA

GASP revenue to-date this Fiscal Year is \$385,763. Much of this funding stems from two sources: (1) the annual inventory maintenance fee - accounting for \$197,546 and (2) fines and penalties - accounting for \$178,394.

An additional \$1.75 million in penalties will be paid to the City as part of a settlement agreement with Fuel Outdoor. The Commission was briefed on this matter in late 2011. Another sign company that has been in litigation with the City has accrued \$570,600 in penalties, and \$2.76 million of outstanding penalties are in collections, a portion of which is expected to be collected by the end of the current fiscal year.

It should be noted that \$132,519 of penalties collected during the course of the GASP's activities stem from repeat violators, which are given a reduced 3-day window of compliance before penalties begin to accrue. Since the onset of these provisions, the Department has cited 20 total repeat sign violations, all of which have been abated.

Revenues

	FY06-07	FY07-08	FY08-09	FY09-10	FY10-11	FY11-12 (Actual to 3/15/12)	FY11-12 (Full Year Projected)	Program Totals ⁴
Sign Registration Fee ⁵	\$431,200	\$62,720	\$28,686	\$26,767	\$42,480	\$6,654	\$7,000	\$598,853
In-Lieu Application Fee ⁶	\$94,400	\$0	\$0	\$0	\$0	\$0	\$0	\$94,400
Annual Inventory Maintenance Fee ⁷	\$0	\$57,264	\$84,860	\$217,313	\$200,372	\$197,546	\$205,000	\$764,809
Reconsideration Fee ⁸	\$0	\$20,400	\$30,550	\$31,992	\$40,120	\$3,400	\$3,400	\$126,462
Request for Relocation Fee ⁹	\$0	\$0	\$0	\$0	\$0	\$1,249	\$1,249	\$1,249
Fines and penalties ¹⁰	\$61,249	\$102,594	\$91,914	\$323,369	\$91,179	\$178,394	\$250,000	\$833,759
Refunds and Adjustments	\$0	\$0	\$0	-\$12,300	-\$15,236	-\$1,480	-\$1,480	-\$29,016
Totals	\$586,849	\$242,978	\$236,010	\$587,141	\$358,915	\$385,763	\$465,169	\$2,477,062

The vast majority of program expenditures relate to staff costs, both in-house and at the City Attorney's Office. The GASP is presently staffed by one part-time code enforcement Planner III. In addition to Planning Department resources, the GASP employs the full breadth of litigation, code

⁴ Totals are based on FY2011-12 full year projected (not actual) revenues.

⁵ Planning Code Section 358 establishes sign registration fees for initial registration of a sign or subsequent changes of control of \$699 per sign.

⁶ During the period in which the Department could accept in-lieu applications, Planning Code Section 358 established an inventory processing fee of \$320 per sign.

⁷ For the current fiscal year, Planning Code Section 358 establishes an annual inventory maintenance fee of \$226 per sign.

⁸ Planning Code Section 610(d)(2) establishes a fee of \$3,400 to file a Request for Reconsideration.

⁹ Planning Code Section 358 establishes a fee of \$1,249 to file a Request for Relocation.

¹⁰ Fines and penalties are set forth throughout the Planning Code, including Section 604.1(d), 604.2(g) and 610(b)(2).

enforcement, and advice services provided by the City Attorney's Office. As suggested above, costs associated with legal services continue to be substantial.

Expenditures

	FY06-07	FY07-08	FY08-09	FY09-10	FY10-11	FY11-12 (Actual to 3/15/12)	FY11-12 (Full Year Projected)	Program Totals ¹¹
Planning Dept. Staff	\$131,793	\$284,761	\$254,992	\$321,241	\$227,036	\$63,584	\$95,376	\$1,315,199
City Attorney Staff	\$0	\$111,370	\$250,816	\$280,000	\$296,580	\$0	\$107,140	\$1,045,906
Misc. Costs ¹²	\$19,000	\$24,372	\$14,464	\$19,491	\$9,977	\$0	\$10,000	\$97,304
Totals	\$150,793	\$420,503	\$520,272	\$620,732	\$533,593	\$63,584	\$212,516	\$2,458,409

Revenue projections for the remainder of this Fiscal Year (including anticipated collection of penalties and the resolution of certain outstanding legal matters) are higher than projected expenses for the first time since the program began. This current-year surplus will offset shortfalls from prior years. All-time GASP revenues and expenses are expected to be generally aligned. In broad terms, and based on available data, the GASP continues to bring in revenue that is sufficient to cover operating expenses.

6. NEXT STEPS

Over the next year, the GASP will continue to monitor general advertising signs for compliance and maintain an accurate inventory. Staff will implement the settlement agreement with Fuel Outdoor, process existing and any new Requests for Reconsideration and review Requests for Relocation.

¹¹ Totals are based on FY2011-2012 full year projected expenditures.

¹² This figure accounts for office and other supplies, software and equipment, data processing, staff training, vehicle rental, reproduction and Rent Board ALJ services.



Abuse of Sunshine Laws.

Francisco Da Costa

to:

SFBOS BOS, SFSunShine, Malia Cohen, David Chiu, Scott Wiener, Eric Mar, Dennis Herrera, Edwin Lee, Steve Kawa, Christine Falvey, Matt Dorsey, Ben Rosenfield, Naomi Kelly

04/24/2012 07:23 AM

Hide Details

From: Francisco Da Costa <fdc1947@gmail.com> Sort List...

To: SFBOS BOS <board.of.supervisors@sfgov.org>, SFSunShine <soft@sfgov.org>, Malia Cohen <Malia.Cohen@sfgov.org>, David Chiu <David.Chiu@sfgov.org>, Scott Wiener <Scott.Wiener@sfgov.org>, Eric Mar <Eric.L.Mar@sfgov.org>, Dennis Herrera <CityAttorney@sfgov.org>, Edwin Lee <Edwin.Lee@sfgov.org>, Steve Kawa <steve.kawa@sfgov.org>, Christine Falvey <christine.falvey@sfgov.org>, Matt Dorsey <Matt.Dorsey@sfgov.org>, Ben Rosenfield <Ben.Rosenfield@sfgov.org>, Naomi Kelly <naomi.kelly@sfgov.org>,

Again and again our SF Board of Supervisors act arrogant, and fail to represent the constituents of San Francisco:

<http://www.sfbos.org/Modules/ShowDocument.aspx?documentid=41138>

Francisco Da Costa

Director

Environmental Justice Advocacy

3

**SUNSHINE ORDINANCE
TASK FORCE**



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-7724
Fax No. 415) 554-7854
TDD/TTY No. (415) 554-5227

March 13, 2012

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

**Re: Sunshine Complaint No. 11048, Pastor Gavin v. Supervisor Mar (Part 1) and Pastor
Gavin v. Supervisor Chiu, Supervisor Wiener, and Supervisor Cohen (Part 2)
Notice of Willful Failure and Official Misconduct**

The Sunshine Ordinance Task Force ("Task Force") hereby provides notification of willful failure and official misconduct findings against San Francisco Board of Supervisors President David Chiu, Supervisor Eric Mar, Supervisor Scott Wiener, and Supervisor Malia Cohen for failure to comply with Sunshine Ordinance public meeting provisions (see S.F. Admin. Code Sec. 67) in Sunshine Complaint No. 11048, *Pastor Gavin v. Supervisor Mar (Part 1)* and *Pastor Gavin v. Supervisor Chiu, Supervisor Wiener, and Supervisor Cohen (Part 2)*.

This referral is made in request for appropriate action pursuant to:

- (1) Sunshine Ordinance Section 67.34 whereby the "willful failure of any elected official, department head, or other managerial city employee to discharge any duties imposed by the Sunshine Ordinance, the Brown Act or the Public Records Act shall be deemed official misconduct;"
- (2) San Francisco City Charter Section 15.102 which provides that the Ethics Commission "may adopt rules and regulations relating to carrying out the purposes and provisions of ordinances regarding open meetings and public records;"
- (3) San Francisco City Charter Section 15.105 (Suspension and Removal); and
- (4) Sunshine Ordinance Section 67.30(c) which provides that "the Task Force shall make referrals to a municipal office with enforcement power under this ordinance or under the California Public Records Act and the Brown Act whenever it concludes that any person has violated any provisions of this ordinance or the Acts."

Background

Anonymous complainant "Pastor Gavin" filed a complaint with the Task Force on June 20, 2011 alleging Supervisor Eric Mar violated public meeting laws during the Board of Supervisor's Land Use Committee meeting on May 24, 2011. Supervisor Mar is Chair of the Land Use Committee.

On August 23, 2011, the Task Force named the two other Land Use Committee members, Supervisor Wiener and Supervisor Cohen, and President Chiu as additional respondents to the complaint.

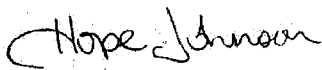
Task Force Hearings on Complaint

On August 23, 2011, the Task Force held the first hearing on the complaint. The Task Force found Supervisor Mar in violation of Sunshine Ordinance public meeting laws. The Task Force continued the complaint to its September 27, 2011 meeting and named President Chiu, Supervisor Wiener, and Supervisor Cohen as respondents to the complaint. A description of the hearing, violations found, and the Task Force decision are described in the two Orders of Determination attached to this referral.

On September 27, 2011, the Task Force held the second hearing on the complaint. The Task Force found President Chiu, Supervisor Wiener, and Supervisor Cohen in violation of Sunshine Ordinance public meeting laws. The Task Force further found willful failure and official misconduct against all four respondents, and approved notice of this matter to the District Attorney's Office. A description of the hearing, violations found, the Task Force decision, and the reasoning behind the decision are described in the two Orders of Determination attached to this referral.

Thank you for your attention to this matter. Copies of the two Orders of Determination are attached.

Please confirm receipt of this notice to the Task Force Administrator at sotf@sfgov.org or (415) 554-7724. The Administrator is also available to provide any additional information needed.



Hope Johnson, Chair
Sunshine Ordinance Task Force

Encls.

cc: Pastor Gavin, Complainant
Board President David Chiu, Respondent
Supervisor Eric Mar, Respondent
Supervisor Scott Wiener, Respondent
Supervisor Malia Cohen, Respondent
Judson True, Legislative Aide to President Chiu
Andrea Bruss, Legislative Aide to Supervisor Cohen
Jerry Threet, Deputy City Attorney

April 20, 2012
TO: STATE, COUNTY AND CITY
OFFICIALS

BOS-11

page

NOTICE OF APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY FOR RECOVERY OF COSTS OF THE 2011 MARKET REDESIGN AND TECHNOLOGY UPGRADE INITIATIVE

On April 16, 2011, Pacific Gas and Electric Company (PG&E) filed an application with the California Public Utilities Commission (CPUC) requesting changes to its electric rates effective January 1, 2013. Specifically, the request seeks to recover in rates the costs PG&E has incurred to comply with the mandated Market Redesign and Technology Upgrade (MRTU) initiative.

The MRTU initiative, which was developed by the California Independent System Operator and approved by the Federal Energy Regulatory Commission, was launched on March 31, 2009. The MRTU initiative changed the manner in which electricity is procured and sold by participants in newly redesigned markets in California. Costs presented in this application represent actual costs to implement the MRTU initiative that were incurred by PG&E through December 31, 2011.

The total electric revenue (the total amount PG&E collects in rates from all customers) requirement request is \$7.9 million. PG&E requests that electric rates designed to recover this amount become effective on January 1, 2013.

Will rates increase as a result of this application?

Yes, approval of this application will increase electric rates by less than one percent for bundled service customers (those who receive electric generation, as well as transmission and distribution service from PG&E) and for customers who purchase electricity from other suppliers (e.g., direct access and community choice aggregation). The revenue requirement of \$7.9 million will increase PG&E's bundled system average rates, relative to current rates, by 0.07 percent in 2013.

FOR FURTHER INFORMATION

To request a copy of the application and exhibits or for more details, call PG&E at 1-800-743-5000. For TDD/TTY (speech-hearing impaired), call 1-800-652-4712.

Para más detalles llame al 1-800-660-6789

詳情請致電 1-800-893-9555

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

Pacific Gas and Electric Company
2011 MRTU Application
P.O. Box 7442, San Francisco, CA 94120.

THE CPUC PROCESS

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

The CPUC may hold evidentiary hearings where parties of record present their proposals in testimony and are subject to cross-examination before an Administrative Law Judge (ALJ). These hearings are open to the public, but only those who are parties of record may present evidence or cross-examine witnesses during evidentiary hearings. Members of the public may attend, but not participate in, these hearings. After considering all proposals and evidence presented during the hearing process, the ALJ will issue a draft decision. When the CPUC acts on this application, it may adopt all or part of PG&E's request, amend or modify it, or deny the application. The CPUC's final decision may be different from PG&E's application.

If you would like to learn how you can participate in this proceeding or if you have comments or questions, you may contact the CPUC's Public Advisor as follows:

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

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

A copy of PG&E's 2011 MRTU application and exhibits are also available for review at the California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102, Monday-Friday, 8 a.m.-noon and on the CPUC's website at <http://www.cpuc.ca.gov/puc>

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BOARD OF SUPERVISORS
SAN FRANCISCO
2012 APR 24 PM 3:16

(4)



GEORGE GASCÓN
DISTRICT ATTORNEY
CITY AND COUNTY OF SAN FRANCISCO

April 11, 2012

Tamra Winchester
Human Rights Commission
Contract Compliance
25 Van Ness Ave., Suite 800
San Francisco, Ca 94102

Re: 12B Waiver

Dear Ms. Winchester:

This letter is to request a waiver of the nondiscrimination in benefits requirements mandated by Chapter 12B of the Administrative Code of the City and County of San Francisco.

Multiple Non-Compliant Prospective contractors is the basis upon which the request is being made. There are multiple but non-compliant prospective contractors in the business of event and catering.

This request is for accommodation of the San Francisco 12th Annual Elder Financial Protection Network (EFPN) Call to Action Conference which is scheduled for May 24, 2012.

Due to this tight timeline we request an expedited review. We thank you for your assistance concerning this exemption request. Please contact me at your convenience at 553-1024 should you need additional information.

Sincerely,


Rey Salonga
Finance Procurement Unit



CITY AND COUNTY OF SAN FRANCISCO HUMAN RIGHTS COMMISSION

S.F. ADMINISTRATIVE CODE CHAPTERS 12B and 14B

WAVER REQUEST FORM

(HRC Form 201)

FOR HRC USE ONLY

Request Number:

► Section 1. Department Information

Department Head Signature: _____

Name of Department: DISTRICT ATTORNEY

Department Address: 850 Bryant Street, Room 322

Contact Person: Rey Salonga

Phone Number: 553-1024 Fax Number: 553-9700

► Section 2. Contractor Information

Contractor Name: HOLIDAY INN GOLDEN GATEWAY Vendor No.: 09340

Contractor Address: 1500 Van Ness Avenue, San Francisco, CA 94109

Contact Person: Patty Smith Contact Phone No.: 447-3044

► Section 3. Transaction Information

Date Waiver Request Submitted: April 12, 2012 Type of Contract: Room rent, Catering

Contract Start Date: May 24, 2012 End Date: May 24, 2012 Dollar Amount of Contract: \$ 7,500.00

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

☐ Chapter 12B

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

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

☒ A. Sole Source

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

☐ C. Public Entity

☐ D. No Potential Contractors Comply – Copy of waiver request sent to Board of Supervisors on: _____

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

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

☐ G. Subcontracting Goals

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

HRC ACTION

12B Waiver Granted: _____

14B Waiver Granted: _____

12B Waiver Denied: _____

14B Waiver Denied: _____

Reason for Action: _____

HRC Staff: _____ Date: _____

HRC Staff: _____ Date: _____

HRC Director: _____ Date: _____

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

Date Waiver Granted: _____ Contract Dollar Amount: _____



Fw: Request for 12B Waiver (Holiday Inn Golden Gateway, Vendor # 09340)

Sheila Arcelona to: Board of Supervisors

04/24/2012 12:47 PM

Cc: Rey Salonga

Per the advice of HRC, we are sending a copy of this waiver request to the Clerk of the Board of Supervisors.

