



# City and County of San Francisco

## Master Report

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

**File Number:** 120957

**File Type:** Communication

**Status:** To be Introduced

**Enacted:**

**Effective:**

**Version:** 1

**In Control:** Board of Supervisors

**File Name:** Petitions and Communications

**Date Introduced:** 09/25/2012

**Requester:**

**Cost:**

**Final Action:**

**Comment:**

**Title:** Petitions and Communications received from September 17, 2012, through September 24, 2012, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on October 2, 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 Office of the Mayor, submitting the following appointment: (1)

Michael Pappas, term ending September 2, 2016

From Clerk of the Board, submitting copy of memorandum sent to the Board of Supervisors regarding the following appointment by the Mayor: (2)

Michael Pappas, term ending September 2, 2016

From State Fish and Game Commission, submitting Notice of Receipt of petition to list the white shark as threatened or endangered under the California Endangered Species Act. (3)

\*From State of California, Elections Division, submitting the California Voter Information Guide for the November 6, 2012, General Election. (4)

From concerned citizens, regarding CleanPowerSF Program. File No. 111340. 2 letters. (5)

From concerned citizens, regarding oversized vehicles legislation. File No. 120142. 11 letters. Copy: Each Supervisor. (6)

From Department of Human Resources, submitting the Annual Report on Sexual Harassment Complaints filed in FY2011-2012. (7)

From Pratiti Beldner, regarding Ross Mirkarimi. (8)

From Carolyn Oliss, supporting the new Starbucks. (9)

From various City Departments, submitting responses to the 2011-2012 San Francisco Civil Grand Jury Report, "Surcharges and Healthy San Francisco: Healthy for Whom?": (10)

Office of the Treasurer & Tax Collector  
Office of the Mayor  
Department of Public Health

From Ethics Commission, submitting full record of the hearing related to the Charges of Official Misconduct filed by Mayor Edwin Lee against Sheriff Ross Mirkarimi. (11)

From James Chaffee, regarding Ethics Commission Stand on Official Misconduct. File No. 120949. (12)

From concerned citizens, regarding adequate working-class housing in San Francisco. (13)

From Marvis Phillips, regarding Sam's Cable Car Lounge. (14)

From Molly Burke, regarding BART celebrating 40 years of service. (15)

From Charles Huntington, regarding Shell Oil. (16)

From John Barry, regarding JFK Cycle Track. (17)

From Amtage Gwen, supporting petition to "Help Save Charlie." (18)

From Pam Gill, regarding parking fees. (19)

From Jim Sottile, regarding cleanliness in the City of San Francisco. (20)

From Office of Small Business, submitting a copy of the California State Senate Press Release titled "Governor Signs Legislation Reforming Disabled Access Law." (21)

From President of the Board of Supervisors, calling for a Special Meeting of the Board of Supervisors on Tuesday, October 9, 2012, at 2:00 p.m., regarding the official misconduct charges against Sheriff Ross Mirkarimi. (22)

\*(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.)

**Master Report Continued (120957)**

**History of Legislative File 120957**

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
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OFFICE OF THE MAYOR  
SAN FRANCISCO



EDWIN M. LEE  
MAYOR

**Notice of Appointment**

September 21, 2012

San Francisco Board of Supervisors  
City Hall, Room 244  
1 Carlton B. Goodlett Place  
San Francisco, California 94102

Honorable Board of Supervisors:

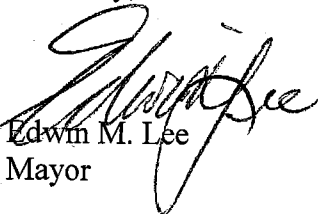
Pursuant to Section 3.100 (18) of the Charter of the City and County of San Francisco, I hereby make the following appointment:

Michael Pappas the Human Rights Commission, for a term ending September 2, 2016.

I am confident that Mr. Pappas, an elector of the City and County, will continue to serve our community well. Attached are his qualifications to serve, which will demonstrate how this appointment represents the communities of interest, neighborhoods and diverse populations of the City and County of San Francisco.

Should you have any questions related to this appointment, please contact my Director of Appointments, Nicole Wheaton at (415) 554-7940.

Sincerely,

  
Edwin M. Lee  
Mayor

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2012 SEP 21 PM 3:06

## Michael G. Pappas

**Michael G. Pappas** was born in Glen Ridge, New Jersey. He graduated from Dickinson College (Carlisle, PA) in 1983, after which he successively worked as a lobbyist, regional field director for a presidential campaign and investment banker for the oldest municipal bond firm in New Jersey.

In 1987, he left the world of politics & finance and enrolled at Holy Cross Greek Orthodox School of Theology (Brookline, MA) attaining an M.Div., with honors, in the class of 1992. An ordained priest of the Greek Orthodox Church, Michael served parishes in Palos Hills, IL, Stockton, CA, and San Francisco, CA.

During his sixteen-year ministry, he was a prolific writer, contributing articles to numerous religious and secular periodicals. As well, he devoted energy to work with the homeless and further ecumenical/interfaith relationships. After transitioning from parish ministry in 2007, he was selected by the San Francisco Interfaith Council to the newly created administrative post of Executive Director.

In his tenure as Executive Director Michael has helped increase the Council's budget and programs substantially; strengthened existing and cultivated new relationships with civic leaders, NGO's, judicatories and congregations; and significantly projected the SFIC through expanded use of technology.

His previous/current board memberships include: Mayoral appointments to the San Francisco Disaster Council, San Francisco Office of Civic Engagement's 2010 Census Complete Count Committee; San Francisco Assisi Sister City Committee, and San Francisco Human Rights Commission.

He has also served as a Board Member of the National Shrine of Saint Francis; Board of Directors & Program Committee Chair of the Interfaith Center at the Presidio; The San Francisco Foundation FAITHS Advisory Board; Episcopal Charities Board of Trustees; Night Ministry Advisory Board Member. Michael serves on the United Religions Initiative (URI) North America Region Leadership Council and was most recently elected by that Region to serve as a Trustee on URI's Global Council.

He traveled to Turkey as a participant in the Pacifica Institute Cultural Exchange, attended the United Religions Initiative Global Assembly in Mayapur, India; the Parliament of the World's Religions in Melbourne, Australia; spent a week in New Orleans doing disaster relief; and most recently was the guest of the Jewish Community Relations Council in their Community Leaders sojourn to Israel.

He is the father of two sons, George and Paul, and one daughter, Julia. He is a congregant at Grace Episcopal Cathedral in San Francisco, CA.

OFFICE OF THE MAYOR  
SAN FRANCISCO



*Rules Clerk*  
*Co B, Leg Dep. Page*  
EDWIN M. LEE *Ex 7*  
MAYOR

September 21, 2012

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

Dear Ms. Calvillo,

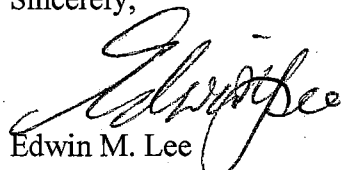
Pursuant to Section 3.100 (18) of the Charter of the City and County of San Francisco, I hereby make the following appointment:

Michael Pappas to the Human Rights Commission for a term ending September 2, 2016

I am confident that Mr. Pappas, an elector of the City and County, will continue to serve our community well. Attached are his qualifications to serve, which will demonstrate how this appointment represents the communities of interest, neighborhoods and diverse populations of the City and County of San Francisco.

Should you have any questions related to this appointment, please contact my Director of Appointments, Nicole Wheaton at (415) 554-7940.

Sincerely,

  
Edwin M. Lee  
Mayor

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2012 SEP 21 PM 3:08  
NL

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

STATE OF CALIFORNIA  
Edmund G. Brown Jr., Governor

**Sonke Mastrup**, Executive Director  
1416 Ninth Street, Room 1320  
Sacramento, CA 95814  
(916) 653-4899  
(916) 653-5040 Fax  
[www.fgc.ca.gov](http://www.fgc.ca.gov)

## Fish and Game Commission



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

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2073.5 of the Fish and Game Code, the California Fish and Game Commission, on August 20, 2012 received a petition from Oceana, Center for Biological Diversity, and Shark Stewards to list the white shark (*Carcharodon carcharias*) as threatened or endangered under the California Endangered Species Act.

White sharks are a pelagic species and are endothermic, allowing them to inhabit cold water and remain active predators of swift and agile prey.

Pursuant to Section 2073 of the Fish and Game Code, on August 27, 2012 the Commission transmitted the petition to the Department of Fish and Game for review pursuant to Section 2073.5 of said code. It is anticipated that the Department's evaluation and recommendation relating to the petition will be received by the Commission at its February, 2013 Commission meeting. Interested parties may contact Paul Hamdorf, Acting Manager, Marine Region, 20 Lower Ragsdale Drive, Suite 100, Monterey, CA 93940, or telephone 562-342-7210 for information on the petition or to submit information to the Department relating to the petitioned species.

August 29, 2012

Fish and Game Commission

**Sonke Mastrup**  
Executive Director

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2012 SEP 17 PM 4:37

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

STATE OF CALIFORNIA  
Edmund G. Brown Jr., Governor

## Fish and Game Commission



BOS-11  
Cpage  
**Sonke Mastrup**, Executive Director  
1416 Ninth Street, Room 1320  
Sacramento, CA 95814  
(916) 653-4899  
(916) 653-5040 Fax  
[www.fgc.ca.gov](http://www.fgc.ca.gov)

September 12, 2012

### TO ALL AFFECTED AND INTERESTED PARTIES:

This is to provide you with a Notice of Receipt of Petition to list the white shark (*Carcharodon carcharias*) as threatened or endangered under the California Endangered Species Act. This notice will appear in the California Regulatory Notice Register on September 14, 2012.