Thank you for your assistance.

Sheila Arcelona

Assistant Chief, Finance & Administration

San Francisco District Attorney's Office

850 Bryant Street, Room 305

San Francisco, CA 94103

Desk: (415) 734-3018

Fax: (415) 553-9700

----- Forwarded by Sheila Arcelona/DA/SFGOV on 04/24/2012 12:47 PM -----

From: Rey Salonga/DA/SFGOV

To: Tamra Winchester/HRC/SFGOV@SFGOV

Cc: Sheila Arcelona/DA/SFGOV@SFGOV

Date: 04/12/2012 04:33 PM

Subject: Request for 12B Waiver (Holiday Inn Golden Gateway, Vendor # 09340)

Hello Tamra,

Hope you're well.

Please see attached request.



FinScan_20120412154101_000.PDF

Thank you !

Rey Salonga

San Francisco District Attorney's Office

850 Bryant Street, Room 322

Phone no. (415) 553-1024

Fax no. (415) 553-9700



Fw: Official Misconduct
Carmen Chu to: Peggy Nevin

04/24/2012 12:42 PM

For records- thanks,

Carmen Chu
SF Board of Supervisors
District 4
1 Dr. Carlton B. Goodlett Pl.
SF, CA 94102
(415) 554-7460
www.sfgov.org/chu

----- Forwarded by Carmen Chu/BOS/SFGOV on 04/24/2012 12:44 PM -----

From: "Michailian McLoughlin" <mmcloughlin@gguol.ggu.edu>
To: Eric.L.Mar@sfgov.org, mark.farrell@sfgov.org, Sean.Elsbernd@sfgov.org, jane.kim@sfgov.org, malia.cohen@sfgov.org, John.Avalos@sfgov.org, carmen.chu@sfgov.org, David.Chiu@sfgov.org, scott.wiener@sfgov.org, david.campos@sfgov.org, Christina.Olague@sfgov.org, MayorEdwinLee@sfgov.org, cityattorney@sfgov.org
Cc: Senator.Leno@sen.ca.gov, Assemblymember.Ammiano@assembly.ca.gov, jcote@sfchronicle.com, jsabatini@sfoxaminer.com
Date: 04/24/2012 12:39 PM
Subject: Official Misconduct

Micheál McLoughlin, DJur, MA
Quesada Garden, The Bayview

Salutations Supervisors, Mayor, & c.

The San Francisco Charter defines official misconduct as, "any wrongful behavior by a public officer in relation to the duties of his or her office, willful in its character, including any failure, refusal or neglect of an officer to perform any duty enjoined on him or her by law, or conduct that falls below the standard of decency, good faith and right action impliedly required of all public officers and including any violation of a specific conflict of interest or governmental ethics law. When any City law provides that a violation of the law constitutes or is deemed official misconduct, the conduct is covered by this definition and may subject the person to discipline and/or removal from office."

Ross Mirkarimi was sworn in as Sheriff on 7 January 2012. The false imprisonment charge to which he pled guilty pertained to a transaction committed on 31 December 2011. While his behaviour was certainly wrong and reprehensible, it could not possibly have been official misconduct because, 1) he was not yet sworn a public officer, and, more importantly, 2) the wrongful behaviour was not in relation to the duties of his present office as a city-county Supervisor or his future office as Sheriff. Additionally, his behaviour does not appear to have been wilful but seems to have been impulsive in its character.

In the circumstances, I would say the appropriate vehicle to remove Mr. Mirkarimi from office be a recall election at which his successor could simultaneously be chosen by the people instead of by backroom horse-trading.

(6)

I should note I am aware of the City Attorney's argument that the foregoing analysis would give elected officials immunity to commit crimes in the time before they were sworn into office. But one need only observe that Mr. Mirkarimi was charged *after* he was sworn into office with three criminal offences allegedly committed *before* he was sworn into office to know the City Attorney's argument is wrong, since Mr. Mirkarimi enjoyed no immunity whatsoever - nor should he have done.

Impeachment of public officers and officials, and their removal from office (other than by recall election), is a legislative procedure not a criminal one. The penalty is limited to removal from office, with the execution of Charles I after his impeachment and removal from office being the exception to prove the rule. The question of immunity is thus irrelevant, since immunity relates to criminal proceedings not to civil or legislative ones.

There is also the Charter line, "conduct that falls below the standard of decency, good faith and right action impliedly required of all public officers and including any violation of a specific conflict of interest or government ethics law." But that provision probably runs afoul of the US Constitution by reason of being vague and overbroad, because the terms "standard of decency, good faith and right action" do not have consistent definition but can mean markedly different things to different, equally reasonable people. The Charter does not define those terms and San Francisco is too diverse a community to impute a definition.

More to the point, the Charter provision includes specific references to conflict of interest and government ethics laws - none of which are relevant in the Mirkarimi case. But the most important language of the provision is the clause "in relation to the duties of his or her office". Therein lays an important difference between the impeachment and removal procedure in our local charter and the equivalent provision in the US Constitution.

Under the federal constitution, Congress has authority to impeach and, upon conviction, remove from office any judicial or executive official who has or may have committed *any* high crime or misdemeanour. There is no requirement that the alleged crime have anything to do with the duties of the person's office - in short, you do not need to commit official misconduct for the Congress to impeach and remove you from office as a federal judge or executive branch official. That is why the Congress was able to impeach President Clinton notwithstanding the matter had not to do with his duties as President. (Reminder: Impeachment is not removal from office but recommendation for removal; neither President Clinton nor the first President Johnson were removed from office but they were both impeached.)

The San Francisco Charter, on the other hand, requires the wrongful behaviour *do* relate to the duties of office. In Mr. Mirkarimi's case, it just doesn't. It may be desirable to amend the Charter provision, to broaden its scope and make it more like the provision in the federal constitution; but that is an issue that must be taken up separately.

In sum, I would say Mayor Lee overstepped the bounds of Charter authority, just as Mayor Newsom did in 2004 when he appointed himself a replacement for the California Supreme Court. Both Mayors on those separate occasions behaved in a monarchical fashion that is prohibited to the public sector under the US Constitution, which guarantees to each of the several states a (small 'r') republican form of government. In both cases, however, it made and makes for good publicity stunts that heighten public awareness.

But however noble and right the cause, we must guard against *any* executive officer who behaves as a monarch in contravention of American Constitutional law. I hope the Ethics Commission and the Board of Supervisors will remember that as they consider the question of what to do with Ross Mirkarimi.

All the foregoing said, I agree entirely with Aaron Peskin that resignation from office is the best thing Ross Mirkarimi can do; but I have different reasons. They are two.

First, I do not need to hear both sides of the Mirkarimi-Lopez family story to know that their marriage is in serious trouble. Mr. Mirkarimi is a politician who really *does* need to spend more time with his family, or he is going to end up having no family to spend more time with. If his family are still in Venezuela, then that is where he should also be; and he should be there *now*.

Last, the Charter provides that any person who is removed from office for official misconduct shall not be eligible to stand for public office again for several years. Notwithstanding my very well-reasoned argument above, it is entirely possible that Mr. Mirkarimi could be removed from office for official misconduct that was not really *official* misconduct. He would thus be barred from seeking elective office for several years and his usefulness in social change would be done, if it is not done already.

Conversely, if he resigns while the proceedings are pending, that will bring an end to the matter and preserve his re-electability. Whether that matters to him and other so-called "progressives" in The City, I do not know. I am a "Liberal" not a "Progressive", whatever the latter term may mean.

I should explain that, where I come from (Metro Detroit/Windsor or "Michitario" - the world's third-largest international metropolitan area), the term "progressive" is almost never used in political context. This is partly, I think, because it calls to mind the Canadian political party that used to call itself "Progressive Conservative" (and still does at provincial level; or in the other official language, 'Parti Conservateur Progressiste'); while on the American side of the border, "progressive" recalls the legacy of Teddy Roosevelt, who was a Republican. I don't see a lot of similarity between either Teddy Roosevelt or Brian Mulroney and San Francisco's "progressive" politicians. I *do* see a lot of San Francisco politicians who *would* be Republicans but for the fact they live in San Francisco and could never possibly get elected under that label. But that is just one of The City's many eccentricities. There are many, many others.

cc by p-mail to: Barbara Boxer, Dianne Feinstein, Fiona Ma, Leland Yee



Ross
Roger Kat

to:

board.of.supervisors

04/23/2012 10:45 PM

Hide Details

From: Roger Kat <rager4@sbcglobal.net>

To: board.of.supervisors@sfgov.org,

History: This message has been forwarded.

Please retain him as sheriff. I have been very politically active since the 70's.

Regards Roger Kat



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Stop the Witchhunt - Justice for Ross Mirkarimi

From: Dr Paul Kangas <mail@change.org>
To: board.of.supervisors@sfgov.org,
Date: 04/22/2012 10:25 PM
Subject: Stop the Witchhunt - Justice for Ross Mirkarimi

Greetings,

I just signed the following petition addressed to: SF Mayor Lee (Mayor Ed Lee).

Mayor Edwin Lee, Stop the witch hunt against Ross Mirkarimi. Let justice run its course. Do not deprive San Francisco of a leading progressive voice and long-serving public servant. Ross has suffered enough for his transgressions. End his public humiliation, let him be reunited with his family.

Sincerely,

Dr Paul Kangas
sf, California

Note: this email was sent as part of a petition started on Change.org, viewable at <http://www.change.org/petitions/san-francisco-mayor-edwin-lee-stop-the-witchhunt-justice-for-ross-mirkarimi-and-his-family>. To respond, [click here](#)



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Stop the Witchhunt - Justice for Ross Mirkarimi

From: Maxine Steckel <mail@change.org>
To: board.of.supervisors@sfgov.org,
Date: 04/22/2012 09:51 PM
Subject: Stop the Witchhunt - Justice for Ross Mirkarimi

Greetings,

I just signed the following petition addressed to: SF Mayor Lee (Mayor Ed Lee).

Mayor Edwin Lee, Stop the witch hunt against Ross Mirkarimi. Let justice run its course. Do not deprive San Francisco of a leading progressive voice and long-serving public servant. Ross has suffered enough for his transgressions. End his public humiliation, let him be reunited with his family.

Sincerely,

Maxine Steckel
Portage, Indiana

Note: this email was sent as part of a petition started on Change.org, viewable at <http://www.change.org/petitions/san-francisco-mayor-edwin-lee-stop-the-witchhunt-justice-for-ross-mirkarimi-and-his-family>. To respond, [click here](#)



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Stop the Witchhunt - Justice for Ross Mirkarimi

From: Francisco Da Costa <mail@change.org>
To: board.of.supervisors@sfgov.org,
Date: 04/24/2012 10:59 PM
Subject: Stop the Witchhunt - Justice for Ross Mirkarimi

Greetings,

I just signed the following petition addressed to: SF Mayor Lee (Mayor Ed Lee).

Mayor Edwin Lee, Stop the witch hunt against Ross Mirkarimi. Let justice run its course. Do not deprive San Francisco of a leading progressive voice and long-serving public servant. Ross has suffered enough for his transgressions. End his public humiliation, let him be reunited with his family.

Sincerely,

Francisco Da Costa
San Francisco, California

Note: this email was sent as part of a petition started on Change.org, viewable at
<http://www.change.org/petitions/san-francisco-mayor-edwin-lee-stop-the-witchhunt-justice-for-r>

[oss-mirkarimi-and-his-family](#). To respond, [click here](#)

CALIFORNIA COMMISSION ON ACCESS TO JUSTICE

c/o State Bar of California - 180 Howard Street - San Francisco, CA 94105 - (415) 538-2251 - (415) 538-2524/fax

April 20, 2012

The Honorable Edwin M. Lee, Mayor
 The Honorable Members of the Board of Supervisors
 Ms. Naomi Kelly, City Administrator

Re: Call for Immediate Action for the San Francisco Law Library

Dear Mayor Lee, Honorable Supervisors, and Ms. Kelly:

On behalf of the California Commission on Access to Justice, I am writing to show our strong support for the work of the San Francisco Law Library. We understand that the Law Library must relocate by May 2013 but that no location has yet been identified or committed to by the City. Because the Law Library provides the public with much-needed access to important legal information, we hope you will make it a high priority to find a permanent space for the Law Library. We are happy to support you in any way that we can during the planning process to ensure the stability of this important community resource.

The California Commission on Access to Justice was established in 1997 to pursue long-term fundamental improvements in our civil justice system so that it is truly accessible for all. The Commission is a collaborative effort involving all three branches of government; its membership includes judges, lawyers, professors, business, labor, and other civic leaders.

The existence of the San Francisco Law Library in an accessible location is of utmost concern to the Commission. As you know, there is a chronic lack of legal assistance for low and moderate income Californians. People who cannot afford legal counsel or cannot get help from pro bono or legal services programs frequently turn to the Law Library to find important legal information on issues that affect their everyday lives. The Law Library advances greater access to justice by making the judicial system more user-friendly and accessible for people without lawyers. Without it, the public would have nowhere to turn to conduct its legal affairs.

While we know you have many demands on your time, we hope you will make the Law Library a priority and are happy to assist you in this endeavor. Because the library is threatened with closure next spring, we hope you will do everything in your power to ensure a permanent location with sufficient space to provide the full spectrum of services the community needs. We would gladly connect you with the other law libraries throughout the state or assist you in any other way we can.

Please contact me if you have any questions or if we can provide you with any other information or support.

Sincerely,



Hon. Ronald B. Robie
 Chair, Commission on Access to Justice

HON. RONALD ROBIE
 Chair
 Court of Appeal, Third Appellate District
 Sacramento

JOANNE E. CARUSO
 Vice Chair
 Jacobs Engineering Group Inc.
 Los Angeles

HON. STEVEN K. AUSTIN
 Contra Costa County Superior Court
 Pittsburgh

KENNETH W. BABCOCK
 Public Law Center
 Santa Ana

MARCIA BELL
 San Francisco Law Library

KRESTA DALY
 Rothschild, Wishek & Sands, LLP
 Sacramento

MICHELLE MANZO DEAN
 McDermott, Will & Emery LLP
 Los Angeles

MEERA E. DEO
 Thomas Jefferson School of Law
 San Diego

ERIKA FRANK
 California Chamber of Commerce
 Sacramento

HON. ANDREW J. GUILFORD
 U.S. District Court, Central District of California
 Santa Ana

HON. JAMES E. HERMAN
 Superior Court of Santa Barbara County
 Santa Maria

JANIS R. HIROHAMA
 Manhattan Beach

MARY E. KELLY
 California Unemployment Insurance Appeals Board
 Los Angeles

HON. GOODWIN LIU
 Liaison
 California Supreme Court

HON. DOUGLAS P. MILLER
 Court of Appeal, Fourth Appellate District
 Riverside

HON. CARLOS R. MORENO (RET.)
 California Supreme Court

ANNE MARIE MURPHY
 Cotchett, Pitre & McCarthy
 Burlingame

DAVID J. PASTERNAK
 Pasternak, Pasternak & Patton
 Los Angeles

PAUL TEPPER
 Western Center on Law & Poverty
 Los Angeles

EDWARD THOMAS UNTERMAN
 Rustic Canyon Partners
 Santa Monica

DIAN M. VORTERS
 Office of Administrative Hearings
 State of California
 Sacramento

ERIC WAYNE WRIGHT
 Santa Clara University School of Law
 Santa Clara

MARY LAVERY FLYNN
 Director, Office of Legal Services
 State Bar of California
 San Francisco

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 BOARD OF SUPERVISORS
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 2012 APR 23 PM 3:02
 PC



Capital Planning Committee

120379

COB
BOS 11
B2FCC
C Page

Naomi M. Kelly, City Administrator, Chair

MEMORANDUM

April 16, 2012

To: Supervisor David Chiu, Board President
From: Naomi Kelly, City Administrator and Capital Planning Committee Chair
Copy: Members of the Board of Supervisors
Angela Calvillo, Clerk of the Board
Capital Planning Committee
Regarding: Recommendation on the Certificates of Participation Authorization Request (\$45,000,000) and Supplemental Appropriation Request (\$58,700,580) by the Port of San Francisco

N. Kelly
RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 APR 23 5:13:03
ASC

In accordance with Section 3.21 of the Administrative Code, on April 16, 2012, the Capital Planning Committee (CPC) reviewed legislation to authorize Certificates of Participation ("COP") and a supplemental appropriation request for infrastructure improvements at the Port of San Francisco. The CPC's recommendation is set forth below as well as a record of the members present.