Sincerely,

  
Sheri Tiemann  
Staff Services Analyst

Attachment





**DEBRA BOWEN | SECRETARY OF STATE**  
**STATE OF CALIFORNIA | ELECTIONS**

1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | [www.sos.ca.gov](http://www.sos.ca.gov)

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2012 SEP 19 PM 3:47

To Whom It May Concern:

We are pleased to provide the California Voter Information Guide for the November 6, 2012, General Election, which has been prepared by this office to assist California voters in determining how to cast their votes on statewide ballot measures on Election Day. These guides are being distributed to you as required by section 9096 of the California Elections Code.

If you would like additional copies of the guide, please contact the Secretary of State's Elections Division at (916) 657-2166.

# CALIFORNIA GENERAL ELECTION TUESDAY, NOVEMBER 6, 2012

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

★ OFFICIAL VOTER INFORMATION GUIDE ★

## *Certificate of Correctness*

I, Debra Bowen, Secretary of State of the State of California, hereby certify that the measures included herein will be submitted to the electors at the General Election to be held on November 6, 2012, and that this guide has been prepared in accordance with the law.

Witness my hand and the Great Seal of the State in Sacramento, California, this 13th day of August, 2012.

*Debra Bowen*



Debra Bowen  
Secretary of State

Polls are  
open from  
7:00 a.m. to 8:00 p.m.  
on Election Day



Commission on the Environment Resolution in Support of CleanPowerSF Program

Rodriguez, Guillermo

to:

BOS-Supervisors

09/21/2012 11:31 AM

Cc:

BOS-Legislative Aides, "Nutter, Melanie"

Hide Details

From: "Rodriguez, Guillermo" <guillermo.rodriguez@sfgov.org>

To: BOS-Supervisors <bos-supervisors.bp2ln@sfgov.microsoftonline.com>,

Cc: BOS-Legislative Aides <bos-legislativeaides.bp2ln@sfgov.microsoftonline.com>,  
"Nutter, Melanie" <melanie.nutter@sfgov.org>

111340

1 Attachment



Res 009-12-COE Support of CleanPowerSF.PDF

San Francisco Board of Supervisors,

On behalf of the San Francisco Commission on the Environment, I am forwarding the attached resolution the Commission adopted on Thursday, September 20, 2012 in support of the Board of Supervisors Resolution and Ordinance approving the CleanPowerSF Program (File No. 111340).

**Guillermo Rodriguez**

Director, Policy & Communications

Department of the Environment

City & County of San Francisco

11 Grove Street

San Francisco CA 94102

415-355-3756

5

1 **[CleanPowerSF Program]**

2  
3 **Resolution in Support of Board of Supervisors Resolution and Ordinance Approving**  
4 **the CleanPowerSF Program (File No. 111340).**

5 WHEREAS, The San Francisco Commission on the Environment recognizes that the  
6 reduction of carbon emissions in San Francisco is central to ensuring a sustainable future;  
7 and,

8 WHEREAS, In 2004, the San Francisco Climate Action Plan set a greenhouse gas  
9 reduction objective of 20% below the 1990 baseline by 2012 and 80% below by 2050; and,

10 WHEREAS, In 2008, the San Francisco Board of Supervisors passed Ordinance 81-  
11 08: Climate Change Goals and Action Plan Ordinance, which codified these greenhouse gas  
12 reduction targets in Chapter 9 of the Environment Code and called for the San Francisco  
13 Public Utilities Commission, in coordination with the Department of the Environment to  
14 develop a plan to achieve a fossil fuel-free electricity supply for the city by 2030; and,

15 WHEREAS, Local renewable energy production and procurement offers the largest  
16 single opportunity to reduce community wide greenhouse gas emissions, and the Commission  
17 has adopted a goal of meeting 100% of the City's electricity demand with renewables in the  
18 shortest amount of time that is technically and economically possible; and,

19 WHEREAS, The Renewable Energy Task Force, staffed by the Department of the  
20 Environment and the Mayor's Office, has determined in its meetings that the goal of 100%  
21 renewable power cannot be met without green power purchasing options; and,

22 WHEREAS, The City of San Francisco, under the leadership of the SF Public Utilities  
23 Commission, has established a Community Choice Aggregation program known as  
24 CleanPowerSF to provide electric power to the residents and businesses located within its  
25 jurisdiction; and,

1 WHEREAS, The program will also include the build-out of local renewable energy  
2 generation and energy efficiency measures that will create local jobs and community benefits;  
3 and,

4 WHEREAS, The full Commission on the Environment did not meet prior to the Board of  
5 Supervisors' public hearing on and approval of the CleanPowerSF measures and the Policy  
6 Committee who met on September 10, 2012 has endorsed support and forwarded its  
7 recommendation to the Board of Supervisors; therefore, be it,

8 RESOLVED, That the San Francisco Commission on the Environment urges the Board  
9 of Supervisors to adopt the resolution and ordinance approving the CleanPowerSF Program;  
10 therefore, be it,

11 FURTHER RESOLVED, That the San Francisco Commission on the Environment  
12 urges the Department of the Environment to partner with the San Francisco Public Utilities  
13 Commission to create a comprehensive education and outreach plan and effort to ensure  
14 broad understanding of and broad participation in the program.

15 I hereby certify that this Resolution was approved by the Commission on the  
16 Environment at its meeting on Thursday, September 20, 2012.

17   
18 Monica Fish, Commission Secretary

19 VOTE: 5-0 (Approved)

20 AYES: Commissioners Tuchow, Gravanis, Arce, Stephenson and Wald

21 NOES: None

22 ABSENT: Commissioners King and Mok  
23  
24  
25



**To:** BOS Constituent Mail Distribution, Victor Young/BOS/SFGOV,  
**Cc:**  
**Bcc:**  
**Subject:** File #: 111340

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>

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**Susan Sun**  
**District Director, Senator Mark Leno**  
**(415) 557-1300**  
**(415) 557-1252 (fax)**



CleanPowerSF.Leno.pdf

STATE CAPITOL  
SACRAMENTO, CA 95814  
(916) 651-4003

## California State Senate

SENATOR  
**MARK LENO**  
THIRD SENATE DISTRICT



September 17, 2012

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

Dear Members of the Board of Supervisors:

I am writing to support the efforts of the San Francisco Public Utilities Commission (SFPUC), the San Francisco Department of the Environment and the San Francisco Local Agency Formation Commission (SFLAFCo) to bring CleanPowerSF, the community choice aggregation program to the citizens of the City and County of San Francisco.

I urge you to vote for the proposed contract with Shell Energy this Tuesday September 18, 2012. This is the first step in implementing this program.

The program will offer residents a choice for clean, renewable energy, which is consistent with our city's environmental goals. A healthy economy depends on competition in the marketplace. In fact, it is a cornerstone of our capitalist system.

I urge your affirmative vote. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Mark Leno".

MARK LENO  
Senator, 3<sup>rd</sup> District

File 120142



To: BOS Constituent Mail Distribution,  
Cc:  
Bcc:  
Subject: File 120142: It's not just a parking issue for Outer Sunset Residents

From: Judith & Jay Parks <sf1208@comcast.net>  
To: "board.of.supervisors@sfgov.org" <board.of.supervisors@sfgov.org>,  
Date: 09/19/2012 09:37 AM  
Subject: It's not just a parking issue for Outer Sunset Residents

---

Dear Board of Supervisors,

For a long time now, residents in our community have had the peace and tranquility, not to mention our community's quality of life, infringed upon by an endless occupation of over-sized vehicles and, far too often, irresponsible campers. The result has been a "trashing" of our neighborhood, illegal drug activity, and drunk and disorderly behavior, all of which zap local authorities' resources, while providing a health hazard to our local citizens and their families. In addition, tourists come here to enjoy the sites and experience the wonders of our beach, only to be greeted by the plight created by individuals, who believe it's okay to invade our community and infringe on the rights and lives of our residents.

We urge you to act quickly and support legislation to regulate parking of oversized vehicles, while enforcing current habitation regulation. Your action will free up Taraval Station's resources, ensure safety and sanitation to our community, while providing the mechanism necessary to enforce the current ordinance, which protects our families and their children.

Jay and Judy Parks

6





To: BOS Constituent Mail Distribution, Alisa Miller/BOS/SFGOV,  
Cc:  
Bcc:  
Subject: [REDACTED] Oversize Vehicle Legislation

From: Maureen <maureenmckibben@yahoo.com>  
To: "Board.of.Supervisors@sfgov.org" <Board.of.Supervisors@sfgov.org>,  
Date: 09/23/2012 01:29 PM  
Subject: Oversize Vehicle Legislation

---

To the Board of Supervisors:

I am writing in support of the Oversize Vehicle Legislation.

I've been a resident of San Francisco since 1984. In that time I've watched The City, including my neighborhood (Outer Sunset) fall victim to scofflaws of every type. The result is that eyesores and garbage abound.

In my area of the Sunset, oversized trucks and a boat park for two to three weeks at a time. Many are covered with graffiti; intersections are obscured, making it dangerous for pedestrians, drivers, and bicyclists; the majority of the owners of these vehicles do not live in my neighborhood, or for that matter, in San Francisco.

We've become a free parking lot and it has affected our daily lives, our property values, and the impression our neighborhood gives to others. It's an embarrassment.

I feel strongly that it's time to pass - and enforce - legislation that benefits the citizens and taxpayers of this city. I believe that, too many times, we are an afterthought.

Please pass this legislation.

Thank you.

Sincerely,

D. Maureen McKibben  
1651 38th Avenue  
San Francisco, CA 94122



To: BOS Constituent Mail Distribution, Alisa Miller/BOS/SFGOV,  
Cc:  
Bcc:  
Subject: [REDACTED] Oversized vehicle legislation vote on Sept 25

From: Mary Ellen Collins <maryecollins@comcast.net>  
To: carmen.chu@sfgov.org, "board.of.supervisors@sfgov.org" <board.of.supervisors@sfgov.org>, "eric.mar@sfgov.org" <eric.mar@sfgov.org>, "david.chiu@sfgov.org" <david.chiu@sfgov.org>, "christina.olague@sfgov.org" <christina.olague@sfgov.org>, "john.avalos@sfgov.org" <john.avalos@sfgov.org>,  
Cc: seaward94133@yahoo.com, John Zwolinski <johnzwo@yahoo.com>  
Date: 09/22/2012 11:52 AM  
Subject: Oversized vehicle legislation vote on Sept 25

---

Hello,

I am writing you to ask that you vote in favor of this oversized vehicle legislation.

It is my understanding that the Coalition on Homelessness is lobbying heavily to defeat

this legislation. This legislation IS NOT about homelessness! This is about parking

management, and getting oversized vehicles to move. Without this new overnight

restriction, the vehicles stay parked in the same place for up to two weeks or more.

I am a homeowner on LaPlaya St, and I see first hand how these vehicles limit local

resident parking, impede visibility for pedestrians, cyclists, and police.

These

vehicles create a barrier behind which all kinds of illegal activities occur, from

dumping, graffiti, and assault, to drug dealing. I've personally cleaned up the

garbage, used needles, and human feces.

learn,

I also want my neighborhood clean and safe.

Thank you for your support.

Mary Ellen Collins  
1440 LaPlaya St  
San Francisco, CA. 94122



To: BOS Constituent Mail Distribution, Alisa Miller/BOS/SFGOV,  
Cc:  
Bcc:  
Subject: [REDACTED] 112: Oversized Vehicle Management Legislation

From: "Grace Garcia" <Grace.Garcia@att.net>  
To: <Board.of.Supervisors@sfgov.org>,  
Date: 09/23/2012 03:28 PM  
Subject: Oversized Vehicle Management Legislation

---

Please distribute this e-mail regarding oversized Vehicle Management Legislation to the

Members of the Board of Supervisors:

Supervisors:

At your meeting on September 25, I urge you to pass the legislation banning oversized vehicles in residential neighborhoods during overnight hours and make sure it is properly enforced.

This legislation was unanimously approved by the Land Use Committee and has the enthusiastic support of Supervisor Carmen Chu. Please join her in voting for this Legislature as many residents throughout the City are seriously impacted by these vehicles often resulting in unsightly and unhealthy litter and worse.

Thank you for your support.

Grace Garcia  
1622-38th Ave.  
San Francisco 94122  
[grace.garcia@att.net](mailto:grace.garcia@att.net)



To: Alisa Miller/BOS/SFGOV,  
Cc:  
Bcc: [REDACTED]  
Subject: [REDACTED] 120142: Oversize Vehicle Ordinance

From: "Kathy Howard" <kathyhoward@earthlink.net>  
To: <Christina.Olague@sfgov.org>, <Board.of.Supervisors@sfgov.org>, <David.Campos@sfgov.org>, <David.Chiu@sfgov.org>, <Eric.L.Mar@sfgov.org>, <John.Avalos@sfgov.org>, <Sean.Elsbernd@sfgov.org>, "Supervisor Jane Kim" <Jane.Kim@sfgov.org>, "Supervisor Malia Cohen" <Malia.Cohen@sfgov.org>, "Supervisor Mark Farrell" <Mark.Farrell@sfgov.org>, <Scott.Wiener@sfgov.org>, <laplayaparkinfo@gmail.com>, "Carmen Chu" <Carmen.Chu@sfgov.org>  
Cc:  
Date: 09/23/2012 06:41 PM  
Subject: Oversize Vehicle Ordinance

---

Dear Supervisor,  
Please vote "yes" on the Oversize Vehicle Ordinance. Thank you.  
Kathy Howard  
42nd Avenue



To: BOS Constituent Mail Distribution, Alisa Miller/BOS/SFGOV,  
Cc:  
Bcc: [REDACTED]  
Subject: 09/24/12: Oversized vehicle legislation

From: Richard Chafian <collrick@sbcglobal.net>  
To: Board.of.Supervisors@sfgov.org,  
Cc: zoogail@sbcglobal.net, amystephensgroup@gmail.com  
Date: 09/24/2012 11:12 AM  
Subject: Oversized vehicle legislation

---

Clerk of the Board

1 Dr. Carlton B. Goodlett Place

City Hall, Room 244

San Francisco, CA 94102-4689

Re: Oversized Vehicle Management legislation

In the forty years we have lived here we have experienced an increase in parking of commercial vehicles, RVS,

boats and trailers, and buses around Sunset Reservoir, not being used to house the homeless. These are left for

several days and sometimes weeks, and occasionally parked on the residential side of Ortega Street.

Not only are they unsightly, they attract dumping.

I understand that legislation introduced by Supervisor Carmen Chu to amend Article 7 of the SFTC, Division I, prohibiting

parking of oversize vehicles on all sides of the Sunset Reservoir (as well as other areas) passed the Land Use committee

and now will be presented to the full Board of Supervisors on September 25<sup>th</sup>.

Again, I support this legislation, not to stigmatize the homeless, but to ensure that our neighborhood is protected from

encroachment of those who have no interest in the quality of the area.

San Francisco parking is indeed problematic, but I would like to think that residents could have some input and

control of what is happening in their own neighborhoods. Preserving the feeling of open space is important, as is

not having our street becoming a parking lot for those who should be required to provide other parking for their

intrusive vehicles.

Please distribute my letter to all members of the Board of Supervisors.

Colleen Chafan, San Francisco resident

2000 Ortega Street (across from Sunset Reservoir)

SF CA 94122

(415) 665-1959



To: BOS Constituent Mail Distribution, Alisa Miller/BOS/SFGOV,  
Cc:  
Bcc:  
Subject: [REDACTED] Oversize Parking Ordinance

From: Steve Ward <seaward94133@yahoo.com>  
To: board.of.supervisors@sfgov.org,  
Date: 09/24/2012 12:21 AM  
Subject: Oversize Parking Ordinance

---

STOP COMMUNITY DERGRADATION! VOTE YES ON CARMEN CHU'S OVERSIZE VEHICLE  
ORDINANCE



To: BOS Constituent Mail Distribution, Alisa Miller/BOS/SFGOV,  
Cc:  
Bcc:  
Subject: FILE 120142 oversized vehicle legislation update

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>

----- Forwarded by Board of Supervisors/BOS/SFGOV on 09/21/2012 05:54 PM -----

From: GAIL SECCHIA <zoogail@sbcglobal.net>  
To: board.of.supervisors@sfgov.org,  
Date: 09/21/2012 11:43 AM  
Subject: Fw: oversized vehicle legislation update

---

To the Clerk of the Board of Supervisors:

Please distribute the attached letter to all the "Board" before the meeting of 9/25/12.  
Thank you very much.....

Gail Secchia

----- Forwarded Message -----

**From:** "Cammy.Blackstone@sfgov.org" <Cammy.Blackstone@sfgov.org>  
**To:** Cammy.Blackstone@sfgov.org  
**Sent:** Tue, September 18, 2012 12:46:41 PM  
**Subject:** oversized vehicle legislation update

Thank you to all who wrote, emailed or came to the hearing yesterday to show your support for the Oversized Vehicle Management legislation. Again, if passed, this legislation would prohibit vehicles over 22' long or 7' high from parking in certain residential areas between midnight and 6am. The legislation passed unanimously at the Land Use committee, and now is scheduled to be at the full Board of Supervisors meeting on Sept. 25. There was a good turn out of residents who are impacted by these oversized vehicles, but there was also a very organized and vocal turn out of homeless advocates making their case against the legislation. While this ordinance is aimed at ALL oversized vehicles, it will effect some of the vehicularly housed. To that end, Supervisor Chu has been working with the city departments to provide safe storage of their RVs while the vehicularly housed get services and go into case management with the City. It is better to have people on the road to permanent housing rather than ignore them while they live illegally and in fear in their vehicles. In order to pass at the full board, six supervisors need to vote for the legislation. If this is important to you , it is imperative that you write to all the supervisors about this City-wide problem. You can write to the Clerk of the Board and ask that your letter be distributed to all the members of the Board of Supervisors.



**Clerk of the Board**  
**1 Dr. Carlton B. Goodlett Place**  
**City Hall, Room 244**  
**San Francisco, Ca. 94102-4689**  
**(415) 554-5184 - voice | (415) 554-5163 - fax | (415) 554-5227 - TTY**  
**E-mail: Board.of.Supervisors@sfgov.org**

Thanks again for your support, and if you have any questions, please don't hesitate to call.

Cammy Blackstone  
Legislative Aide  
Office of Supervisor Carmen Chu  
tel: (415) 554-7481  
fax: (415) 554-7432



Oversized Vehicles Ltr.doc

File 120142

September 20, 2012

To: All Board of Supervisors

From: San Francisco Resident, Gail Secchia  
1722 Ortega Street(Across from Sunset Reservoir)  
San Francisco, CA 94122  
415 566-6688

Dear Supervisors:

I am so sorry that I cannot be at your meeting on September 25. I feel very strongly about the issue you will discuss or resolve at that time.

I live across from the Sunset Reservoir in the Sunset District where there is no restriction on parking except street cleaning and since our day (street sweep) is Monday (many holidays during the year), sometimes it is 4 weeks before vehicles have to move. I have had 35' foot RVs, 18 wheel Trucks, campers, boats, big trucks and the like park across from my house. I have lived here for over 30 years, own my own house, pay my taxes on time and now that I am in my senior years, I like to sit in my living room and look at the view across the street into the Park. That is the reason I bought my house here when I did.