1. Board File Number TBD:

Authorization for the Port to issue up to \$45,000,000 in COPs and a supplemental appropriation including, (i) \$45,000,000 of COP 2012 Series A and B proceeds; (ii) \$4,539,337 of fund balance; and (iii) the reappropriation of \$9,161,243 from 2010 Revenue Bond funded projects to support the Pier 27 Cruise Ship Terminal Project and infrastructure projects related to the 34th America's Cup events.

Recommendation:

Recommend the Board of Supervisors approve the authorization of the COPs and the supplemental appropriation.

Comments:

The CPC recommends approval of these items by a vote of 11-0.

Committee members or representatives in favor include: Naomi Kelly, City Administrator; Ed Reiskin, SFMTA; Ed Harrington, SFPUC; John Martin, San Francisco International Airport; Phil Ginsburg, Recreation and Parks Department; Alicia John-Baptiste, Planning Department; Elaine Forbes, Port of San Francisco; Judson True, Board President's Office; Nadia Sesay, Controller's Office; Douglas Legg, Public Works; and Leo Chyi, Mayor's Budget Office.

②

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

EDMUND G. BROWN, JR.



Governor

STATE OF CALIFORNIA
Fish and Game Commission

Sonke Mastrup
EXECUTIVE DIRECTOR
1416 Ninth Street
Box 944209
Sacramento, CA 94244-2090
(916) 653-4299
(916) 653-5040 Fax
fge@fgc.ca.gov

RECEIVED
OFFICE OF SUPERVISORS
SAN FRANCISCO
APR 25 PM 2:56

April 27, 2012

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to the amendment of Sections 671.1 and addition of Section 671.8, Title 14, California Code of Regulations, relating to Permits and Inspection of Facilities for Restricted Species, which will be published in the California Regulatory Notice Register on April 27, 2012.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments. Pursuant to Section 2150.2 of the Fish and Game Code, establishment of fees in the amount sufficient to cover the costs for permits and inspections of facilities falls under the authority of the Department of Fish and Game. It is anticipated that the Department will publish a notice proposed changes to fees in the California Notice Registry in late June or early July, under a separate rulemaking. Any comments the Commission receives regarding costs and fees will be forwarded to the Department of Fish and Game.

Dr. Eric Loft, Chief Wildlife Branch, Wildlife and Fisheries Division, Department of Fish and Game, phone (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,


Jon D. Snellstrom

Associate Governmental Program Analyst

Attachment

(7)

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

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 203, 203.1, 1002, 2118, 2120, 2122, 2127, 2150, 2150.4, 2157, and 2193 Fish and Game Code. Reference: Sections 2116, 2116.5, 2117, 2118, 2120, 2150, 2151, 2157, 2190, 2193, 2271 and 3500 of said Code, proposes to Amend Section 671.1, and Add Section 671.8, Title 14, California Code of Regulations, relating to Permits for Restricted Species and Inspection of Facilities.

Informative Digest/Policy Statement Overview

Existing regulations specify the conditions under which an individual or entity can lawfully possess restricted species in California. The proposed regulatory changes are needed to comport with AB 820 (Statutes of 2005) (now sections 2116-2195 Fish and Game Code). The statute and consequent regulations are intended to implement a comprehensive, self-supporting program for inspection and monitoring of restricted species facilities in California.

Recent events involving captive restricted species (a human fatality incident and separate escaped animal incidents) demonstrated the need for reconsideration, modification, and addition to the existing regulations to address issues such as escape contingency planning, public safety, and inspection.

Proposed Regulations

Consideration and adoption of these proposed regulations will result in the following:

Amend 671.1

Elimination of language that authorized a veterinarian to approve inspection and resulted in a fee waiver for permit holders.

Clarification that permitted animal facilities will require only one inspection per year, and not two.

Modification of a 10-day notification requirement in the event of the death of restricted species under permit. The Department is also proposing to modify Section 671.1 (c)(2)(N) regarding the 10 business day notification requirement for transfers, receipt, birth or death of an animal of any restricted species. Large zoos and research facilities requested a change to this section due to the regular deaths of large number of small, short-lived restricted species such as fish, amphibians, and rodents.

The Department already has a 10-day reporting requirement for elephants, non-human primates, bears, wolves, gila monsters and members of the Family Felidae when these animals are transferred, received, have a birth or death, or there is a change in a unique identification. Because this is already required for these animals, the Department is being adequately notified. Should the Department ever wish to investigate the transfer, death, receipt, or birth of the other species not required to be uniquely identified, the permittee will be required to maintain and produce such records at the facility.

The proposal also provides clarification of the appeal process and other minor editorial cleanup changes.

Add 671.8

Establishes annual inspection requirements and types of inspections to be conducted. Establishes inspection options that includes defining an eligible local entity and establishing a memorandum of understanding process specifically for research entities; and depending on Commission action either would or would not include the potential for a similar ELE/MOU process for other entities.

For public notice purposes and to facilitate Commission discussion, the Department is presenting the two regulatory options (Option A and Option B) for Section 671.8 that encompass differing opinions on who may conduct inspections, and under what circumstances, for Commission consideration:

Proposed Action - § 671.8. Inspection of Facilities

This proposed new section establishes the annual inspection requirements and types of inspections to be conducted to be compliant with recent statute. The fee for inspections would be based on the number of enclosures that a facility has, using actual inspection information that the Department gained from limited testing of the method on permitted facilities.

Establishes a permitting capability that includes inspection by an eligible local entity ELE through a memorandum of understanding (MOU) process specifically, and only, for research entities such that the Department would not be inspecting those research facilities. The facilities would not be required to pay the enclosure-based inspection fee. This option allows for a five year MOU with annual renewals during that five year time period. Research entities are already subject to inspections by USDA, and have special public health related or animal care standards and accreditations that must be met for the research activities to be conducted.

The major changes would include:

- a more efficient method for inspecting nonresident applicants for restricted species;
- clarification and description of types of inspections (initial, renewal, amendment); and
- providing for research entities to be considered ELE's and enter into an MOU with the Department for inspection purposes.

The applicant or permittee requesting ELE/MOU status would be required to pay a new ELE/MOU fee to cover the cost of administering an ELE/MOU process. The Department would not reimburse any entity that becomes an ELE.

Alternative 2 - § 671.8. Inspection of Facilities

Alternative 2 includes all of the proposed regulations plus additional regulatory language that would enable the Department to potentially authorize a restricted species applicant or existing permittee (as a trained private individual) to be an ELE for inspection purposes starting in 2015. The ELE's would then enter into an MOU with the Department that would allow for inspection of

the facilities. The applicant or permittee requesting ELE/MOU status would be required to pay a new ELE/MOU fee to cover the cost of administering an ELE/MOU process. The Department would not reimburse any entity that becomes an ELE.

Establishes permitting options so that the Department would not be inspecting those permitted facilities, and the facilities would not be required to pay the enclosure-based inspection fee. Allows for a five year MOU with annual renewals during that five year time period.

This alternative will likely receive both support and opposition as it could lead to "self inspection" which has been an issue in the past. The alternative is similar to the veterinarian inspection process which led to the requirement to change the regulations because of settlement language from a lawsuit that the Department agreed to, but it prohibits an ELE from conducting inspections of an exhibitor if that local entity is employed by, or receives compensation from, that exhibitor. However, the payment of inspection fees to the ELE does not constitute employment or compensation for purposes of this section. Compared to current conditions, the Department anticipates that, with the additional inspection fees based on a number of enclosures, there will be increased Department enforcement of inspection requirements and ensuring animal care standards are met.

The Department does not have a process where fees can be collected to be paid to an ELE and a compensation program would be administratively difficult for the Department to implement considering current contracting difficulties with private entities.

Alternative 2 would add the following elements to the regulatory package:

Requires a permit holder to enter into an MOU with the Department to avoid the inspection fees that are based on a number of animal enclosures.

Sets as the criteria for a trained private individual to be an ELE, that the individual must meet the qualification requirements for a restricted species permit as specified in Section 671.1.

Provides that the director's "Committee on the Humane Care and Treatment of Wild Animals" shall advise and assist the Department in entering into MOU's and in determining whether an MOU meets the requirements of applicable laws and regulations.

Allows the Department to grant or deny the request to become an ELE and/or obtain an MOU for justified reasons.

Prohibits an ELE from conducting inspections of an exhibitor if the ELE is employed by, or receives compensation from, that exhibitor.

Establishes January 2015 as the date that the Department would start to consider and enter into MOUs with permittees. This allows two full years for advance planning and preparation by the Department for this process.

The applicant or permittee requesting ELE/MOU status would be required to pay a new ELE/MOU fee to cover the cost of administering an ELE/MOU process. The Department would not reimburse any entity that becomes an ELE.

The Commission anticipates that this regulation will not have any effect on the overall health and welfare of California residents except to improve public safety through more thorough restricted species facility inspections. Animal escapes should be reduced with the more consistent inspection of minimum caging standards that will be implemented by the Department.

The Commission may anticipate this regulation change will have a possible effect on the environment because the animals involved are captive. Where this regulation may have some effect on the environment is in the aspect of the Department being more familiar with each facility and monitoring for violations on a regular basis. There are two possible ways captive animals could cause a problem in the environment: 1) If non-native animals escape and establish breeding populations in California; and 2) If restricted species are imported into California with a wildlife disease and the disease spreads to native wildlife. Conducting regular, consistent and thorough inspections may help to reduce the probability of either scenario.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate regulations establishing the procedures for inspections of wildlife facilities; however, the Department of Fish and Game, pursuant to Section 2150.2, Fish and Game Code, has the authority to set inspection fees and will proceed under a separate rulemaking.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in Mountainside Conference Center, 1 Minaret Road, Rooms 4 and 5, Mammoth, California, on Wednesday, June 20, 2012, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before June 20, 2012 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on June 18, 2012. All comments must be received no later than June 20, 2012, at the hearing in Mammoth, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Dr. Eric Loft, Chief Wildlife Branch, Wildlife and Fisheries Division, Department of Fish and Game, telephone (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may

preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

Impact of Regulatory Action

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

(a) **Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States.**

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Considering the small number of permits issued over the entire state, this proposal is economically neutral to business and applies evenly to resident and nonresident permittees.

Results of the Economic Impact Analysis

(b) **Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California.**

The proposed regulations will identify the Department as the primary inspectors for approximately 260 Restricted Species facilities (this package does not include Research, Aquaculture or Fish inspections) in California. Currently, most of the inspections are conducted by veterinarians hired by or employed by the restricted species facility. Less work for veterinarians currently conducting these inspections may occur. It is unknown how much each private veterinarian charges restricted species permittees for inspection services but the statute (FGC Section 2150.4) requires the Department or an eligible local entity to conduct the inspections. The impacted veterinarians are generally employed otherwise and may still be employed by these facilities to conduct medical exams and other duties dealing with the health of the animals at the facility.

This regulation change will neither create new businesses in California or eliminate businesses currently doing business in this state nor expand the businesses currently doing business in this state.

The Commission anticipates that this regulation will not have any effect on the overall health and welfare of California residents except to improve public safety through more thorough restricted species facility inspections. Animal escapes should be reduced with the more consistent inspection of minimum caging standards that will be implemented by

the Department.

The Commission anticipates this regulation change will have a possible effect on the environment because the animals involved are captive. Where this regulation may have some effect on the environment is in the aspect of the Department being more familiar with each facility and monitoring for violations on a regular basis. There are two possible ways captive animals could cause a problem in the environment: 1) If non-native animals escape and establish breeding populations in California; and 2) If restricted species are imported into California with a wildlife disease and the disease spreads to native wildlife. Conducting regular, consistent and thorough inspections may help to reduce the probability of either scenario.

(c) Cost Impacts on Representative Private Person or Business

As the number of permitted persons for all Restricted Species permits is small (approximately 300 permittees statewide) the impacts are not consequential to the State. However, there will be cost impacts that a representative private person or business who is among the 300 permittees would necessarily incur in reasonable compliance with this proposed action. Fish and Game Code Section 2150.2 states the Department "shall establish fees... in amounts sufficient to cover the costs..." These costs would occur in applying for a permit and the required inspection to house restricted wild animals and subsequent maintenance if deficiencies are found. The costs will be established under a separate rulemaking by the Department of Fish and Game.

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

Statutorily, there must be no net cost to the State. All costs, such as those incurred for application reviews, processing, issuing permits, maintaining databases, inspections, development and maintenance of a mammal registry, and other administrative or enforcement costs will be fully offset by fees paid by the regulated parties.

(e) Other Nondiscretionary Costs/Savings to Local Agencies.

The effects to local agencies are unknown at this time.

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

None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4.

None.

(h) Effect on Housing Costs.

None.

Effect on Small Business

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

Consideration of Alternatives

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

FISH AND GAME COMMISSION

Sonke Mastrup
Executive Director

Dated: April 17, 2012

OFFICE OF THE MAYOR
SAN FRANCISCO



C Page
BOS-11
Deputies
EDWIN M. LEE
MAYOR
City Atty. [Signature]

April 27, 2012

Ms. Angela Calvillo
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

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2012 APR 27 AM 9:17
BY [Signature]

Dear Ms. Calvillo,

Pursuant to Charter Section 3.100, I hereby designate Supervisor Carmen Chu as Acting-Mayor from the time I leave the State of California on Saturday, April 28, 2012 at 2:45 p.m., until I return on Monday, April 30, 2012 at 9:20 p.m.

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

Sincerely,

[Signature]
Edwin M. Lee
Mayor

cc: Mr. Dennis Herrera, City Attorney

City and County of San Francisco



Edwin M. Lee, Mayor

BOS-11, cpage
Human Services Agency

Department of Human Services
Department of Aging and Adult Services

Trent Rhorer, Executive Director

MEMORANDUM

April 27, 2012

TO: Angela Calvillo, Clerk of the San Francisco Board of Supervisors
Ben Rosenfield, Controller of the City and County of San Francisco

THROUGH: Human Services Commission

FROM: Trent Rhorer, Executive Director
Phil Arnold, Deputy Director for Administration

SUBJECT: **Human Services Care Fund: FY11-12 3rd Quarter Update**

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2012 APR 27 PM 2:51

This memo is intended to notify the Board of Supervisors and the Office of the Controller that pursuant to Administrative Code Sections 10.100-77(e), the Human Services Commission has approved the Human Services Agency's revised FY11-12 savings projections for the Human Services Care Fund.