**Do you know how annoying it is that the owners of these oversized vehicles park here?** They do it totally without regard to the neighborhood and the area then takes on the appearance of blight!! The only recourse we have is to call DPT and after 3 days they will red-tag the vehicle, then they give the owner another 3 days to move before they threaten to tow. But more importantly, there is no penalty to the vehicle.

I totally support the legislation introduced by Supervisor Chu to amend Article 7 of the San Francisco Transportation Code, Division I, to prohibit the parking of these oversized vehicles all around the sides of the Sunset Reservoir and I am sure there are other areas which I cannot speak for. I know many of my neighbors feel the same way and if there was more time, many of them would come to your meeting.

Please consider our plea to prohibit these oversized vehicles in our nice neighborhood.

Thank you for your help.....

Very truly yours,

V. Gail Secchia  
Zoogail@sbcglobal.net



To: BOS Constituent Mail Distribution, Alisa Miller/BOS/SFGOV,  
Cc:  
Bcc: [REDACTED]  
Subject: [REDACTED] letter for the board of supervisors re Large Vehicle Parking Restrictions by Sup. Chu

From: "Amanda Madlener" <amandam@ix.netcom.com>  
To: <Board.of.Supervisors@sfgov.org>,  
Date: 09/20/2012 05:41 PM  
Subject: letter for the board of supervisors re Large Vehicle Parking Restrictions by Sup. Chu

---

**To: Clerk of the Board**  
**1 Dr. Carlton B. Goodlett Place**  
**City Hall, Room 244**  
**San Francisco, Ca. 94102-4689**  
**(415) 554-5184 - voice | (415) 554-5163 - fax | (415) 554-5227 - TTY**  
**E-mail: [Board.of.Supervisors@sfgov.org](mailto:Board.of.Supervisors@sfgov.org)**

Please distribute my letter to all the members of the Board of Supervisors

Dear Supervisor Chu,

I am writing to express that I and the entirety of my 37<sup>th</sup> Ave Neighborhood Watch Assoc are in favor of your Large Vehicle Parking Restrictions. As residents of Lincoln Ave, 37<sup>th</sup> Ave and 38<sup>th</sup> Ave, we see first-hand how camp trailers, commercial vehicles, house cars, abandoned vehicles etc encamp in our neighborhood leaving behind garbage, feces, drug paraphernalia etc. We have all witnessed dumping, drug usage, drug deals, and other questionable behavior.

We have also noticed increased vandalism and car break-ins including one just last night on 37<sup>th</sup> Ave. My partner has had his own truck broken into twice in two years.

We feel that the 72 hour rule in place now does not do enough to keep these unwanted vehicles out of our neighborhoods. We also look forward to the MTA being able to restrict that access with your legislation in areas that are overwrought with this problem.

I would also like to suggest that permits be available for residents to be able to have guests or park their own, uninhabited, vehicles near their home. Thank you.

Sincerely,  
Amanda Madlener  
1255 37<sup>th</sup> Ave



To: BOS Constituent Mail Distribution, Alisa Miller/BOS/SFGOV,  
Cc:  
Bcc:  
Subject: File 120142: Large vehicle parking restriction

From: Aloma Campana <aloma@alomagical.com>  
To: "board.of.supervisors@sfgov.org" <board.of.supervisors@sfgov.org>,  
Date: 09/20/2012 08:41 AM  
Subject: Large vehicle parking restriction

---

We strongly oppose Supervisor Carmen Chu's proposed Large Vehicle Parking Restriction, file #120142. It would "prohibit the on-street parking of any vehicle over 22 feet in length or 7 feet in height, or camp trailers, fifth-wheel travel trailers, house cars, trailer coaches, mobile homes, recreational vehicles, or semi-trailers . between .12 & 6 am, when SFMTA signs are posted." After reading such redundant list, is hard to believe Sup Chu's repeated assurance that it's not targeting vehicular inhabitants & the homeless. The ban is obviously bound to spread citywide, as large vehicles will be moving from forbidden areas to cause the same "problem" in other areas that will therefore be subsequently forbidden & so on.

Visibility & traffic safety couldn't possibly be more of a concern 12-6 am, when the streets are almost deserted & void of foot & bike traffic, than during the daytime. If visibility & traffic safety were really the issue, the ban may as well be during heavily trafficky business hours.

Supervisor Chu insisted on the fact that their study showed that the great most of these large vehicles aren't parked close enough to their registered addresses. How are people supposed to find parking close by, when the measure itself is obviously responding to the issue of lack of available parking? & for vehicular inhabitants, that street address is just a formality, since we obviously don't actually live there. Plus there's endless reasons why one would park somewhere other than home in this land of freedom.

Seriously sketchy people, drug addicts & criminals don't only reside in large vehicles, but in small ones as well, not to mention in buildings. It's downright absurd to think that banning certain size of vehicles will get rid of the "public nuisance". Instead, people deprived from their cubbyholes by this ban will be traumatized, & some resented, desperate & more prone to display violent or criminal behavior, specially since some vehicular inhabitants happen to be mentally unstable or disabled individuals that therefore have difficulty adapting to regular society, but are otherwise peaceful & causing no trouble if left alone.

There's a misconception that people who live in their vehicles are lazy & irresponsible, when in truth it's kinda' high maintenance. There's making sure the vehicle runs & works, keeping track of parking restrictions, paperwork, smog; & in many cases installing & inventing commodities to make it a livable space. While there are some nasty individuals that leave trash behind & even publicly defecate or attack neighbors, giving a bad name to us all, most of us are careful to be clean, quiet, orderly, civil, & on the move. (Again, building dwellers aren't exempt from nasty behavior.) Vehiculars are often very independent, creative & constructive personalities that couldn't possibly stand to be herded

around & treated like children at the so called "services", if they were even sufficiently available.

It's a lot cheaper & simple to leave vehicular inhabitants alone than to impose all those patronizing humiliating "services". A public RV park would also be cheaper, needing no staff or building, but just water & a sewer. We could even be charged a small fee. & it would be a lot more respectful of our human dignity & self determination.

Throughout all history & within every culture there's always been gypsies, or people who for a diversity of reasons live in vehicles. It's sad & inhumane that simple lifestyle choice or necessity is enough to be demonized, discriminated & persecuted, even in the human rights conscious 21st century, even in a modern progressive city like SF. There's good & bad people in all walks of life. We are just visible.

In these times of rampant foreclosures & unemployment, rather than discouraged, vehicular inhabitation should actually be instead recommended as a swift in-between option for people whose lives suddenly fall apart for no fault of their own.

It's surprising that supervisor Eric Mar, who enjoyed the longest stay at Burning Man Festival, would support a measure that would work against them. Sups Jane Kim & David Chiu were also there (albeit for just 1 day), & all three of them have sung praises to Burning Man's cultural, social & economic contributions. One would hope they wouldn't support this anti-artist, anti-free spirit ordinance.

Supervisor Chiu went "to learn about how Burning Man is building 21st Century community, creating art, and fostering sustainability". Well, he must have found that's all completely reliant on vehicular usage & inhabitation, which is a much more ecologically sustainable option than buildings.

Our own energy usage is very conscious: our whole life runs from our batteries. There's no magic switches or faucets fed by external energy centrals. We are aware of every drop of water.

For us our CNG bus, 24 x 9 feet, is everything. We couldn't possibly afford a decent life otherwise, since what makes us happy & we're good at is to play our own live music & sing & dance loudly, which has never bothered anybody in the park but would certainly obnoxious apartment neighbors, & we would not be allowed to do anything creative or expansive at a shelter or "program". Also, I have severe allergies that make it very difficult to hang out inside buildings. This bus is our survival but also our dream, preference & pursuit of happiness. We can do yoga & meditate with a group inside, play a whole concert out of a stage we set up at the back doors, the decoration inside is a work of art. National Geographic recently filmed a documentary about us (it hasn't aired yet). (Check us out at [alomagical.com](http://alomagical.com)) We'd hope to travel with our bus performing & doing playshops, but for a while we were stuck with a variety of issues, like Matthew having a heart surgery & me dealing with a long & convoluted immigration case. Since 2003 we've been vehicular & never got a complaint from neighbors wherever we sleep. We would certainly be "reluctant", rather refuse, to abandon our art & meditation bubble for any so called "services". This measure would mess up our lives & arrest our development.

This is a draconian social darwinistic measure that will only cause upheaval & hardship to a variety of innocent people: vehicular dwellers, burners, assisted living, disabled & senior centers; small businesses that rely on their trucks to function at all. & for nobody's

benefit.

Crime is rampant at any rate. Wherever you get rid of large vehicles, there's sure to still be drugs, violence, garbage & shit (random stuff & excrement, that is) from small car & building dwellers.

Maybe this measure should be applied in a case to case basis that targets those vehicles that are just pointlessly taking space without messing up the lives of those who rely or depend on our vehicles to function or survive.

We urge all supervisors & to show some humanity & sense & strongly vote against this measure.