The FY11-12 savings in homeless CAAP aid payments resulting from the implementation of *Care Not Cash* is now projected at \$13,688,965, which is roughly nine thousand less than previously estimated. The projected savings are around twenty thousand dollars less than the budgeted amount for FY11-12.

(memo continued on next page)

The actual CAAP homeless caseload for the third quarter was used to update the projections for the remainder of FY11-12 (shown in the table below). Current projections estimate that Care Fund savings will be around nine thousand less than was previously projected for FY11-12.

Month	Previous Quarterly Update (Q1 FY11-12)	Current Quarterly Update (Q2 FY11-12)	Difference
Jul-11	\$1,139,892	\$1,139,892	\$0
Aug-11	\$1,138,746	\$1,138,746	\$0
Sep-11	\$1,136,741	\$1,136,741	\$0
Oct-11	\$1,142,329	\$1,142,329	\$0
Nov-11	\$1,142,694	\$1,142,694	\$0
Dec-11	\$1,141,872	\$1,141,872	\$0
Jan-12	\$1,142,569	\$1,140,546	(\$2,024)
Feb-12	\$1,142,569	\$1,137,406	(\$5,164)
Mar-12	\$1,142,569	\$1,141,065	(\$1,504)
Apr-12	\$1,142,569	\$1,142,558	(\$12)
May-12	\$1,142,569	\$1,142,558	(\$12)
Jun-12	\$1,142,569	\$1,142,558	(\$12)
Total FY11-12	\$13,697,691	\$13,688,965	(\$8,726)

NOTE: Shaded figures are *actuals* (versus *projections*).

The FY11-12 budgeted amount for the Human Services Care Fund is \$13,708,531. As shown below, current projections are roughly twenty thousand less than this budgeted amount.

**FY11-12 Human Services Care Fund
Budget Comparison**

FY11-12 Budget	\$13,708,531
Current Projections	\$13,688,965
Amount Over-Funded	\$19,566

File 120336

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WRITTEN APPEARANCE AND STATEMENT AT HEARING
REGARDING PROPOSED RESOLUTION OF NECESSITY
OF THE CITY AND COUNTY OF SAN FRANCISCO TO EXERCISE THE RIGHT OF
EMINENT DOMAIN

TO ACQUIRE CERTAIN REAL PROPERTY INTERESTS WITHIN THE REAL PROPERTY
COMMONLY KNOWN AS 77 O'FARRELL STREET, SAN FRANCISCO, CALIFORNIA,
DESCRIBED AS ASSESSOR'S PARCEL BLOCK NO. 0328, LOT NOS. 003 AND 004

In accordance with Section 67.7-1 of the San Francisco Administrative Code, the undersigned legal counsel for property owner, Stockton Street Properties ("SSP"), hereby appears by written appearance at the hearing being held by the Board of Supervisors of the City and County of San Francisco on May 1, 2012 at 3:00 pm at the Legislative Chamber, Room 250 located at City Hall, 1 Dr. Carlton B. Goodlett Place in San Francisco, California and on behalf of SSP, and states the following:

1. The City and County of San Francisco ("San Francisco") is not authorized to exercise the power of eminent domain for the purpose stated in its resolution entitled **"Resolution authorizing the acquisition of a temporary construction license at the real property commonly known as 77 O'Farrell Street, San Francisco, California, Assessor's Parcel Block No. 0328, Lot Nos. 003 and 004, by eminent domain for the public purpose of constructing the Central Subway/Third Street Light Rail Extension and other improvements; adopting environmental findings under the California Environmental Quality Act (CEQA), CEQA Guidelines, and Administrative Code Chapter 31; and adopting findings of consistency with the General Plan and City Planning Code Section 101.1."** ("Proposed Resolution") in that the Proposed Resolution, or any other document purporting to justify this action by San Francisco, does not state facts sufficient to constitute a right to take land for the construction of that certain project known as the Central Subway/Third Street Light Rail Extension and other improvements (the "Project").
2. The stated purpose is not a public use in that San Francisco has not stated within the Proposed Resolution, or within any other document or statement, facts sufficient to constitute or show a right to so construct the Project.
3. The public interest, convenience and necessity do not require the Project.
4. The public interest, convenience and necessity do not require the acquisition of the temporary construction license identified above.
5. San Francisco's acquisition of the temporary construction license is not necessary for the Project for the reasons stated herein and for other good and sufficient reasons.
6. The Project as planned and located, is not planned and located in the manner that will be the most compatible with the greatest public good and the least private injury including, without limitation, the fact that the Project has not adequately addressed construction issues such that there is a reasonable probability that at some time in the near future,

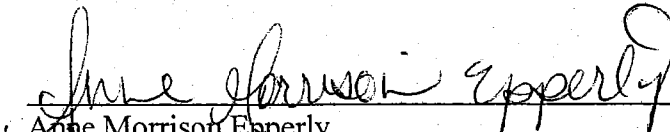
during or after the construction of the Project, it is highly likely that the Project will result in significant business and other damage to the SSP properties.

7. Compliance has not been made with California Government Code Section 7267.2; an adequate written statement of the basis of San Francisco's offer for the property has not been made and furnished to the undersigned; an offer in compliance with Government Code Section 7267.2 has not been made.
8. There is no reasonable probability of use of the said real property for the said purpose within the applicable period of time.
9. Adoption of the Proposed Resolution will constitute a gross abuse of discretion within the meaning of California Code of Civil Procedure Section 1245.255 for the reasons stated herein, and for other good and sufficient reasons.
10. All other grounds provided or allowed by law.
11. San Francisco's offer of compensation to SSP failed to comply with the California Government Code and other requirements of law in that, among other things, it failed to include an explanation and analysis why the condemning agency states that no severance damages will be incurred by the remaining property and failed to include an adequate explanation of the reasons why San Francisco's offer is fair and reasonable and should be acceptable to the Owner.

Dated: April 26, 2012

Stockton Street Properties, Inc.

By NIXON PEABODY, LLP


Anne Morrison Epperly
Attorneys for Stockton Street Properties, Inc.



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: CA State Offers Grants to Benefit Coastal Habitat, EEF Grant

From: Bruce Joab <bjoab@OSPR.DFG.CA.GOV>
To: eefgrant <eefgrant@OSPR.DFG.CA.GOV>,
Date: 04/27/2012 03:28 PM
Subject: CA State Offers Grants to Benefit Coastal Habitat, EEF Grant

Environmental Enhancement Fund Grant, Request for 2012 Applications

The State's oil spill agency, the California Department of Fish and Game Office of Spill Prevention and Response, is seeking grant proposals for projects to enhance California's marine habitat. This grant, administered through the Environmental Enhancement Fund (EEF), is available to coastal communities including cities, nonprofit organizations, counties, districts, state agencies, and departments, and (to the extent permitted by federal law) federal agencies. More information on the EEF grant may be found in the flyer at <http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=32108> and even more details as well as the grant application form are available at <http://www.dfg.ca.gov/ospr/Science/EEP.aspx>. **All applications are due August 28, 2012, but 5:00 PM Pacific time.**

File 120356-366

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Lloyd W. Schloegel
General Delivery
SAN FRANCISCO, CALIF 94142

APRIL 27, 2012

2009.0885 EMTZCBRSK

In Opposition to the Proposed CPMC
Hospital Rebuild Program in SAN FRANCISCO.

The California Pacific Medical Center (CPMC) - DAVIES CENTER in SAN FRANCISCO wants to build a number of new hospitals in the SAN FRANCISCO BAY AREA, and is seeking money from Society and the City government for this purpose. The CPMC in SAN FRANCISCO currently operates a four campus hospital system with four existing Acute care hospitals. They want to Add a new campus at Van Ness Avenue and Geary Street.

The problem with this proposal is that the City is already over-supplied with hospitals and we do not have much present demand for this. Existing facilities are in good condition. This looks like a waste of money. Local people are concerned about the Risk of unnecessary surgery.

The CPMC Group wants to build hospital sites on existing hotel sites in the Bay Area, such as the Geary and Post Street site. They want to tear down a whole block of city buildings in the Polk Street Commercial district, C-8, between Van Ness Avenue and Polk Street and replace there with medical buildings.

Copy to City Planning 1

opposing the CPMC Hospital Rebuild Program
and Recuperation Centers.

The San Francisco Planning Commission held two Hearings on these CPMC building proposals in April 2012. The first Hearing was on April 5, 2012, and the second Hearing on April 26, 2012. At the April 5, 2012 Hearing there were more than eighty speakers from the medical Center and Society who spoke in support of this proposal. They said that the Project will double the number of hospital beds in the city, will build new hospitals with larger emergency room facilities & supply better Cardiology facilities, and new born intensive care capabilities. The city now has under utilized hospital facilities. This proposal looks like another waste of public money.

People are also concerned about stories of unnecessary surgery and the disturbance of the Cerebrum coming from the CPMC Group from O/HIO. They plan to improve psychiatric emergency services. What is the need for this.

This is still a bad idea that has been rejected six times or more by the local County boards. It should be rejected another time.

The Hearing held on April 26, 2012 was for the purpose of Certification of the Environmental Impact Report for the Long Range Development Plan for the California Pacific Medical Center System. Each Hearing consumed about six hours.

2
Lloyd Schloegel
April 27, 2012
LLOYD SCHLOEGEL

Opposing the CPMC Hospital Rebuild Program

The KAISER Hospital System of Northern California wants to get out of the Hospital Business. And the California Pacific Medical Center System from OHIO is trying to pick up the Hospital Business in Northern California in the San Francisco Bay Area. The KAISER System in SAN FRANCISCO was competent and inspired confidence.

Lloyd Schloegel

URGENT, HAND-DELIVERED, FRIDAY, APRIL 27TH, 2012:

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DEMAND FOR IMMEDIATE CURE PURSUANT to the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101-12213 (2000), inter alia. (COMMONLY REFERRED TO AS THE ADA) This is an ADA Formal Written REQUEST for Reasonable Accommodations and for ADA Reasonable Modifications of your policies and practices for access to the City of San Francisco services for Homeless Adult Disabled and Homeless Senior victims of your shelter "services" or rather lack of services and it is personally addressed and hand-delivered to all listed, named and unnamed persons below:

To The City Attorney in and for the City of San Francisco, **Mr. Dennis J. Herrera**, Office of the City Attorney, City Hall, Room 234, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102, Phone:(415) 554-4700, Fax: (415) 554-4745 Fax, Email address: cityattorney@sfgov

AND To The Mayor of the City of San Francisco, **Mayor Edwin M. Lee**, Mayor's Office, City Hall, Room 200, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102, Telephone: (415) 554-6141, Fax: (415) 554-6160, Email address: mayoredwinlee@sfgov.org

AND To EACH Member of the San Francisco Board of Supervisors:

For District ONE: **Mr. Eric Mar**, Supervisor for District 1, (415) 554-7410 – Voice, (415) 554-7415 – Fax, Email address: Eric.L.Mar@sfgov.org

For District TWO: **Mr. Mark Farrell**, Supervisor for District 2, (415) 554-7752 – Voice, (415) 554-7843–Fax, Email address: Mark.Farrell@sfgov.org{**especially see item #17, Exhibit #5**}

For District THREE: **Mr. David Chiu**, Supervisor for District 3, (415) 554-7450 – Voice, (415) 554-7454 – Fax, Email address: David.Chiu@sfgov.org

For District FOUR: **Ms. Carmen Chu**, Supervisor for District 4, (415) 554-7460 – Voice, (415) 554-7432 – Fax, Email address: Carmen.Chu@sfgov.org

For District FIVE: **Ms. Christina Olague**, Supervisor for District 5, (415) 554-7630 – Voice, (415) 554-7634 – Fax, Email address: Christina.Olague@sfgov.org

For District SIX: **Ms. Jane Kim**, Supervisor for District 6, (415) 554-7970 – Voice, 554-7974 – Fax, Email address: Jane.Kim@sfgov.org

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For District SEVEN: **Mr. Sean Elsbernd**, Supervisor for District 7, (415) 554-6516 – Voice, (415) 554-6546 – Fax, Email address: Sean.Elsbernd@sfgov.org

For District EIGHT: **Mr. Scott Wiener**, Supervisor for District 8, (415) 554-6968 – Voice, (415) 554-6909 – Fax, Email address: Scott.Wiener@sfgov.org

For District NINE: **Mr. David Campos**, Supervisor for District 9, (415) 554-5144 – Voice, (415) 554-6255 – Fax, Email address: David.Campos@sfgov.org

For District TEN: **Ms. Malia Cohen**, Supervisor for District 10, (415) 554-7670 – Voice, (415) 554-7674 – Fax, Email address: Malia.Cohen@sfgov.org

For District ELEVEN: **Mr. John Avalos**, Supervisor for District 11, (415) 554-6975 – Voice, (415) 554-6979 – Fax, Email address: John.Avalos@sfgov.org

For the Entire Board: Clerk of the Board of Supervisors (415) 554 – 5184 – Voice,

AND To: Ms. Naomi M. Kelly, City Administrator, Office of the City Administrator, City Hall, Room 362, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102, Phone: (415) 554-4851, Fax: (415) 554-4849, Email: city.administrator@sfgov.org

AND To: (AND EMAILED TO THE FOLLOWING LIST BASED UPON THESE CITY DEPARTMENTS): Mr. Bevan Dufty / Mr. Scott Weldon; / 311 Customer Service Center 311 / Access Appeals Commission (415) 575 – 6923 / Building Inspection Commission (415) 558 – 6164/ Citizen’s General Obligation Bond Oversight Committee (415) 554 – 7500 / Civil Grand Jury (415) 551 – 3605 / Office of Contract Administration (415) 554 – 6743 / Ethics commission (415) 252 – 3100 / Board of Examiners (415) 558 – 6157 / General Services Agency (415) 554 – 4851 / Health Service System (415) 554 – 1750 / Human Rights Commission, Attention: Lupe (415) 252 – 2500 / Human Services Agency (DHS) (415) 557 – 5000 / HOT TEAM 311 & (CATS/MAP van) 311 / Office of Legislative Analyst (415) 554 – 7786 / Local Agency Formation Commission 311 / Local Homeless Coordinating Board (415) 557 – 6451 / Mayor’s Office on Disability (415) 554 – 6789 / Mayor’s Disability Council (415) 554 – 6789 / Mayor’s Office of Housing (415) 701 – 5500 / Mayor’s Office of Neighborhood Services (415) 554 – 7111 / Non – Profit Contracting Task Force 311 / Planning Commission (415) 558 – 6407 / Public Health Commission (415) 554 – 2666 / Department of Public Health (415) 554 – 2500 / Redevelopment Agency (415) 749 – 2400 AND Oversight Board, Successor to the Redevelopment Agency 311 / Shelter Monitoring Committee (415) 255 – 3642 / Treasure Island Development Authority (415) 274 – 0660 / Western SoMa Citizens Planning Task Force (415) 558 –

6311 / Citizen's Advisory Committee for the Central Market & Tenderloin Area 311 /
Community Challenge Grant Program 311 / Donate to San Francisco – Give2SF 311 /
Sanctuary Ordinance 311 / General Services Agency 311 / Human Services Agency –
Aging and Adult Services 311 / Planning Department – Better Neighborhoods 311
/Department of Public Health – Mental Health Board 311/

AND To ALL OTHERS WHOM IT MAY CONCERN:

**NOTICE IS HEREBY GIVEN TO ALL OF YOU ABOVE NAMED AND UNNAMED PERSONS
THAT PURSUANT to THE:**

- Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101-12213 (2000).
- Age Discrimination in Federally Assisted Programs Act, 42 U.S.C.A. §§ 6101-6107 (West 2003).
- Civil Rights Act of 1964, Pub. L. No. 88-352, 78 Stat. 241 (codified as amended in scattered sections of 2 U.S.C., 28 U.S.C., and 42 U.S.C.).
- Freedom of Information Act (FOIA), 5 U.S.C.A. § 552 (West 2007).
- Government Performance and Results Act of 1993 (GPRA), Pub. L. No. 103-62, 107 Stat. 285 (codified as amended in scattered sections of 5 U.S.C., 31 U.S.C., and 39 U.S.C.)
- Fair Housing Act, 42 U.S.C. §§ 3601 – 3619.
- Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 355 (codified as amended in scattered sections of 15 U.S.C., 20 U.S.C., 29 U.S.C., 36 U.S.C., 41 U.S.C., and 42 U.S.C.).

That ALL OF YOU NAMED ABOVE, AND OTHER CITY OFFICIALS, EMPLOYEES, AGENTS, AND ASSIGNS, UNKNOWN AND UNNAMED AT THIS TIME, ARE SYSTEMATICALLY, PURPOSEFULLY, DELIBERATELY, KNOWINGLY, REPEATEDLY, INTENTIONALLY, AND DISCRIMINATORILY ENGAGING IN POLICIES AND PROCEDURES IN DIRECT VIOLATION OF; AND ARE MALICIOUSLY ACTING IN VIOLATION OF THE AMERICANS WITH DISABILITIES ACT, *inter alia*. BY SINCE AT LEAST 2008, WHEN YOU ISSUED ONTO YOURSELVES A REPORT (attached herein as **Exhibit #1**) PROVING THAT YOU KNOW SINCE THAT DATE, THAT YOU ARE INTENTIONALLY WITH MALICE DISCRIMINATING AGAINST SENIOR AND DISABLED HOMELESS PERSONS IN THE CITY OF SAN FRANCISCO BY REPEATEDLY DENYING THEM ACCESS TO SHELTER AND ACTUAL SHELTER BEDS; AND ALSO BY WILLFULLY KNOWINGLY FRAUDULENTLY DENYING THEIR FUNDS UNDER THE FAILED "CARE NOT CASH POLICY" OF THE CITY AND COUNTY OF SAN FRANCISCO, BY FORCING SENIORS AND DISABLED TO

PLAY A SHELL GAME WHICH THEY CANNOT POSSIBLY WIN, OF SHELTER BED ROULETTE IN COMPETITION WITH TENS OF THOUSANDS OF ABLE-BODIED AMBULATORY PEOPLE **{notation: hereinafter, the able-bodied are typed as and referred to as "ambulos"}**, who can quite easily outmaneuver the Disabled and Seniors. And **Exhibit #1** (attached) of a 38-Page Shelter Access Report dated 2008 IS IRREFUTABLE, PRIMA FACIE EVIDENCE AND PROVES IRREFUTABLY THAT YOU CLEARLY KNOW WHAT YOU ARE DOING NOW AND HAVE CLEARLY KNOWN WHAT YOU **WERE DOING** FOR AT LEAST ALL OF THESE LAST FIVE YEARS, AND YET YOU ALSO KNOW THESE CONTROLLING LAWS LISTED ABOVE AND OTHER LAWS AND HAVE TAKEN NO CORRECTIVE ACTIONS TO RELIEVE, OR AT LEAST EASE THE ABUSE AND DISCRIMINATIONS AGAINST SENIORS AND DISABLED! **(Notation, while we are a specific, named group of Homeless DISABLED and Homeless SENIOR PERSONS, WE DO NOT SIMPLY ENTER THESE ADA REQUESTS FOR OURSELVES)**: Therefore, We enter these specific ADA Requests for BOTH ourselves AND FOR THE ENTIRE CLASS OF Homeless SENIORS AND Homeless DISABLED – EVERY Homeless SENIOR AND Homeless DISABLED PERSON EXISTING IN SAN FRANCISCO, CALIFORNIA, who might not be as advantaged as us and able to think about, write, type, file with you, and pay for the costs of production of all of these copies to each of you.

THEREFORE, WE DEMAND WITHIN THE NEXT 10 DAYS OR LESS THE FULL IMPLEMENTATION OF ALL OF THE FOLLOWING PROCEDURES TO HELP REDUCE YOUR DEPLORABLE SYSTEMATIC ABUSE OF SENIORS AND DISABLED:

1. The immediate implementation of a SENIORS and DISABLED ONLY SHELTER SYSTEM – and with the ultimate goal of construction of several buildings designated for only Seniors and Disabled; with case management only focused upon obtaining actual legitimate housing for each senior and disabled.
2. In **Exhibit #2** (attached) YOU WILL SEE two of about a dozen photographs of a Senior Woman who is a VICTIM OF YOUR DISCRIMINATION UNDER THE ADA: This elderly, disabled woman who walks with the aid of a crutch/cane had the great misfortune to actually fall asleep at your "MSC South" shelter bed location in the early morning of Friday, February 3rd, 2012! She is a PRIMA FACIE VICTIM of your discrimination as she fell asleep in a small stiff chair at 2:20AM on 2/3/12 and subsequently she FELL OUT OF THE TINY STIFF CHAIR ONTO THE HARD CONCRETE FLOOR SEVERELY INJURING HER RIGHT SIDE RIBS AND HEAD!! SHE WAS SO BADLY INJURED THAT SHE HAD TO BE IMMEDIATELY TRANSPORTED TO THE SAN FRANCISCO GENERAL HOSPITAL; THE MEN STANDING AROUND HER IN THE

PHOTOGRAPHS ARE SAN FRANCISCO FIRE DEPARTMENT PARAMEDICS. SO, WHAT DID YOUR RIDICULOUS AND DISCRIMINATORY POLICIES COST THE CITY ON THAT DAY?? Under the Freedom of Information Act, and under the ADA, we hereby now formally in writing DEMAND, that pursuant to FOIA AND THE ADA you immediately provide us with her name and contact information, as if this ADA DEMAND and FOIA DEMAND were written on your proper FOIA request forms. With the point being that YOU, TODAY, MUST IMMEDIATELY CEASE AND DESIST REQUIRING SENIORS AND DISABLED TO SIT UPRIGHT ALL NIGHT IN SMALL CHAIRS!! YOU MUST REPLACE EVERY CHAIR WITH FOLDABLE "CHAISE-LOUNGE" TYPE OF RECLING CHAIRS; AND/OR HAMMOCKS; AND/OR SOME OTHER SORT OF COMFORTABLE AND RECLINING DEVICE THAT ALLOWS SAFER SLEEP AND ELIMINATES YOUR BARBARIC AND TORTUROUS POLICY, PROCEDURE, AND PROCESS OF REQUIRING OVERNIGHT SITTING UPRIGHT IN CHAIRS!! Requiring you to prevent actual sleeping!!

3. The immediate partnering of the City of San Francisco with "Habitat for Humanity" and with "Rebuilding Together – SF" and with other social service agencies such as Episcopal Community Services, The Related Companies, and John Stewart Companies for immediate emergency-based Senior/Disabled shelter construction to be completed and opened THIS YEAR!!
4. The fragmentation within that newly created Seniors and Disabled Shelter System of a "Multiple – Types of TREATMENTS Shelter classification – and types of shelter housing treatment subdivisions"; wherein EACH GROUP treatment division is not comingled with any other group! And wherein, EACH PERSON is placed in their own PRIVATE separate "Cubicle Bed" such as what the Japanese frequently use in airports in Japan.
 - Wherein, for example, ALL persons primarily being treated and sheltered under a "Harm Reduction" Program are ALL TOGETHER housed in the same building EXCLUSIVELY, with case managers, and staffing specializing in "harm reduction".
 - And further, for example, ALL persons primarily being treated and sheltered under a "Mental Disability" are ALL TOGETHER housed in the same building EXCLUSIVELY, with case managers, and staffing specializing in "mental disability".

- And further, for example, ALL persons primarily being treated and sheltered under a "Physical Disability" are ALL TOGETHER housed in the same building EXCLUSIVELY, with case managers, and staffing specializing in "physical disability".
- And further, for example, ALL persons primarily being treated and sheltered under an "Alcohol Addiction" are ALL TOGETHER housed in the same building EXCLUSIVELY, with case managers, and staffing specializing in "alcohol addiction".
- And further, for example, ALL persons primarily being treated and sheltered under a "Drug Addiction" – either prescription or non-prescription – are ALL TOGETHER housed in the same building EXCLUSIVELY, with case managers, and staffing specializing in "drug addiction";
- AND ETCETERA.

THIS FRAGMENTATION IS NOT DISCRIMINATORY BECAUSE IT IS WITHIN THE EMERGENCY HOUSING SHELTER SYSTEM WHICH HAS THE STATED GOAL OF TRANSITIONING ALL CLIENTS IN THE SHELTER SYSTEM INTO FIRM, STABLE, PERMANENT HOUSING; YET IT DIRECTLY FOCUSES TREATMENT ON EACH INDIVIDUAL PERSON, TREATS THEM WITH RESPECT AS AN INDIVIDUAL PERSON, AND MOST IMPORTANTLY MUCH BETTER THAN YOUR CURRENT SYSTEM, THIS "FRAGMENTED" APPROACH TO TREATMENT ADDRESSES EACH INDIVIDUAL PERSON'S PRIMARY CONDITION CAUSING HOMELESSNESS!!! Whereas, if this fragmentation DOES NOT OCCUR IMMEDIATELY you are discriminatorily forcing the **PROTECTED CLASS OF SENIORS AND DISABLED** to compete with the afore mentioned much more able-bodied groups for a shelter bed. And MOREOVER, you are **FORCING** a sober, or struggling to be sober Senior exist in the very next bed to a harm reduction patient who is not attempting to be sober at all, thereby undermining BOTH. That DELIBERATE forcing of Seniors and Disabled into competition instantly discriminates against the Seniors and Disabled attempting to improve their lives. Moreover you are forcing a non-addicted to any alcohol or any substance, lifetime sober but physically disabled young adult, to compete with and lay in a bed next to a bedbug ridden drunken AMBULO! AMBULATORY, ABLE-BODIED PERSON who can barely function SOLELY DUE TO DRUNKENNESS and the adult disabled sober individual must not be subjected to that sort of torturous discrimination and humiliation!

5. IMMEDIATELY, before any Senior and Disabled shelter system is even able to come into existence, YOU TODAY, MUST CEASE AND DESIST making ANY Senior or Disabled person "stand in line and WAIT" for access to the shelter bed system. Additionally, YOU TODAY, MUST CEASE AND DESIST making ANY Senior or Disabled person TRAVEL from one resource center to another – either with or without several bus tokens. YOU MUST ASSIGN ALL SENIORS AND DISABLED TO A SHELTER BED IMMEDIATELY. YOU MUST INVENTORY EVERY BED THAT YOU HAVE AVAILABLE AND ASSIGN EACH ONE TO A SENIOR AND DISABLED PERSON through a simple, efficient "Wrist-Band" system (identical in scope and procedure to what you receive upon hospitalization in any hospital), IN ABSOLUTE PRIORITY OVER ANY ABLE-BODIED PERSON UNDER AGE 62 BECAUSE IT IS ABUSIVE DISCRIMINATION FOR YOU TO FORCE SENIORS AND DISABLED TO COMPETE WITH THE AMBULOS – ABLE-BODIED AMBULATORY persons.
6. YOU TODAY, MUST IMMEDIATELY CEASE AND DESIST from forcing Seniors and Disabled to compete for shelter and shelter beds with ambulos! In effect, you MUST IMMEDIATELY place EVERY SENIOR AND DISABLED PERSON into assigned shelter beds AND DISPLACE every ambulo, able-bodied person; BECAUSE OF THE VERY PRIMA FACIE FACT THAT AN ABLE-BODIED AMBULO IS ENTIRELY CAPABLE AND ABLE BY DEFINITION TO ACTIVELY SEARCH FOR SHELTER ELSEWHERE, WHILE A DISABLED OR SENIOR PERSON CANNOT EVEN TRAVEL ¼-MILE FOR SUCH A SHELTER SEARCH!!
7. YOU TODAY, MUST CEASE AND DESIST taking away the State of California Welfare, Living Expenses Subsidy to ANY SENIOR or DISABLED PERSON; particularly if you also deny them shelter under the current system or you force them to travel to any different location other than wherever they present. Because being required to go to any other Shelter Resource Center other than where the Senior or Disabled person presents into the system IS DISCRIMINATORY DENIAL OF SHELTER AND THUS IMMEDIATELY MAKES THE PERSON RE-ELIGIBLE for their \$422, or \$342 CASH PAYMENT IMMEDIATELY! This is commonly termed "Care Not Cash" HOWEVER, THE "CARE" PORTION OF THE PROGRAM IS COMPLETELY ABSENT AND NON-EXISTANT TO THE SENIORS AND DISABLED YOUNG ADULTS IN SAN FRANCISCO!; BECAUSE YOU ROUTENELY DENY SENIORS AND DISABLED ACCESS TO THE SHELTER SYSTEM BY SIMPLY KEEPING THEM IN THE PRESENT LONG LINE WAITING SHELTER RESERVATION SYSTEM MAKING THEM RUN AROUND FOR 10 HOURS OR MORE

COMPETING WITH ABLE-BODIED AMBULOS UNTIL BY ATTRITION ALL OF THE SENIORS AND DISABLED PHYSICALLY CANNOT CONTINUE! Now this provision was already adopted by a previous Mayor and Board of Supervisors and is reflected in EXHIBIT #3 (attached) of YOUR DHS – FORM 2279 “CBP Grant Chart of the City and County of San Francisco for GA and PAES, SSIP, CALM” wherein on line FOUR it clearly LEGALLY REPRESENTS AND LEGALLY STATES AND GIVES FULL FORMAL LEGAL NOTICE that if you are unable to provide adequate shelter to a Senior or Disabled person YOU ARE SUPPOSED TO AUTOMATICALLY REINSTATE THAT PERSONS CASH AND PAY THEM, BUT YOU ARE FRAUDULENTLY MISREPRESENTING THAT YOU HAVE SHELTER BEDS WHEN YOU DO NOT!! BY FORCING SENIORS AND DISABLED TO PLAY A SHELL GAME OF SHELTER BED ROULETTE WHICH THEY CANNOT POSSIBLY WIN BECAUSE YOU ARE FORCING THEM TO COMPETE WITH ABLE-BODIED AMBULOS!!

8. Essentially, regardless of WHERE in San Francisco, ANY Senior or Disabled person PRESENTS into your system, and presents themselves to you, YOU MUST IMMEDIATELY “hospital” WRIST-BAND THAT PERSON, AND THAT WRIST-BAND IMMEDIATELY ASSIGNS THAT PERSON TO A SPECIFIC NON-FORFEITURE SHELTER BED, and if necessary displaces an ambulo!! Or in the alternative, YOU MUST IMMEDIATELY PAY THAT SENIOR OR DISABLED PERSON THEIR ENTIRE STATE AID IMMEDIATELY ON THE SPOT WHEREVER THE SENIOR/DISABLED PRESENTS REGARDLESS OF THE BURDEN ON YOUR “Multiple – site/Satellite” Computer terminal linkages SYSTEM! AND YOU MUST ENTER THEM AS “EXEMPTED FROM CARE NOT CASH” IN YOUR COMPUTER SYSTEM INSTANTANEOUSLY; and you also MUST CONTINUE to shelter them or at least attempt to do so until the Senior/Disabled shelters open later this year.
9. You must also establish a FAIR system of information EXCHANGE where the client clearly understands that if they will not be using the shelter bed they must inform you immediately so that it can be reassigned; and wherein YOU communicate to every client in a fair, respectful, non-condescending, non-discriminatory, non-abusive manner! This will also be significantly enhanced by ITEM #4 above wherein clients under a “Mental Disability” will be exclusively housed and treated by a staff trained to be tolerant and patient and deferential in communications with the mentally disabled.