Aloma Campana & Matthew Gruenberger

**Case Details**

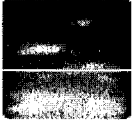
<b>ID</b>	1439136
<b>Classification</b>	City Services >> General Requests >> Request for City Services
<b>Title</b>	complaint
<b>Description</b>	--- Customer states, "The BOS have a meeting today with SFMTA regarding having an ordinance regarding large vehicles parked in the City and not being moved regularly. There is already something in place for this. Why are they discussing this ordinance? There is no need, we already have something in place for these types of issues where you can call SFMTA and let them know that there is a vehicle parked at one location for over 72 hours and they come out and take a look at it."
<b>Created By</b>	joanne.ramirez
<b>Created Date</b>	9/18/12 8:44 AM
<b>Priority</b>	Medium
<b>Severity</b>	Medium
<b>Status</b>	Open
<b>Allocated To</b>	Madeleine Licavoli
<b>Due Date</b>	9/25/12 8:44 AM
<b>Associated With</b>	David Lee

**Events**

Created On	Handled By	Queue	Title	Case events found:
9/18/12 8:44 AM	Joanne Ramirez	Generic Eform Else Queue	Agent Created Case	-
9/18/12 8:47 AM	Eform WS	Board of Supervisors - Clerk of the Board - G	Agent Updated Case Details	Reallocated to queue: Board of Supervisors - Clerk of the Board - G  Title updated to: complaint Description updated to: --- Customer states, "The BOS have a meeting today with SFMTA regarding having an ordinance regarding large vehicles parked in the City and not being moved regularly. There is already something in place for this. Why are they discussing this ordinance? There is no need, we already have something in place for these types of issues where you can call SFMTA and let them know that there is a vehicle parked at one location for over 72 hours and they come out and take a look at it."
9/18/12 8:47 AM	Eform WS	Board of Supervisors - Clerk of the Board - G	Agent Updated Case Details	
9/19/12 6:14 PM	Madeleine Licavoli	Board of Supervisors - Clerk of the Board - G	Agent Took Ownership of Case	-

**Related Interactions**

Created	Client	Channel	Collateral
9/18/12 8:38 AM (Initial Interaction)	David Lee (Verified)	Voice In	



To:  
Cc:  
Bcc:  
Subject: Annual Report on Sexual Harassment Complaints filed in Fiscal Year 2011/2012

From: "Vaksberg, Svetlana" <svetlana.vaksberg@sfgov.org>  
To: "Calvillo, Angela" <angela.calvillo@sfgov.org>  
Date: 09/20/2012 10:46 AM  
Subject: Annual Report on Sexual Harassment Complaints filed in Fiscal Year 2011/2012

---

Hello Ms. Calvillo,

Please find attached the "Annual Report on Sexual Harassment Complaints filed in Fiscal Year 2011/2012." Your assistance with forwarding the report to the Board of Supervisors would be greatly appreciated.

Please let me know if you have any questions.

Regards,

Svetlana Vaksberg  
EEO Programs Senior Specialist  
CCSF Department of Human Resources  
1 S. Van Ness, 4<sup>th</sup> Floor  
San Francisco, CA 94103  
415-551-8926 415-557-4803 (fax)  
Svetlana.Vaksberg@sfgov.org



Annual Report on Sexual Harassment Complaints FY 2011-2012.pdf



City and County of San Francisco

Edwin M. Lee  
Mayor




Department of Human Resources

Micki Callahan  
Human Resources Director

**MEMORANDUM**

TO: The Honorable Mayor Edwin M. Lee  
Honorable Members of the Board of Supervisors  
Theresa Sparks, Executive Director, Human Rights Commission  
Emily Murase, Executive Director, Department on the Status of Women

FROM: Micki Callahan, Human Resources Director 

DATE: September 6, 2012

SUBJECT: Annual Report on Sexual Harassment Complaints filed in Fiscal Year 2011/2012

**I. Annual Report on Sexual Harassment Complaints**

Pursuant to San Francisco Administrative Code, Section 16.9-25(e)(2):

The Human Resources Director shall provide annually to the Mayor, the Board of Supervisors, the Human Rights Commission, and the Commission on the Status of Women a written report on the number of claims of sexual harassment filed, including information on the number of claims pending and the departments in which claims have been filed. The reports shall not include names or other identifying information regarding the parties or the alleged harassers.

In accordance with the San Francisco Administrative Code, Section 16.9-25(e)(2), enclosed is the "Annual Report on Sexual Harassment Complaints." Attachment A identifies "internal" complaints filed with individual City and County of San Francisco Departments and the Department of Human Resources, Equal Employment Opportunity Division (DHR EEO). Attachment B identifies "external" complaints filed with the U.S. Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH). For Fiscal Year 2011/2012, a total of 11 complaints (8 internal and 3 external) alleging sexual harassment were filed.

Please feel free to contact Linda Simon, DHR EEO Director at 415-557-4837, for further information.

Enclosure

cc: Dennis Herrera, City Attorney

# ANNUAL REPORT ON SEXUAL HARASSMENT COMPLAINTS

## INTERNAL COMPLAINTS<sup>1</sup>

Fiscal Year 2011/2012 (July 1, 2011 through June 30, 2012)

DEPARTMENT	TOTAL FILED	STATUS				
		Pending	Settled	Insufficient Evidence	Sustained	Not Investigated
Animal Care and Control	1			1		
Police	2	1				1
Public Utilities Commission	1				1	
Public Health	1	1				
Recreation and Park	1			1		
Sheriff	1	1				
Treasurer/Tax Collector	1			1		
<b>TOTAL COMPLAINTS</b>	<b>8</b>	<b>3</b>		<b>3</b>	<b>1</b>	<b>1</b>

### Definitions:

- "Settled": complaint was resolved;
- "Insufficient Evidence": complaint was investigated and there was insufficient evidence to establish sexual harassment;
- "Sustained": complaint investigated and there was sufficient evidence that sexual harassment occurred; and
- "Not Investigated": Police complaint was not investigated because it did not meet EEO jurisdiction.

<sup>1</sup> Complaints filed with individual Departments and the Department of Human Resources, Equal Employment Opportunity Division (DHR EEO).

# ANNUAL REPORT ON SEXUAL HARASSMENT COMPLAINTS: EXTERNAL COMPLAINTS<sup>2</sup>

Fiscal Year 20010/2011 (July 1, 2010 through June 30, 2011)

DEPARTMENT	TOTAL FILED	STATUS				
		Pending	Settled	Insufficient Evidence	Sustained	Not Investigated
Child Support Services	1	1				
Human Services Agency	1	1				
Public Utilities Commission	1	1				
<b>TOTAL COMPLAINTS</b>	<b>3</b>	<b>3</b>				

## Definitions:

- "Settled": complaint was resolved;
- "Insufficient Evidence": complaint was investigated and there was insufficient evidence to establish sexual harassment;
- "Sustained": complaint investigated and there was sufficient evidence that sexual harassment occurred; and
- "Not Investigated": complaint was not investigated because the EEOC/DFEH issued notice of right to sue.

<sup>2</sup> Complaints filed externally with the Department of Fair Employment and Housing (DFEH) or the U.S. Equal Employment Opportunity Commission (EEOC).



To: BOS Constituent Mail Distribution,  
Cc:  
Bcc:  
Subject: Please Vote to Reinstate Ross Mirkarimi

From: Pratiti Beldner <pratiti.beldner@gmail.com>  
To: Carmen.Chu@sfgov.org,  
Cc: board.of.supervisors@sfgov.org  
Date: 09/17/2012 04:01 PM  
Subject: Please Vote to Reinstate Ross Mirkarimi

---

Dear Supervisor Chu,

I understand the dilemma that you and the Supervisors face in voting whether or not Ross Mirkarimi should be reinstated to his job as Sheriff.

However, please remember that the voters elected Mr. Mirkarimi to be Sheriff and it's the voters' job to recall him if that is what we want. Mayor Lee has spent way too much time and (tax payer) money just to circumvent the democratic process.

Please respect the voters of San Francisco by casting your vote to reinstate our duly elected Sheriff.

Thank you for your time and service to San Francisco.

Sincerely,

Pratiti Beldner  
2370 27th Ave.  
San Francisco, CA 94116  
503-860-5571

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2012 SEP 17 PM 4:37

*ll*

San Francisco Planning Commission  
1650 Mission Street, Ste. 400  
San Francisco, California 94103

San Francisco Board of Supervisors  
City Hall, Room 400  
1 Dr. Carlton Goodlett Pl.  
San Francisco, CA 94102

RE: File 2011.1404C STARBUCKS

Dear Commissioners:

I do not object to a new Starbucks at 2201 Market Street, given the state of disrepair of the current building which has only worsened since San Francisco Stereo moved out years ago. The new café will improve the street, which has numerous vacant storefronts within a couple of blocks.

Additionally, I support Starbucks' commitment to social responsibility and its support for equality and the right to marry, both here and nationwide.

Sincerely,

*Carolyn Oliss*

CAROLYN OLISS 386 17<sup>th</sup> STREET

CC: Board of Supervisors



August 31, 2012

The Honorable Katherine Feinstein  
Presiding Judge  
Superior Court of California  
City and County of San Francisco  
400 McAllister Street, Room 206  
San Francisco, CA 94102-4512

Re: In the Matter of the 2011-12 Civil Grand Jury – Treasurer-Tax Collector Response

Dear Judge Feinstein:

I write to provide the Office of the Treasurer & Tax Collector's required response to the San Francisco Civil Grand Jury Report: "Surcharges and Healthy San Francisco: Healthy for Whom?" The Civil Grand Jury has requested a response from the department to Finding F3, and Recommendation R2.

**Finding F3:** "Neither the City nor the State of California, to the Jury's knowledge, has investigated whether sales tax is being added to surcharges."

**Response:** The Finding is not reasonable.

The Office of the Treasurer & Tax Collector shares the Civil Grand Jury's concerns about the possible under-reporting of sales taxes. However, the Office of the Treasurer & Tax Collector does not collect the sales tax. Revenue and Taxation Code Section 6451 specifies that the sales tax is due and payable to the State Board of Equalization. The Treasurer defers to the State Board of Equalization for their response regarding sales tax investigations.

**Recommendation R2:** "The Office of the Treasurer & Tax Collector investigate the under-reporting of sales taxes on surcharges."