10. Your present shelter reservation system is ENTIRELY INADEQUATE to the specific needs of Seniors and Disabled persons and it must be immediately ended and terminated because such system is a Prima Facie Case of Discrimination and a 9
flagrant failure to comply with the Americans With Disabilities Act. This means that all shelter spaces and shelter beds reserved for able-bodied ambulos—REGARDLESS OF WHATEVER PROGRAM THE AMBULO IS REGISTERED IN AND ENROLLED UPON, MUST BE IMMEDIATELY TERMINATED AND TRANSFERRED TO SENIORS AND DISABLED.

IF YOU CANNOT SHELTER AND PROTECT THE WEAKEST AND MOST FRAIL IN THIS COMMUNITY YOU ARE ENTIRELY INCAPABLE OF ANY OTHER GOVERNMENTAL FUNCTION.

AMBULOS WHO ARE marginally employed and/or unemployed but receiving unemployment benefits could be subsidized by the City of San Francisco to transfer OUT OF THE SHELTERS system, AND INTO "SRO" TYPE HOUSING OR BETTER!! And Ambulos not working can receive JOB PLACEMENT SERVICES to help them transition out of their shelter bed.

11. As **Exhibit #4** (attached) CLEARLY, IRREFUTABLY PROVES you have created a hostile living environment that is entirely life-threatening and extraordinarily dangerous to Senior and Disabled persons!!! In clear fact, you have created a dangerous shelter system that is even extremely hazardous to AMBULOS! Because on February 6th, 2012 one AMBULO stabbed and MURDERED another at your Fifth and Bryant "MSC South" location – just one single block from your MAIN POLICE STATION! This is clearly, ABSOLUTE, PRIMA FACIE PROOF OF DISCRIMINATION under the ADA against Seniors and Disabled WHO ARE BY VERY DEFINITION, FRAIL, WEAK, DEFENSELESS, POWERLESS, AND ENTIRELY INCAPABLE OF DEFENDING THEMSELVES FROM SUCH SAVAGE ATTACKS REGARDLESS OF HOW RARE THEY MIGHT OR MIGHT NOT BE. SAVAGE, ABLE-BODIED, STRONG AMBULOS ENGAGE IN VIOLENT FIGHTS EVERY DAY IN EVERY ONE OF YOUR SHELTERS! IT JUST SO HAPPENS THAT THIS FIGHT DETAILED IN **EXHIBIT #4** SIMPLY ENDED MORE ABRUPTLY, BEFORE IT COULD BE BROKEN-UP AND DIFFUSED BY STAFF! AND YOU HAVE WILLINGLY, KNOWINGLY EXPOSED **THIS WEAK AND PROTECTED CLASS OF SENIOR AND DISABLED** TO VIOLENCE AND LIFE THREATENING MURDER AND INTIMIDATION AND SEVERELY ENDANGERED THEIR LIVES BY NOT CREATING A SEPARATE PROTECTED

SENIOR/DISABLED SHELTER SYSTEM. YOU HAVE 10 DAYS TO CLEARLY DEMONSTRATE TO US COMPLIANCE ON THESE 17 ENUMERATED ITEMS!

10

12. Requiring Sutter Health to ENLARGE their Construction Plans BY INCREASING THE HEIGHT for their contemplated 555 Bed Hospital with the additional inclusion of at least an ADDITIONAL 277 RESPITE BEDS (from which they would also earn significant money and large profit) specifically reserved FOR SENIORS AND DISABLED WHO ARE DISCHARGED FROM HOSPITALS BUT STILL INFIRMED AND STILL CANNOT CARE FOR THEMSELVES! And thereby upon discharge become a huge and unfair burden upon the taxpayers of the City of San Francisco because of premature hospital discharge, transferring the burden of care from the hospital onto the City of San Francisco, when (since the patient is still infirmed) the senior/disabled should not be discharged in the first place, but rather simply transferred from a continuous care hospital to an occasional care respite bed. There is absolutely no reason why this should become a burden on the taxpayers of the City of San Francisco, and on the City of San Francisco itself when the discharging hospital can EASILY BE REQUIRED TO SUPPORT AND SUBSIDIZE THE CONTINUING TREATMENT OF SENIORS AND DISABLED IN A RESPITE BED WHETHER SUCH BED IS ACTUALLY PHYSICALLY LOCATED AT THE DISCHARGEING HOSPITAL OR NOT, AND IS LOCATED IN SOME OTHER HOSPITAL.
13. AND IN A LIKE MANNER TO #12 ABOVE, REQUIRING San Francisco General Hospital to also ENLARGE their current construction to include at least an additional 277 respite beds reserved exclusively for the use of Seniors and Disabled.
14. AND IN A LIKE MANNER TO #12 ABOVE, REQUIRING Laguna Honda Hospital to also ENLARGE their current construction to include at least an additional 277 respite beds reserved exclusively for the use of Seniors and Disabled.
15. AND IN A LIKE MANNER TO #12 ABOVE, REQUIRING ALL San Francisco hospitals to also MAINTAIN at least 277 respite beds reserved exclusively for the use of Seniors and Disabled at each location of their hospital or branch hospital.
16. YOU TODAY, MUST CEASE AND DESIST "Requiring Senior and Disabled persons to EXIT THE SHELTER IN THE DAYTIME"; essentially this is a reasonable policy for the AMBULOS in your shelter system because it is designed to get them out of the

shelter beds and looking for gainful employment! HOWEVER, AS IS TYPICAL FOR ALL POLICIES IN YOUR SHELTER SYSTEM, IT CLEARLY DISCRIMINATES AGAINST SENIOR AND DISABLED BECAUSE AGAIN BY DEFINITION THESE PEOPLE ARE DISABLED TO WORK, AND IN MOST CASES ARE COMPLETELY UNEMPLOYABLE, MOREOVER, THEY ARE DISABLED, INFIRMED, AND PHYSICALLY QUITE WEAK AND MUST BE ALLOWED TO REMAIN IN BED AND AT LEAST INSIDE THE SHELTER IF THEY SO DESIRE, OR IF THEIR HEALTH REQUIRES!

17. Finally, EXHIBIT #5 (attached) is the most heinous of all 17 of these or any charges AGAINST YOU, and were it possible I would place ALL OF YOU under "Citizens' Arrest" for clear malfeasance in public office, but who would remain to prosecute you?, and run the trial?, or even the City for that matter!! Besides I am only a disabled person and entirely physically incapable of any physical action and certainly of arresting you for the willful frauds and malfeasance that you have committed! As of last Friday, April 13th, EXHIBIT #5 is clear irrefutable PRIMA FACIE PROOF of YOUR PERSONAL malfeasance in public office and your willful DISCRIMINATION under the ADA; BECAUSE YOU HAVE KNOWN SINCE 2008 THAT YOU ARE DISCRIMINATING AGAINST SENIORS AND DISABLED (as PROVEN by EXHIBIT #1) AND YET YOU ALSO KNOW NOW, AND HAVE KNOWN THAT YOU HAVE HAD DOZENS OF ACCEPTABLE, VACANT, CITY OF SAN FRANCISCO OWNED, SURPLUS PROPERTIES SINCE at least EIGHT YEARS earlier, in 2004!! WHICH COULD QUITE EASILY HAVE BEEN CONVERTED INTO AT LEAST TEMPORARY SHELTER FOR SENIORS/DISABLED TO HELP CURE THE DISCRIMINATION IN YOUR SYSTEM AND TO RENOVATE THE PROPERTIES THEMSELVES MAKING THEM MORE VALUABLE! AND YET WALLOWING IN YOUR MALFEASANCE YOU HAVE DONE ABSOLUTELY NOTHING FOR THE LAST DECADE!! WE WILL CONCEDE THAT THIS EXAMINER EXPOSE clearly states that you have converted TWO of 597 city owned properties into affordable housing. Two properties in ten years, you all should be SO PROUD OF YOURSELVES!!! After all it could easily have been only one or none in 10 years and with almost 600 available locations that you COULD HAVE USED TO END OR AT LEAST EASE THE DISCRIMINATION AGAINST HOMELESS SENIORS AND DISABLED FOR THIS LAST DECADE, IT MUST HAVE BEEN TRAUMATIC ON YOU JUST TO ACTUALLY FIND AND CONVERT ONE PROPERTY EVERY FOUR YEARS!! So it is long past the time for discussions, you did that in 2003, and again in 2004, and again in 2008, and again in hearings THIS YEAR! So it is quite long past the time for you to stop talking to each other and take IMMEDIATE CORRECTIVE ACTIONS! You

must now take immediate open, public steps to cure these discriminations TODAY!
YOU HAVE 10 DAYS TO CLEARLY DEMONSTRATE TO US COMPLIANCE ON THESE 17
ENUMERATED ITEMS! And finally, because the disabled are CLEARLY BETTER ABLE
TO MANAGE A SHELTER AND VACANT PROPERTIES BETTER THAN ANY OF YOU
NAMED ABOVE!! WE CHALLENGE YOU RIGHT NOW TO TURN OVER SEVEN
PROPERTIES – LESS THAN TEN PERCENT OF YOUR VACANCIES – AND THE
RENOVATION CREW AND FUNDS TO MAKE THEM SUITABLE FOR SHELTER, AND
GIVE US TWO YEARS AND WE WILL HAVE MADE A BETTER SHELTER SYSTEM THAN
YOU, BECAUSE THE DISABLED KNOW BETTER THAN YOU WHAT THE DISABLED
NEED!

YOU HAVE ALL NOW BEEN FULLY INFORMED IN BOTH YOUR INDIVIDUAL
PERSONAL CAPACITIES, AND IN YOUR OFFICIAL PUBLIC CAPACITIES; and as reasonable,
rational, thinking, responsible adults, you MUST, TODAY, Friday, April 27th, 2012 **ACT TO
CORRECT THESE ISSUES UNDER TITLE 42, UNITED STATES CODE SECTIONS §1983, §1985,
§1986, §1987 *inter alia***; and under the 1st, 5th, and 14th Amendments to the United States
Constitution; and under numerous other controlling laws, rules and regulations!! Your
failure to do IMMEDIATE, CORRECTIVE ACTION is actually acting outside the scope of your
official capacity and authority, because you have been elected and/or appointed in your
official capacity to actually cure these discriminations!! This is not at all the end of our ADA
Requests for Reasonable Modifications and Reasonable Accommodations of your policies and
procedures and for alterations in your abusive, discriminatory shelter system!! Rather it is merely the
end of my personal ability to type, proof, edit, print, and hand-deliver these multiple copies of these
ADA requests. Additional requests and information shall and will be forthcoming almost immediately
from other members of our Homeless Seniors and Homeless Disabled Group; additionally, most future
submissions shall mostly be delivered via E-mail from our E-mail account:
“SFshelterSeniorDisableADArequest@yahoo.com”. However, since you have currently, personally,
physically been given and “Received Stamped” these paper copies, we possess the physical proof that
you have been properly and FULLY INFORMED. Therefore, we also incorporate HEREIN, just as if it were
fully and completely typed and set forth HEREAT RIGHT NOW, ALL OF OUR FUTURE E-MAILS sent from
this address { “SFshelterSeniorDisableADArequest@yahoo.com” } to you – just as if they were HAND –
DELIVERED to you and “RECEIVED STAMPED” from you and by you in person!

Respectfully submitted:



Larry Richards, typist for more than 2 dozen Seniors and Disabled, disgusted at your discriminations
against us! If you believe you should contact me directly, you may do so by leaving a message through
Mr. Michael Virgil at (415) 346 – 3740 EXT. #318

EXHIBIT 1

(JUST THE COVER PAGE OF YOUR OWN 38-PAGE REPORT)

City and County of San Francisco

Local Homeless Coordinating Board Shelter Monitoring Committee

Shelter Enrichment Report

Executive Summary

Process Overview

The Shelter Enrichment process began on February 14, 2008, when Mayor Newsom held a press conference announcing his interest in transforming the two largest City owned emergency shelters, Next Door and Multi Service Center South (MSC), through expanding the medical respite program and placement of on-site supportive services, similar to the one-stop model of Project Homeless Connect. The Local Homeless Coordinating Board and the Shelter Monitoring Committee began a community process to get feedback on the medical respite and supportive service model proposed. Five community meetings and five on-site shelter meetings were held over a six week period to gather recommendations on medical services, supportive services, and access to the City & County of San Francisco shelter system.

Recommendations

Throughout the process, the community highlighted key recommendations in all four areas, the overall system, medical services, supportive services, and access. Below are the general themes stated throughout the process:

- Do not reduce the number of sleeping units in the emergency shelter system for both single adults and families
- Increase medical services for homeless shelter residents, however do not replace general access sleeping units with medical respite beds.
- Increase services for homeless people and make the on-site services accessible to all people, not just those staying at the shelter the services are located
- The current way shelter sleeping units are accessed needs to change [clients stated on multiple occasions that they had to wait in line 5-8 hours a day to access a one-day reservation]
- Solutions must be client focused and the only way to create client focused and guided solutions is to get client input
- All recommendations should be alignment with Continuum of Care Five Year Strategic Plan and the Shelter Standards of Care.

A full list of all recommendations can be found within the appendices of this report.

The product of this process holds many donated hours of client, provider, and community time. We would like to thank everyone who contributed to the Shelter Enrichment Process.

Bernice Casey, Policy Analyst
Shelter Monitoring Committee

Ali Schlageter, Policy Analyst
Local Homeless Coordinating Board

Shelter Monitoring Committee
1380 Howard St., 2nd Floor
San Francisco, CA 94103
(415) 255.3642
www.sfgov.org/sheltermonitoring

Local Homeless Coordinating Board
1440 Harrison St., 2nd Floor
San Francisco, CA 94103
(415) 558.1825
www.sfgov.org/lhcb

EXHIBIT
#2

THIS IS
THE
SENIOR
WOMAN

→
WHO FELL
ASLEEP
IN HER
CHAIR AT
2:40AM →
AND FELL
OUT OF
HER CHAIR
SEVERELY
INJURING
HER RIGHT
SIDE RIBS
AND HEAD



PLEASE
NOTICE
HER CANE/
BRUTCH
IS SEEN
UNDERNEATH
HER CHAIR
IN BOTH
PHOTOS →



AND THIS
IS HER

EXHIBIT #3

CBP Grant Chart
Form 22.2 (12/04)



City and County of San Francisco
Department of Human Services

	GA	PAES, SSIP, CALM
Client housed	Up to \$342.	Up to \$422
Client placed in DHS housing	Up to \$342 Issued as two-party check to the DHS housing agency and the client.	Up to \$422 Issued as two-party check to the DHS housing agency and the client.
Client offered available shelter (regardless of acceptance or refusal by client)	Up to \$19 Max grant less in-kind value for housing, utilities, and food	Up to \$65 Max grant less in-kind value for housing, utilities and food
Neither housing nor shelter is available	Up to \$342	Up to \$422

State of California Income In-kind values: housing/shelter \$203; utilities \$42; food \$112



EXHIBIT #4

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Man Fatally Stabbed In San Francisco Shelter

February 7, 2012 12:16 AM

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SAN FRANCISCO (CBS SF) — A man was fatally stabbed inside a shelter in San Francisco Monday night, according to police.

Officers responded to a report of a stabbing just before 7 p.m. in the 500 block of Fifth Street.

Upon arriving, they found a 44-year-old man who had been stabbed in his torso. The San Francisco man was pronounced dead at a local hospital.

The suspect fled, police said.

Anyone with information about the stabbing is asked to call the San Francisco Police Department's Anonymous Tip Line at (415) 575-4444.

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MARVIN

Windows and Doors

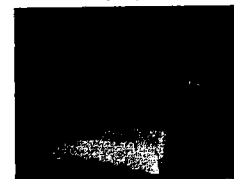
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Raw Video: Scene Of Piedmont Mudslide

LOCAL NEWS

City advised to clean up act on surplus property

By Dan Schreiber
S.F. Examiner Staff Writer

Mayor Ed Lee recently took the San Francisco Unified School District to task for failing to sell or lease its surplus property. But a new report suggests The City has idle hands of its own when it comes to extracting revenue from surplus property.

The report, from Budget Analyst Harvey Rose's office, says San Francisco has failed to do anything with 13 of 15 properties that were listed as surplus property in 2004. It describes San Francisco's general property management policies as dysfunctional, incomplete and inaccurate, with "numerous errors and misclassifications."

The report identifies 597 properties overseen by city departments, including 42 buildings previously identified as surplus and "at least" another 26 that could be considered surplus. According to city policy, surplus property should be prioritized for affordable-housing projects, but if that's not possible, departments should seek to sell or lease them.

"Some properties listed are not owned by The City; others are being used for purposes other than what is listed or are under the jurisdiction of departments other than those listed,



Fire chief's residence,
870 Bush St.

Tangle of tracts

597 Properties owned by San Francisco	42 Properties currently listed as surplus	26 Dormant properties identified as potentially surplus	2 Properties transformed into affordable housing, per city policy
---	---	---	---

Source: Board of Supervisors budget and legislative analyst

MIKE KOZMIN/THE S.F. EXAMINER

and the size of some properties was found to be inconsistent with information available from the Assessor's database," the report says.

The report also noted that the San Francisco Public Utilities Commission and the Port of San Francisco — departments that jointly control 45 city properties — did not respond to requests for

information. A requirement that departments provide The City's director of property and the Board of Supervisors with an inventory annually has been shirked citywide since 2007, the report says.

Supervisor Mark Farrell, who requested the report, called the results "concerning, at best."

"To have dozens of potential

properties lying around vacant is irresponsible and we need to fix the problem," Farrell said.

The report suggests that the board should request more-accurate information from departments and try to find out more about the 26 identified dormant properties not listed as surplus — including the landmark fire chief's residence at 870 Bush St., a multiparcel property at 1500 Cesar Chavez St. and various vacant properties.

According to the school district, 10 unused education buildings are listed as surplus property. After the mayor's criticism, the Board of Education voted Tuesday to sell a dormant school building to San Francisco State University for \$11 million.

Mayor's Office spokeswoman Christine Falvey said Lee has yet to review the report on The City's surplus.

"The mayor fully expects every department to report and oversee all surplus property to make sure it is being used to its maximum potential," Falvey said. "The Mayor's Office has already been in discussions with the city administrator about this topic, and the mayor will review this budget analyst's report when he receives it."

dschreiber@sfxaminer.com



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Information about medical cannabis dispensaries (bi-lingual)

From: Kevin Reed <kevinreed@thegreencross.org>
To: Board.of.Supervisors@sfgov.org,
Cc: Caren Woodson <caren@thegreencross.org>
Date: 04/27/2012 03:11 PM
Subject: Information about medical cannabis dispensaries (bi-lingual)

Dear Supervisor,

As the city's premier medical cannabis delivery service we proudly serve medical cannabis patients from every corner of San Francisco -- including your district!

Despite the fact that the Medical Cannabis Act (Article 33) was adopted more than five years ago and that medical cannabis dispensaries have operated in San Francisco with few complaints or cause for concern, recent events have underscored the need to provide some basic education about these facilities. In some cases, proper outreach and education is stymied by language barriers. In light of the Planning Commission's recent recommendation that The Green Cross make a concerted effort to provide bi-lingual services in connection to our desire to open a storefront dispensary in the Outer Mission/Excelsior we have prepared and are currently using the attached documents in our outreach efforts. I thought it prudent to pass these along in the event your office might find them useful.

In closing, I would like to extend an open invitation to you and/or a member of your staff to visit The Green Cross, meet our staff, and learn more about how our medical cannabis delivery service operates. While most Supervisors are familiar with the storefront model, few are familiar with delivery services. After being in operation for more than five years, we have come to know what it take to operate a successful delivery model in compliance with state and local laws and we welcome the opportunity to discuss our model and answer your questions.

To schedule a visit or for any other information, please contact me or Caren Woodson at 415-648-4420.

Sincerely,

--

Kevin Reed

President | The Green Cross
1230 Market Street #419
San Francisco, CA 94102
Office: 1.415.648.4420
Email: kevinreed@thegreencross.org
Web: www.thegreencross.org

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WHAT IS A DISPENSARY.English.pdf



What is a Dispensary.Espanol.pdf



What is a Dispensary.Chinese.pdf

IMPORTANT INFORMATION ABOUT POT CLUBS!!!

关于大麻药房的信息

Información acerca de dispensarios de marihuana

When properly permitted, regulated and operated, medical cannabis dispensaries can be a positive part of a community. They will generate dozens of new jobs for local residents and create business opportunities for nearby shops and neighborhood cafes. If you have concerns about dispensaries, please contact the operators. They are willing to work with you to address your concerns. Here is some more information to consider:

WHAT IS MEDICAL CANNABIS (marijuana)?

Medical cannabis is a physician-recommended form of medicine or herbal therapy. The cannabis plant has a long history of use and it is one of the 50 fundamental herbs of traditional Chinese medicine.¹ Today, it is recommended for a broad range of indications.

WHAT IS A MEDICAL CANNABIS DISPENSARY (MCDs)?

Medical cannabis dispensaries (not "pot clubs") are alternative wellness facilities where medical cannabis patients can find safe access to medicine, support, and healing. Dispensaries operate with a closed-membership and permit patients and caregivers to obtain cannabis only after membership is approved and patient documentation is verified. By law, you must be at least 18 y.o. to access cannabis from a dispensary.

ARE DISPENSARIES LEGAL UNDER STATE LAW?

Yes. In 2004, the California legislature enacted Senate Bill 420, which permits qualified patients and primary to collectively cultivate and distribute medical cannabis among members.² The courts have interpreted this law to mean that dispensing collectives may distribute medical cannabis to its members in storefronts.

HOW ARE DISPENSARIES REGULATED IN SAN FRANCISCO LAW?

The SF Board of Supervisors adopted the Medical Cannabis Act in 2005. The Department of Health regulates dispensaries with help from Planning, Fire, Building, and the Mayor's Office on Disability. To complain about your neighborhood dispensary, call 311, email EnvHealth.DPH@sfdph.org, or contact the Dept. of Health at (415) 252-3800. To be permitted dispensaries are required to:

- Locate 1000ft+ from schools, youth recreation centers, and drug treatment facilities
- Provide criminal background for operators/managers
- Receive inspection twice annually
- Submit a security plan to SFPD for approval
- Provide a written description of ventilation systems
- Appoint a community liaison to address neighborhood concerns
- Provide litter removal services in front of the premises

WHAT ABOUT MEDICAL MARIJUANA LAWS AND CHILDREN?

There is no evidence suggesting dispensaries put children at risk. In reviewing whether use of medical marijuana had any impact on use of marijuana by children and youth, the Congressional Research Service, notes that California ranked 34th (and falling) in the percentage of persons age 12-17 reporting marijuana use in the past month during the period 2002-2003.³

DO MEDICAL CANNABIS DISPENSARIES CREATE CRIME?

There is no evidence that well-run dispensaries cause crime and it is unfair to stigmatize patients by treating their collective like a criminal or nuisance activity. Security cameras are used inside and outside the premises, and security guards are employed to ensure safety and deter criminal activity near the facility. A study by RAND reveals that crime near dispensaries is lower compared with crime rates where dispensaries have closed.⁴ Researchers from UCLA found that medical marijuana dispensaries are not associated with violent or property crime rates and that measures dispensaries take to increase guardianship may deter motivated offenders.⁵

DO MEDICAL CANNABIS PATIENTS RE-SELL THEIR MARIJUANA?

No. Law enforcement monitors storefront facilities and dispensaries can lose their permit if patients are reselling medical cannabis. Dispensaries have "good neighbor" rules for their members that emphasize sensitivity to the concerns of neighbors and absolutely prohibit the resale of cannabis to anyone. Anyone violating that prohibition is typically banned from any further contact with the dispensary.

WHY STOREFRONTS NOT DELIVERY SERVICES?

Both are necessary to provide adequate safety and access. Delivery services provide a convenient way for homebound patients to access medical cannabis. However, storefronts provide patients an opportunity to see, smell, touch, and compare products before making a purchase. Face-to-face interaction also benefits new or naïve patients with questions about cannabis, proper use, or the variety of products available in dispensaries.

¹ Wong, Ming. *La Médecine chinoise par les plantes*. Paris: Tchou, 1976.

² Cal. Health & Safety Code section 11362.775

³ Eddy, Mark. CRS Report. *Medical Marijuana: Review and Analysis of Federal and State Policies*. Congressional Research Service, 2009.

⁴ RAND study. *Regulating Medical Marijuana Dispensaries: An Overview with Preliminary Evidence of Their Impact on Crime*. 2011.

See http://americansforsafeaccess.org/downloads/RAND_Study.pdf

⁵ UCLA study. *Exploring the Ecological Link Between Crime and Medical Marijuana Dispensaries*. 2011.

See <http://www.uclamedicalmarijuanaresearch.com/node/10>.



Best Scoring Bid To Build BART's Fleet of the Future

angela.calvillo, Mark.Farrell,
Molly M Burke to: Board.of.Supervisors, Carmen.Chu, Jane.Kim,
David.Campos, David.Chiu, Eric.L.Mar,
Cc: Kerry Hamill, Roddrick Lee

04/24/2012 09:55 AM

BEST SCORING BID TO BUILD BART'S FLEET OF THE FUTURE

BART staff is recommending that the Fleet of the Future - the next generation of rail cars - will be built by North American-based Bombardier because the company's bid represents the best combination of low price, high technology and proven reliability.

Bombardier's bid came in 12 percent less than a French manufacturer, Alstom, while also earning the highest technical score. Bombardier has committed to go above the federal requirement that 60 percent of the parts for the cars be built in America and to assemble the cars in the U.S.

"BART understands the importance of the 'Build in America' movement and the urgency of putting Americans back to work," BART General Manager Grace Crunican said. "It's why our Board adopted the nation's first Buy America Bid Preference Policy. Bombardier took that policy to heart and responded while never losing sight of the importance of price, quality and reliability."

The Evaluation Process

BART's 31-month-long procurement process evaluated bidders on eight criteria, with price receiving the greatest weight. BART's Buy America Bid Preference policy weighted the bidders' prices based on the degree to which they exceeded the federal mandate for American-made components. Compared to the French company, Bombardier's price was about \$184 million less, the equivalent of 104 rail cars.

Getting Technical

Bombardier also earned the highest technical score of the three bidders. The score is the result of a painstaking evaluation process by two independent teams of

29 BART and industry experts that drilled down into the details of the proposals, measuring criteria such as brake configuration, brake calipers and hydraulic fluid type. The evaluation process included checks and balances to reduce the possibility that any one criteria or evaluator could have any controlling effect on the overall scoring process. The technical score and the price score were added together to arrive at the combined score, with Bombardier earning the highest combination.

Next Step

The next step occurs on Thursday, April 26th, when BART staff will officially recommend to the Board of Directors that Bombardier be awarded the new rail car contract. Because the Bombardier bid represents such a good value, staff will recommend that the company be approved to build not just the base order of 260 rail cars but to also build an additional 150 for a total of 410 new cars at an average cost of about \$2.2 million per car.

The BART Board is expected to vote on the contract recommendation at its May 10, 2012 meeting. The first new cars could be in service in 2017. BART must replace its oldest-in-the-nation fleet of cars with at least 775 new cars in order to maintain safe, reliable service for an ever increasing ridership that will include an extension to San Jose by 2018. Learn more and read the complete staff recommendation at <http://www.bart.gov/about/bod/meetings.aspx>.

Bid Comparison

Bidder
Combined
Score

Price Offer

Bombardier (Canada)

\$1,543,192,904

79.70

Alstom (France)

\$1,727,025,189

73.22

Rotem (South Korea)

\$2,791,394,850

48.47

Technical Score + Price Score = Combined Score

Price offer is for a total of 775 cars

-###-

Molly M. Burke

BART

Government & Community Relations

(510) 464-6172



To: BOS Constituent Mail Distribution, Victor Young/BOS/SFGOV,
Cc:
Bcc:
Subject: File 120049: Support for Small Business Loan Fund

From: Flor de Miel Films <catherine@flordemielfilms.com>
To: board.of.supervisors@sfgov.org,
Date: 04/24/2012 12:05 AM
Subject: Support for Small Business Loan Fund

Hello,

I am the director of Flor de Miel Media, located in downtown San Francisco. I am writing to express my support for the small business fund. As a start-up company, I was able to secure a small business loan which was combined with a city grant and savings in EARN purchase the equipment I needed when I first began my business, after completing training at the Renaissance Business Center. In fact, it is the equipment I used to film and exhibit my work at a local museum in 2011 and again this coming year.

Having access to a small business loan at this crucial time in the lead up to the exhibit could make possible the publication of an accompanying book of photographs, and the first of books available to sell to clients.

I find the fund to be particularly helpful, in combination with the mentoring I am receiving from the small business office, where other programs fail to support the small business efforts. In 2008, I was injured during a blood draw at UCSF, and I became disabled. I've worked very hard to gain the support of the Department of Rehabilitation to help with me efforts to restart my business, in combination with the mentoring from the SBA, but the S.F. DOR office is very inexperienced with small business clients, and I've lost almost a whole year seeking their support with no results. Having a small business fund can offset some of the challenges disabled business owners face.

Thank you kindly for your support.
Catherine Herrera

On January 24, 2012, the Mayor introduced legislation that will re-capitalize the Small Business Revolving Loan Fund with a \$1,000,000 appropriation from the General Fund. The Small Business Commission recommended approval at the February 13, 2012 meeting and the ordinance is currently being considered by the Board of Supervisors Rules Committee, BOS File No. is 120049. If you support the City allocating these funds to the Revolving Loan Fund, email the Board of Supervisors at board.of.supervisors@sfgov.org.

PRIVACY POLICY

This message is intended exclusively for its addressee and may contain information that is CONFIDENTIAL and protected by professional privilege. If you are not the intended recipient you are hereby notified that any dissemination, copy or disclosure of this communication is strictly prohibited by law. If this message has been received in error, please immediately notify us via e-mail and delete it.