**Response:** Recommendation R2 will not be implemented by the Office of the Treasurer & Tax Collector because it is not reasonable.

The Office of the Treasurer & Tax Collector shares the Civil Grand Jury's concerns about the possible under-reporting of sales taxes. However, the Office of the Treasurer & Tax Collector does not collect the sales tax. Revenue and Taxation Code Section 6451 specifies that the sales tax is due and payable to the State Board of Equalization. The Treasurer defers to the State Board of Equalization for their response regarding sales tax investigations.

Respectfully Submitted,

José Cisneros  
Treasurer

A handwritten signature in black ink, appearing to read 'G. Kato', is written over a horizontal line.

Greg Kato  
Policy and Legislative Manager



To: BOS Constituent Mail Distribution,  
Cc:  
Bcc:  
Subject: CGJ DEPARTMENTAL RESPONSE DUE - Surcharges and Healthy SF - Healthy for Whom?

From: "Cisneros, Jose" <jose.cisneros@sfgov.org>  
To: "Ausberry, Andrea" <andrea.ausberry@sfgov.org>, Board of Supervisors <board.of.supervisors@sfgov.org>,  
Date: 09/18/2012 10:09 AM  
Subject: RE: CGJ DEPARTMENTAL RESPONSE DUE - Surcharges and Healthy SF - Healthy for Whom?  
Sent by: "Kato, Greg" <greg.kato@sfgov.org>

---

The attached was sent to the Civil Grand Jury via US Mail on August 31, 2012.

Greg Kato will attend the hearing on September 27 at 1pm.

Thank you.

Greg M Kato  
Policy and Legislative Manager  
Office of the Treasurer & Tax Collector  
City & County of San Francisco  
City Hall - Room 140  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  
Phone: 415/554-6888  
Fax: 415/554-5507  
Email: Greg.Kato@sfgov.org  
Twitter: @gregkato

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

From: Andrea.Ausberry@sfgov.org [mailto:Andrea.Ausberry@sfgov.org]  
Sent: Monday, September 17, 2012 5:00 PM  
To: Goyal, Manish; Marzotto, Mary; Garcia, Barbara; Cisneros, Jose; Adams, Cheryl; Gascon, George; Pfeifer, David; Miller, Katherine; rob@ggra.org; donnalyn@ggra.org; Board.MemberD1@boe.ca.gov; Board.MemberD1@boe.ca.gov; Levitt, Donna  
Cc: Miller, Alisa  
Subject: CGJ DEPARTMENTAL RESPONSE DUE - Surcharges and Healthy SF - Healthy for Whom?

Good Afternoon,

This email has been sent, because your agency/department's response to the Civil Grand Jury Report, Surcharges and Healthy SF - Healthy for Whom?, is due today, September 17, 2012.

Please submit your department's signed response via email or drop of the response to the Board of Supervisors, Office of the Clerk of the Board before noon September 18, 2012.

As a reminder a representative from your department is required to be present for the hearing and report your department's response. Please email the name of your department's presenter along with the response.  
The following is the tentative scheduled date of the hearing:



Government Audit and Oversight Committee - September 27, 2012, at 1:00 pm,  
City Hall, Room 263

Thank you,

Andrea S. Ausberry  
San Francisco Board of Supervisors  
Office 415.554.4442 | Fax 415.554.5163  
andrea.ausberry@sfgov.org | www.sfbos.org City Hall, 1 Dr. Carlton B.  
Goodlett Place, Rm. 244 San Francisco, CA 94102 Follow Us! | Twitter

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DOC123.PDF

OFFICE OF THE MAYOR  
SAN FRANCISCO



From: AM  
GAO clerk  
COB, CPages  
EDWIN M. LEE  
MAYOR

September 17, 2012

The Honorable Judge Katherine Feinstein  
Presiding Judge  
Superior Court of California, County of San Francisco  
400 McAllister Street, Room 206  
San Francisco, CA 94102

Dear Judge Feinstein,

Please find attached my response to the Civil Grand Jury's July 2012 report: "Surcharges and Healthy San Francisco: Healthy for Whom?" I appreciate the Civil Grand Jury's attention to such an important topic.

The passage of the Health Care Security Ordinance (HCSO) in 2006 was a momentous occasion for San Francisco, supporting a long-held San Francisco value that health care is an important right for our residents and workers and setting an example for federal policy. Implementing a significant new policy is never a simple, one step endeavor, which is why we will continue to shape this law to ensure its ultimate policy goal is met.

In November 2011, I signed into law an amendment to the Health Care Security Ordinance - sponsored by Board President David Chiu and Supervisor Malia Cohen - designed to strengthen the ordinance's policies regarding surcharge collection and the management of reimbursement programs. It is important to note that the changes required by these legislative amendments went into effect in January 2012. Therefore, findings in the recent Civil Grand Jury report and Office of Labor Standards Enforcement 2011 Analysis of HCSO Annual Reporting Forms serve as an important baseline against which we will measure 2012 data.

That being said, I am extremely encouraged by the data found in the 2011 Analysis of HCSO Annual Reporting Forms: 89% of our employers' health care expenditures went towards health insurance for employees. The report also identified areas where we need to do some work. Just as the passage of the HCSO was a consensus-driven process, so is the ongoing review and maintenance of this important law. I appreciate the ongoing outreach and partnerships between the Office of Labor Standards Enforcement, the Department of Public Health, the Office of Small Business, and our business community, to outreach to and educate businesses - small businesses in particular - about how to come into compliance with the new regulations in order to better serve their employees.

**The Mayor's Office response to the Civil Grand Jury's findings is as follows:**

**Finding 1:** "The Jury could not identify any government investigation that reports the number of businesses adding surcharges to pay for HCSO employer mandates and mandated paid sick days."

**Response:** Partially Disagree. The Mayor supported and signed legislation amending the Health Care Security Ordinance (HCSO) in November 2011 that directed the Office of Labor Standards Enforcement (OLSE) to begin collecting surcharge data from employers for inclusion in its annual report on employer compliance with the HCSO. This information was required in the 2011 annual reporting forms, distributed to employers in March 2012 by the OLSE.

**Finding 2:** "The City has not investigated health care related surcharges to determine whether or not employers are generating profits from these surcharges."

**Response:** Disagree. The Mayor supported and signed legislation amending the HCSO in November 2011 that directed the OLSE to begin collecting data from employers regarding the amount of money collected from surcharges to cover employee health care and the amount of healthcare expenditures made on behalf of employees. In anticipation of new legislative requirements beginning in January 2012 as a result of this amendment, OLSE began collecting this data in 2011, to serve as a baseline. The Mayor's Office also refers to the District Attorney's response.

**Finding 3:** "Neither the City nor the State of California, to the Jury's knowledge, has investigated whether the sales tax is being added to surcharges."

**Response:** Disagree. The Mayor's Office refers to the response by the City and County of San Francisco's Treasurer and Tax Collector.

**Finding 4:** "The City has neither a plan nor sufficient staff at the OSLE to audit employers' surcharges in compliance with HCSO regulations."

**Response:** Disagree. At the OLSE, there is a process in place to collect, analyze and report on this data, and OLSE has authority under the HCSO to enforce its provisions. The OLSE received an additional staff position in the FY2012-13 budget to focus exclusively on education about and compliance with the HCSO.

**Finding 5:** "San Francisco businesses that collected surcharges prior to January 1, 2012 have no obligation to report surcharge receipts to the City nor reconcile the surcharges with health care expenses."

**Response:** Disagree. In OLSE's 2011 Annual Reporting Form, employers were asked report on both surcharge collections and their expenditures for employee health benefits in 2011. Effective January 2012, as per an amendment to the HCSO signed by the Mayor in November 2011, if the amount of surcharges collected for employee health care exceeds the amount spent on employee health care, the employer must irrevocably pay or designate an amount equal to that difference for health care benefits for its employees.

**Finding 6:** "Due to the varied wording in describing surcharges on consumers' bills, and the wording of the ordinance, the auditing of surcharges will be difficult."

**Response:** Partially Disagree. OLSE has a straightforward reporting process in place and the recent amendment to the HCSO clarified expectations for employer practices regarding surcharges. However, education and outreach are important so that employers and employees understand the requirements and benefits of the HCSO. The Mayor's Office is committed to ensuring that stakeholders - in particular small businesses - understand and comply with the HCSO, and appreciates the efforts of OLSE, the Department of Public Health, the Office of Small Business, and the business community for their efforts.

**Finding 7:** "Consumer fraud is committed if the consumer's receipt states that a surcharge is being assessed for a stated purposes and is not being used for that purpose."

**Response:** Agree. Consumer fraud is committed if a business collects a surcharge for a stated purpose and then knowingly does not use the resulting receipts for that purpose.

**Finding 8:** "Employers with HRAs in 2010 allocated \$62 million for medical care, reimbursed employees \$12 million, and retained up to the remaining \$50 million."

**Response:** Disagree. To clarify, in 2010, employers allocated \$62 million to a range of different types of reimbursement programs - not just to Health Reimbursement Accounts (HRA), as this finding states. The data does not report the use of the \$50 million that was not reimbursed directly to employees.

**Finding 9:** "Given similar demographics the 20% reimbursement rate for HRAs is well below the City's 50% reimbursement rate for MRAs due to lack of program notification to employees, strict HRA guidelines and employees' unwillingness to disclose their medical conditions to their employer."

**Response:** Disagree. The City and County does not know the demographics of employers and employees using Medical Reimbursement Accounts (MRA) versus HRA accounts. Similarly, there is no data stating the reasons behind the differing reimbursement rates. The Mayor's Office believes that the amendment made to the HCSO in November 2011 will increase reimbursement rates for HRA's and other reimbursement programs through increased notification and the requirement that contributions be available for 24 months.

Mayor's Office Response to the Civil Grand Jury  
September 17, 2012

**Finding 10:** "Significant numbers of restaurants utilizing HRAs in 2010 paid out no medical expenses for their employees."

**Response:** Partially Disagree. The Mayor's Office refers to the OLSE's response.

**Finding 11:** "Employees with two or more employers may have two or more HRAs, likely with differing guidelines for what constitutes medical expenses and with differing time limits."

**Response:** Partially Disagree. While there could be two or more HRA's, time limits are now standardized as per 2011 HCSO amendment.

**Finding 12:** "HRAs may not be an allowable option in meeting the federal requirements under the Affordable Care Act."

**Response:** Partially Disagree. No response possible at this time: we will not know what is allowable under the Affordable Care Act until the rules and regulations for employers are released by the federal government.

**Finding 13:** "The financial incentive to retain unspent HRA funds could be a motivating force for employers to restrict employee access to these funds."

**Response:** Agree – there are many different financial incentives that could be at play, including the fact that some businesses use these dollars to augment salaries and to make additional hires. Because the Mayor's Office does not know the motivations behind the choices made by businesses, we are focused on working with businesses to ensure they understand the components of the HCSO, its benefits for their employees, and the importance of being in compliance, to ensure that the ultimate goals of the Health Care Security Ordinance are met.

**Finding 14:** "By submitting personal medical invoices directly to their employers, employees are forced to reveal their medical history."

**Response:** Partially Disagree. There are a range of privacy regulations affording employee protection regarding health status and the majority of HRA's are administered by a third party, according to OLSE's data. That being said, if there is data showing privacy concerns on the part of employees, then this should become part of the policy discussion.

Mayor's Office Response to the Civil Grand Jury  
September 17, 2012

**The Mayor's Office response to the Civil Grand Jury's recommendations is as follows:**

**Recommendation 1:** "Disallow employers subject to the Office of Labor Standards Enforcement regulations from adding surcharges on customers' bill to pay for the HCSO employer mandates and mandated paid sick days."

**Response:** Will Not be implemented. The Mayor's Office supports businesses identifying how to cover their costs within their individual business models, as long as it is done in compliance with the HCSO.

**Recommendation 2:** "The Office of the Treasurer and Tax Collector investigate the under-reporting of sales taxes on surcharges."

**Response:** Will Not be implemented. Given that sales tax is collected by the State Board of Equalization, this recommendation falls outside of the purview of the City and County of San Francisco's Treasurer and Tax Collector.

**Recommendation 3:** "The District Attorney open an investigation to review the Jury's survey findings for possible consumer fraud."

**Response:** Requires Further Analysis. The Mayor's Office supports the District Attorney's response.

**Recommendation 4:** "Disallow the use of the employer HRA option."

**Response:** Will Not be implemented. The Mayor's Office believes that the HRA, while used by a relatively small percentage of employers in San Francisco, is an important tool for businesses in respect to coming into compliance with the HCSO. The Mayor's Office is focused on strengthening HRA practices, to ensure that employees are aware of the benefits available to them and that employers make those benefits readily available.

**Recommendation 5:** "Eliminate time limits for employees to use their MRA funds."

**Response:** Will Not be implemented. The Mayor's Office refers to the Department of Public Health's response.

Thank you again for the opportunity to comment on this Civil Grand Jury report.

Sincerely,

  
Edwin M. Lee  
Mayor

City and County of San Francisco



Edwin M. Lee  
Mayor

orig: 6AO clerk  
c: COB, Leg Dep, page  
Department of Public Health

Tangerine M. Brigham  
Deputy Director of Health  
Director of Healthy San Francisco

September 19, 2012

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2012 SEP 19 PM 4:02  
AK

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

Re: San Francisco Civil Grand Jury 2011-12 "Surcharges and Healthy San Francisco:  
Healthy for Whom?"

Dear Ms. Calvillo:

Enclosed please find a copy of the San Francisco Department of Public Health's response to the above-referenced report. The Department's responses were provided to the San Francisco Civil Grand Jury pursuant to California Penal Code section 933.5 and by the stated September 17, 2012 deadline.

If you have any questions, or require additional information, please do not hesitate to contact me at 415.554.2779 or via electronic mail at [tangerine.brigham@sfdph.org](mailto:tangerine.brigham@sfdph.org).

Sincerely,

A handwritten signature in dark ink, appearing to read "Tangerine Brigham".  
Tangerine M. Brigham

# City and County of San Francisco



**Edwin M. Lee**  
**Mayor**

# Department of Public Health

**Tangerine M. Brigham**  
**Deputy Director of Health**  
**Director of Healthy San Francisco**

September 6, 2012

Mr. Mario Choi  
Foreperson Pro Tem  
2011-2012 Civil Grand Jury  
San Francisco Civil Grand Jury  
Superior Court of California  
400 McAllister Street, Room 008  
San Francisco, CA 94102

Re: San Francisco Civil Grand Jury 2011-12 "Surcharges and Healthy San Francisco:  
Healthy for Whom?"

Dear Foreperson Choi:

This letter is in response to your July 16, 2012 letter in which you provided the San Francisco Department of Public Health (DPH) with the above-referenced report and asked for DPH responses to the report by September 17, 2012 pursuant to California Penal Code section 933.5.

DPH would like to thank the San Francisco Civil Grand Jury for its work and for this report. DPH's responses follow and have been organized based on the two categories of discussion in the Civil Grand Jury's report and correspond to the numbering system used by the Civil Grand Jury. Please note that several of the findings and/or recommendations relate to the administration of a Health Care Security Ordinance provision that is not under the purview of DPH. In those instances, DPH has deferred to the responses of the appropriate City and County departments.

## Customer Surcharges for Health Care Mandates

No.	Civil Grand Jury Position	Agree/Disagree	DPH Response
F1	The Jury could not identify any government investigation that reports that number of businesses adding surcharges to pay for HCSO employer mandates and mandated paid sick days	None Provided – See DPH Response	The Department of Public Health (DPH) does not oversee or enforce employer or business labor practices. DPH defers to the response provided by the Office of Labor Standards Enforcement which enforces labor laws adopted by San Francisco voters and the San Francisco Board of Supervisors.



**Employer Health Reimbursement Accounts (HRAs)**

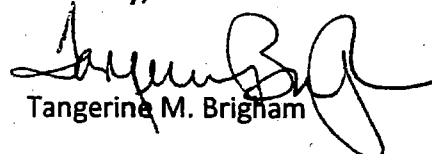
No.	Civil Grand Jury Position	Agree/Disagree	DPH Response
F8	Employers with HRAs in 2010 allocated \$62 million for medical care, reimbursed employees \$12 million and retained up to the remaining \$50 million.	None Provided – See DPH Response	The Department of Public Health (DPH) does not oversee or enforce employer or business labor practices. DPH defers to the response provided by the Office of Labor Standards Enforcement which enforces labor laws adopted by San Francisco voters and the San Francisco Board of Supervisors.
F9	Given similar demographics the 20% reimbursement rate for HRAs is well below the City's 50% reimbursement rate for MRAs due to lack of program notification to employees, strict HRA guidelines and employees' unwillingness to disclose their medical conditions to their employer	Partially disagree	DPH has no demographic information on employees who receive either MRAs or HRAs so cannot comment on any potential similarities between the populations. In fiscal year 2011-12, the MRA usage rate was 55%. Employees with MRAs are sent notification of the creation of their accounts and information on how to access funds from their accounts to reimburse them for health care costs. Employees also receive quarterly statements with account balance information and a list of allowable health care expenses. The statements are in English, Chinese and Spanish. Use of the MRA does not require the employee to disclose their health needs or medical condition to their employer.
F11	Employees with two or more employers may have two or more HRAs, likely with differing guidelines for what constitutes medical expenses and with differing time limits	None Provided – See DPH Response	The Civil Grand Jury's position relates to employer HRA's established in compliance with the Employer Spending Requirement provisions of the Health Care Security Ordinance. DPH does not oversee or monitor employer HRA, this is done by the Office of Labor Standards Enforcement (OLSE). DPH defers to any response provided by the OLSE. DPH oversees the MRA provision under the City Option for those employees who elect it to meet the Employer Spending Requirement.
F12	HRAs may not be an allowable option in meeting the federal requirements under the Affordable Care Act	Unable to respond pending federal guideline or regulations	In 2011, the federal government exempted certain HRAs from ACA provisions. Specifically, HRAs are not required to comply with higher minimum annual limits required of group health plans and health insurance prior to 2014. The ACA may prohibit stand-alone HRAs, but federal government guideline in this area has yet to be released.

No.	Civil Grand Jury Position	Agree/Disagree	DPH Response
F13	The financial incentive to retain unspent HRA funds could be a motivating force for employer to restrict employee access to these funds	None Provided – See DPH Response	The Civil Grand Jury's position relates to employer HRA's established in compliance with the Employer Spending Requirement provisions of the Heath Care Security Ordinance. In addition, this position appears to apply to those employers that self-administer an HRA or provide direct reimbursement to their employees for medical expenses and not to all HRAs. DPH does not oversee or monitor employer HRA, this is done by the Office of Labor Standards Enforcement (OLSE). DPH defers to any response provided by the OLSE.
F14	By submitting personal medical invoices directly to their employers, employees are forced to reveal their medical history	None Provided – See DPH Response	The Civil Grand Jury's position relates to employer HRA's established in compliance with the Employer Spending Requirement provisions of the Heath Care Security Ordinance. In addition, this position appears to apply to those employers that self-administer an HRA or provide direct reimbursement to their employees for medical expenses and not to all HRAs. DPH does not oversee or monitor employer HRA, this is done by the Office of Labor Standards Enforcement (OLSE). DPH defers to any response provided by the OLSE.
R4	Disallow the use of the employer HRA option	None Provided – See DPH Response	DPH defers to the response provided by the City Attorney's Office which is responsible for providing legal advice to officers, department heads, boards, commissions or other units of local government.