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EDWIN M. LEE
MAYOR

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO

THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603



GREGORY P. SUHR
CHIEF OF POLICE

April 24, 2012

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

Re: Release of Reserve for COPS Grant – Ordinance No. 233-090, File No. 091169

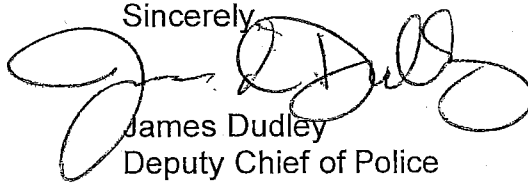
Ms. Calvillo:

The San Francisco Police Department requests that the following item be added to the Budget and Finance Committee agenda: "Request to Release COPS Hiring Recovery Project (CHRP) Grant Funds from Budget and Finance Committee Reserve."

- On November 3, 2009 the Board of Supervisors authorized the San Francisco Police Department to retroactively accept and expend \$16,562,750 of federal COPS Hiring Recovery Program (CHRP) grant funds, and amended the Annual Salary Ordinance (Ordinance No. 233-09, File No. 091169), to create and hire 50 entry level officer positions. The Budget and Finance Committee then placed \$14,112,750 of the grant funds on reserve pending a presentation to the committee regarding SFPD's plans for Community Policing.
- On March 10, 2010, a presentation was provided to Committee entitled "Community Policing in San Francisco," along with a request to release funds on reserve (File No. 100170). The Committee then released \$900,000 from reserve.
- On February 9, 2011, SFPD's Chief Financial Officer (Deborah Landis) and Deputy Chief of Police (Denise Schmitt) brought an agenda item to the Budget and Finance Committee requesting release the remaining grant funds (File No. 110057). Supervisors released \$6,000,000, leaving \$7,212,750 in reserve.

The SFPD now requests release of the remaining grant funds to enable SFPD to seek reimbursement of expenditures in a timely manner from the Department of Justice COPS Office. All fifty officers have been hired and the funds should be fully expended in approximately 19 months. The project end date is December 31, 2013. Attached is a project status report. Please contact my office if you have any questions.

Sincerely,



James Dudley
Deputy Chief of Police
Office of Administration

Attachment: CHRP Project Status Report

cc: Supervisor Carmen Chu
Victor Young, Budget and Finance Committee

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 APR 30 AM 10:04
27

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CHRP Project Status Report (P.E. 3/31/2012)

Project Name: COPS Hiring Recovery Program 2009
Project Recipient: San Francisco Police Department
Total Number of Full-time Officers Funded: 50
Grant Amount: \$16,562,750
DOJ Award #: 2009RJWX0019
Project Start Date: 7/1/09
Project End Date: 12/31/2013 (Initially set at 6/30/12, extended by COPS Office)
Project Expenditures to date (as of 3/31/2012): \$10,657,946

Award Description:

The COPS Hiring Recovery Program (CHRP) provides funding directly to law enforcement agencies to hire and/or rehire career law enforcement officers in an effort to create and preserve jobs, and to increase their community policing capacity and crime prevention efforts.

Description of Jobs Created:

Officer candidates were hired and trained in the academy classes listed below.

- 227th Academy: 25 new hires (October 2009)
- 228th Academy: 6 lateral hires (August 2010)
- 229th Academy: 13 lateral hires (April 2011)
- 230th Academy: 6 lateral hires (May 2011)

Quarterly Activities/Project Description:

The 50 officer positions (Q2 Police Officers) have now been filled by 25 new hires and 25 lateral hires. During the most recent quarter (P.E. 3/31/2012) one officer resigned and one officer was released. Since this COPS grant allows grant-funded positions to be filled by other new or recent hires, two other officers hired during 2011 (230th Academy class) using general funds are now paid from grant funds. All 50 officers have completed the academy and field training, and have been assigned to the stations.

Dear Supervisors, —

I am writing to ask
you to support Community
Choice Aggregation in San
Francisco (Clean Power SF),
to give us (the people of
San Francisco) the ability to
purchase 100% renewable energy
so we can walk more lightly
on the earth and help protect
this world we love.

Sincerely,

~~Richard D. Morris~~

Richard D. Morris

289 Nevada St.

San Francisco, CA 94110

415-282-2258



Issued: Bayview Opera House, Inc. Did Not Comply With Some Grant Agreement Provisions and Needs to Improve Its Internal Controls Reports, Controller

to:

Calvillo, Angela, Nevin, Peggy, BOS-Supervisors, BOS-Legislative Aides, Kawa, Steve, Howard, Kate, Falvey, Christine, Elliott, Jason, Campbell, Severin, Newman, Debra, sfdocs@sfpl.info, CON-EVERYONE, CON-CCSF Dept Heads, CON-Finance Officers, DeCaigny, Tom, Page_Ritchie, Sharon, Nemzoff, Judy, Takayama, Robynn, barbara@bvoh.org

04/23/2012 01:24 PM

Sent by:

"McGuire, Kristen" <kristen.mcguire@sfgov.org>

Hide Details

From: "Reports, Controller" <controller.reports@sfgov.org> Sort List...

To: "Calvillo, Angela" <angela.calvillo@sfgov.org>, "Nevin, Peggy"

<peggy.nevin@sfgov.org>, BOS-Supervisors <bos-supervisors.bp2ln@sfgov.microsoftonline.com>, BOS-Legislative Aides <bos-legislativeaides.bp2ln@sfgov.microsoftonline.com>, "Kawa, Steve" <steve.kawa@sfgov.org>, "Howard, Kate" <kate.howard@sfgov.org>, "Falvey, Christine" <christine.falvey@sfgov.org>, "Elliott, Jason" <jason.elliott@sfgov.org>, "Campbell, Severin" <severin.campbell@sfgov.org>, "Newman, Debra" <debra.newman@sfgov.org>, "sfdocs@sfpl.info" <sfdocs@sfpl.info>, CON-EVERYONE <con-everyone.bp2ln@sfgov.microsoftonline.com>, CON-CCSF Dept Heads <con-ccsfdeptheads.bp2ln@sfgov.microsoftonline.com>, CON-Finance Officers <confinanceofficers.bp2ln@sfgov.microsoftonline.com>, "DeCaigny, Tom" <tom.decaigny@sfgov.org>, "Page_Ritchie, Sharon" <sharon.page_ritchie@sfgov.org>, "Nemzoff, Judy" <judy.nemzoff@sfgov.org>, "Takayama, Robynn" <robynn.takayama@sfgov.org>, "barbara@bvoh.org" <barbara@bvoh.org>, Sent by: "McGuire, Kristen" <kristen.mcguire@sfgov.org>

The Office of the Controller, City Services Auditor, has issued an audit report on the San Francisco Arts Commission's monitoring over Bayview Opera House's compliance with grant agreement provisions. The audit found that Bayview complied with most of the provisions of its grant agreement and lease with the Arts Commission, including meeting its target revenue from sources other than the Arts Commission. However, Bayview did not comply with some provisions of its grant agreement and needs to improve its internal control procedures. Also, the Arts Commission has not seen to it that the target revenue formula is changed in the hotel tax ordinance.

To view the full memorandum, please visit our website at: <http://co.sfgov.org/webreports/details.aspx?id=1407>

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

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

(21)



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: CCSF Master Fee Schedule of Budget Submissions

The Clerk's Office has received the following report. The entire report is available for inspection in our office and will be placed on the communications page on the back of the May 8, 2012 Board of Supervisors Meeting Agenda.



CCSF Master Fee Schedule of Budget Submissions.pdf

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

Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
(415) 554-5184
(415) 554-5163 fax
Board.of.Supervisors@sfgov.org

Complete a Board of Supervisors Customer Service Satisfaction form by clicking
<http://www.sfbos.org/index.aspx?page=104>



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: The Office of Citizen Complaints-2011 Annual Report

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

From: Laura Tham/OCC/SFGOV
To: Board of Supervisors/BOS/SFGOV@SFGOV,
Cc: Pamela Thompson/OCC/SFGOV@SFGOV
Date: 04/25/2012 03:30 PM
Subject: The Office of Citizen Complaints-2011 Annual Report

To: Board of Supervisors
Attached is OCC's 2011 annual reports. Thank you.

Laura Tham, Sr. Account Clerk
Police-Office of Citizen Complaints
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

Phone: (415) 241-7730
Fax: (415) 241-7733



laura.tham@sfgov.org OCC 2011 Annual Report.pdf



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Payroll Tax Dodgers

From: Paul Nisbett <pnisbett@hotmail.com>
To: ed lee <mayoredwinlee@sfgov.org>, <board.of.supervisors@sfgov.org>,
Date: 04/29/2012 10:27 AM
Subject: Payroll Tax Dodgers

Hello,

I just read in the paper today (Matier and Ross) that Ron Conway feels it is right to dictate tax policy because he made a big donation to Ed Lee' Mayoral campaign.

All of these tech companies knew what the tax situation was when they signed up to do business in San Francisco.

They are now trying to buy their way out of their tax obligations via campaign donations.

In Ed Lee's case,it looks like they have already been partially successful.

Look no further than the Twitter and Zinga IPO option deals that he gave them.

These companies have become incredibly wealthy on the image that they are innovative, trend setting, leaders based in a nice address.

They are just the new batch of corporate scumbags in hipster clothing.

This is out and out corruption.

If tech companies are not going to pay payroll tax ,there is no benefit, at all, to having them remain in San Francisco.

I'm starting to feel the same way about our city government as well.

Paul Nisbett



Beach Chalet Athletics Fields

Dana Wagenhals

to:

mayoredwinlee, Board.of.Supervisors, Eric.l.mar, John.avalos, Malia.cohen, David.campos, Sean.elsbernd, Jane.kim, Christina.Olague, Carmen.chu, David.chiu, Mark.farrell, Scott.wiener, Recpark.Commission, rm, plangsf, wordweaver21, cwu.planning, rodney, mooreurban, hs.commish, john.rahaim, Linda.Avery

04/30/2012 12:32 AM

Hide Details

From: Dana Wagenhals <danawaggs444@aol.com> Sort List...

To: mayoredwinlee@sfgov.org, Board.of.Supervisors@sfgov.org, Eric.l.mar@sfgov.org, John.avalos@sfgov.org, Malia.cohen@sfgov.org, David.campos@sfgov.org, Sean.elsbernd@sfgov.org, Jane.kim@sfgov.org, Christina.Olague@sfgov.org, Carmen.chu@sfgov.org, David.chiu@sfgov.org, Mark.farrell@sfgov.org, Scott.wiener@sfgov.org, Recpark.Commission@sfgov.org, rm@well.com, plangsf@gmail.com, wordweaver21@aol.com, cwu.planning@gmail.com, rodney@waxmuseum.com, mooreurban@aol.com, hs.commish@yahoo.com, john.rahaim@sfgov.org, Linda.Avery@sfgov.org,

To whom it may concern,

My name is Dana and I believe the Beach Chalet Athletic Fields should NOT be renovated with AstroTurf and sports lights. I live a few blocks away from the current fields, and often like to enjoy the sun set at the beach, watching the fog roll in at night over the city, and the peacefulness of the neighborhood after dark. Those are just a few of the main reasons I live in the outer sunset district, and with the introduction of sports lights in the vicinity, it will ruin the atmosphere.

Please keep the city green; an aspect we pride ourselves on. Paving over 7 acres of natural grass and surrounding habitat with plastic grass and blaring lights is equivalent to installing a 7 acre parking lot. By renovating the field, you will be destroying the very foundation this city was founded on; having trees, grass, indigenous plants, and wild life for everyone in the city to enjoy, a healthy green city, the beauty of the "farm country" within a city.

The Golden Gate Park Master Plan describes the western end of Golden Gate Park as the most "wild and forested" area of the park. The new Ocean Beach Master Plan talks about preserving the natural beauty of Ocean Beach. The Beach Chalet Athletic Fields soccer complex will destroy the beauty of the park and the integrity of this city. Why do something to gain some kind of profit, when the people do not want this plan to be voted in?

Please save this park, this city, and its animals and plants. We need to help save the planet, not destroy it further. With this complex, we will be one step closer to a smaller earth. Let's renovate the Beach Chalet Athletic Fields with REAL grass and NO sports lights. Let's use the rest of the funding to fix up other fields and parks for citizens all over San Francisco. Have a heart and listen to your people. Please.

Thanks for your time and consideration,
Dana

25



Save Golden Gate Park natural
Melita R

to:

mayoredwinlee, Board.of.Supervisors, Eric.l.mar, John.avalos, Malia.cohen, David.campos,
Sean.elsbernd, Jane.kim, Christina.Olague, Carmen.chu, David.chiu, Mark.farrell, Scott.wiener,
Recpark.Commission, john.rahaim, Linda.Avery

04/30/2012 10:19 AM

Hide Details

From: Melita R <leftcoastmelita@gmail.com> Sort List...

To: mayoredwinlee@sfgov.org, Board.of.Supervisors@sfgov.org, Eric.l.mar@sfgov.org,
John.avalos@sfgov.org, Malia.cohen@sfgov.org, David.campos@sfgov.org,
Sean.elsbernd@sfgov.org, Jane.kim@sfgov.org, Christina.Olague@sfgov.org,
Carmen.chu@sfgov.org, David.chiu@sfgov.org, Mark.farrell@sfgov.org, Scott.wiener@sfgov.org,
Recpark.Commission@sfgov.org, john.rahaim@sfgov.org, Linda.Avery@sfgov.org,

Dear Mayor and Supervisors,

This is a very important issue to many people in San Francisco. I am a concerned citizen and resident of this City and I want to state my position on this issue.

Please DO NOT put artificial turf or Sports lights at the Beach Chalet Athletics Fields in Golden Gate Park. This would be a a huge disservice to everyone. By making these changes the landscape of the Park will forever be changed.

Renovate the Beach Chalet Athletic Fields with REAL grass and NO sports lights. Why make such a huge change to its natural beauty. The rest of the funding could be used to fix up other fields for kids all over San Francisco, for example, **in India Basin**. There is a great need for more waterfront green space and there is even a plan created by the **India Basin Neighborhood Association (IBNA)** that outlines what could work in this area.

In looking forward, this change to artificial turf will be seen as a black eye on the beautiful face of Golden Gate Park. Please don't do this.

There are other fields that could be helped, even with artificial turf. Again please don't destroy this natural beauty.

Thank you,

Melita Rines

750 O'Farrell Street, Apt 107
San Francisco, CA 94109



To: BOS Constituent Mail Distribution,
Cc:
Bcc:
Subject: Please save the Victor Jara mural at the Bernal Heights Branch

From: annie leuenberger <aleuenberger@gmail.com>
To: mayoredwinlee@sfgov.org, tom.decaigny@sfgov.org, board.of.supervisors@sfgov.org,
david.campos@sfgov.org, libraryusers2004@yahoo.com,
Date: 04/27/2012 06:44 PM
Subject: Please save the Victor Jara mural at the Bernal Heights Branch

Hi there!

I am a volunteer tutor at Project Read at the SFPL. A citizen who was outside the main branch informed me that this mural was designated for demolishing and encouraged me to voice my protest against this act to you good people. I really support us preserving this artwork. Murals are such an integral part of our city's culture, especially how they express the multiculturalism that defines our city's fabric.

Please, please, please, preserve this work of art.

Thank you for your time and consideration.

Sincerely yours,

Annie Leuenberger
Inner Sunset Resident
SFPL Project Read Volunteer Tutor

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BOARD of SUPERVISORS



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

Date: April 24, 2012
To: Honorable Members, Board of Supervisors
From: Angela Calvillo, Clerk of the Board
Subject: Form 700

This is to inform you that the following individuals have submitted a Form 700 Statement:

David Pilpel, Redistricting Task Force – Leaving
Mark Schreiber, Redistricting Task Force – Leaving
Mylong Leigh, Redistricting Task Force – Leaving