No.	Civil Grand Jury Position	Agree/Disagree	DPH Response
R5	Eliminate time limits for employees to use their MRA funds	Disagree	<p>There is no time limit for employees to use their MRA funds. All MRA accounts are activity unless there has been 18 months of continuous inactivity by both the employee (i.e., not seeking reimbursement) and employer (i.e., not making health care expenditures). An employee could continue to access their MRA account even if an employer is no longer making expenditures for deposit into the employee's MRA (e.g., after 18 months) as long as there are funds in the account. The account would remain active. Likewise an employer could continue to make expenditures on behalf of an employee, but the employee not accessing funds from their MRA (e.g., in excess of 18 months). This account would remain active. If a MRA is closed due to 18 months of continuous inactivity by both the employee and employer, then the employee may contact the program and ask to have their closed MRA account reinstated. In such cases, DPH would work collaboratively with the San Francisco Health Plan and the MRA vendor (SHPS) to reinstate the account. The MRA vendor archives and retains closed account information for seven years from the date of account closure for auditing purposes. Employee requests done within this time frame are readily accommodated. DPH would not recommend implementation of this recommendation for the reasons noted above.</p>

DPH thanks the Civil Grand Jury for this opportunity to provide comments. If you have any questions, or require additional information, please do not hesitate to contact me at 415.554.2779 or via electronic mail at [tangerine.brigham@sfdph.org](mailto:tangerine.brigham@sfdph.org).

Sincerely,



Tangerine M. Brigham

C: Barbara A. Garcia, MPA, Director of Health



# ETHICS COMMISSION CITY AND COUNTY OF SAN FRANCISCO

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2012 SEP 18 PM 12:11  
DN

BENEDICT Y. HUR  
CHAIRPERSON

JAMIEENNE S. STUDLEY  
VICE-CHAIRPERSON

BEVERLY HAYON  
COMMISSIONER

DOROTHY S. LIU  
COMMISSIONER

PAUL A. RENNE  
COMMISSIONER

JOHN ST. CROIX  
EXECUTIVE DIRECTOR

September 18, 2012


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

Dear Ms. Calvillo:

Today, I am delivering to you and each member of the Board of Supervisors a set of the full record of the hearing by the San Francisco Ethics Commission related to the Charges of Official Misconduct filed by Mayor Edwin M. Lee against Sheriff Ross Mirkarimi. The record contains hundreds of pages of documents, which are encompassed in four binders as well as on a DVD. Following Tab 97 of the binders is the report setting forth the Commission's Findings of Fact and Recommendation to the Board.

By way of this transmittal on this date, the Commission has discharged its duties set forth in Charter section 15.105 relating to this matter.

Sincerely,

  
John St. Croix  
Executive Director

S:\Commission\Ross Mirkarimi Official Misconduct\letter to ACalvillo re transmittal of record 9.18.2012.doc

11

File 120949



To:  
Cc:  
Bcc:  
Subject: Chaffee -- Ethics Commission Stand on Official Misconduct

From: "James Chaffee" <chaffeej@pacbell.net>  
To: <board.of.supervisors@sfgov.org>, <Carmen.Chu@sfgov.org>, "Christina Olague" <Christina.Olague@sfgov.org>, "David Campos" <David.Campos@sfgov.org>, "David Chiu" <David.Chiu@sfgov.org>, "Eric L. Mar" <Eric.L.Mar@sfgov.org>, "Jane Kim" <Jane.Kim@sfgov.org>, <John.Avalos@sfgov.org>, "Malia Cohen" <Malia.Cohen@sfgov.org>, "Mark Farrell" <Mark.Farrell@sfgov.org>, "Scott Wiener" <Scott.Wiener@sfgov.org>, <Sean.Elsbernd@sfgov.org>,  
Date: 09/21/2012 03:15 PM  
Subject: Chaffee -- Ethics Commission Stand on Official Misconduct

---

Dear Friends,

The Ethics Commission's meeting of September 24, at 5:30 p.m. in City Hall, Room 400, contains as item 5:

Consideration of a draft follow-up letter to the Mayor regarding Jewelle Gomez, President of the San Francisco Library Commission. After its July 11, 2011 meeting, the Commission sent a letter to the Mayor to recommend that he consider the removal of Ms. Gomez from the Library Commission because the Commission determined that she willfully violated the Sunshine Ordinance, and that her actions fell below the standards of appropriate conduct for a public official. At this meeting, the Commission will consider whether to send a follow-up letter to the Mayor regarding this matter. (Discussion and possible action.)

The fact that Mayor Lee has made no response of any kind in more than a year is a challenge to the very idea of accountability. The reason that the Ethics Commission does not itself have the power to remove the Mayor's appointments is presumably because being answerable to the Mayor was accountability enough. It has clearly been insufficient. The Mayor has neither defended or condemned Jewelle Gomez' actions and by not doing so has effectively acknowledged the illegality and ratified it anyway. Also, by not respecting the formal action of the Ethics Commission he has shown his contempt for the only process of accountability that exists for his appointees.

The Mayor removed Sheriff Mirkarimi from office based on "allegations" of official misconduct, where the actions may or may not be official and may or may not concern the conduct of his office. But when his appointee was found "guilty" of official misconduct against the public while acting as chair during an official public meeting it does not warrant a response. This is outrageous.

The proposed letter is attached. If anything it needs to be stronger. Please join us on Monday to insist that Mayor Lee answer for the official misconduct of his appointees.

(12)

James Chaffee



follow\_up\_letter\_to\_mayor.re.gomez.pdf



## ETHICS COMMISSION CITY AND COUNTY OF SAN FRANCISCO

BENEDICT Y. HUR  
CHAIRPERSON

JAMIEENNE S. STUDLEY  
VICE-CHAIRPERSON

BEVERLY HAYON  
COMMISSIONER

DOROTHY S. LIU  
COMMISSIONER

PAUL A. RENNE  
COMMISSIONER

JOHN ST. CROIX  
EXECUTIVE DIRECTOR

Mayor Edwin M. Lee  
Mayor's Office  
City Hall, Room 200  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

September 24, 2012

Dear Mayor Lee:

On July 18, 2011, the Ethics Commission sent you a letter regarding Library Commission President, Jewelle Gomez. The letter stated that on July 11, 2011, the Ethics Commission calendared a Sunshine Ordinance Task Force referral for discussion at its regularly scheduled meeting regarding an alleged public meeting violation by Ms. Gomez.

After publicly discussing the matter, the Ethics Commission determined that Ms. Gomez willfully violated the public testimony requirements of Sunshine Ordinance section 67.15 when she shouted down a member of the public and prevented her from addressing the Library Commission during public comment. The Ethics Commission also determined that Ms. Gomez's actions fell below the standards appropriate for a public official. However, because the Sunshine Ordinance did not provide the Ethics Commission with an ability to impose specific penalties against an appointed official such as Ms. Gomez for a violation of the Ordinance, the Commission voted to recommend that you consider taking steps to remove Ms. Gomez from her appointed office for her conduct.

The Ethics Commission has not received a response from your office as to any action you may have taken regarding Ms. Gomez. Thus, I am writing to request that you advise the Commission as to what action you have taken, or will take, if any, in connection with this matter.

Sincerely,

Benedict Y. Hur, Esq.  
Chairperson

Cc: San Francisco Sunshine Ordinance Task Force Chairperson  
Jewelle Gomez, Library Commission President



Stop the demolition of a national eligible masterplanned community.

Julianna Cressman

to:

board.of.supervisors

09/17/2012 10:21 PM

Hide Details

From: Julianna Cressman <mail@change.org>

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

Please respond to no-reply@change.org

Security:

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

Help protect and advocate for adequate working class housing in San Francisco.,


Please help to prevent the unnecessary destruction of housing, and a landscape designed by a master-class landscape architect Thomas Dolliver Church. Help advocate for better infrastructural changes along 19th Avenue and proper direct regional connection to transit hubs to reduce traffic and congestion that flows along this arterial corridor from the north bay to silicon valley. Demand better housing to be built that provides dense development that does not destroy the open-space that is critical in urban areas for families. Require that alternatives that focus on "INFILL" and a more balanced development layout that spreads the density into more than one neighborhood disproportionately. Ensure that the ecological impacts, and carbon footprint of the development proposal is independently reviewed and adequately assessed. Ensure that there will be housing that is affordable and meant to increase the level of affordability and quality of housing constructed in urban areas and suburbs nationwide by stopping the predatory equity lending that occurs in such large scale redevelopment projects and helps refocus our building strategies towards re-engineering the suburban scale of sprawl outside our urban cores.

Thank you for your support and interest in housing, jobs, and the environment.

Sincerely

Aaron Goodman

Julianna Cressman  
San Francisco, California

Note: this email was sent as part of a petition started on Change.org, viewable at <http://www.change.org/petitions/protect-and-preserve-parkmerced-as-essential-housing-from-un-sustainable-demolition>. To respond, [click here](#) 

13





**To:** Derek Evans/BOS/SFGOV, Sean Elsbernd/BOS/SFGOV, Carmen Chu/BOS/SFGOV,  
Christina Olague/BOS/SFGOV,  
**Cc:**  
**Bcc:**  
**Subject:** City Operations and Neighborhood Services Committee Members re: Sam's Cable Car  
Lounge

**From:** Marvis Phillips <marvisphillips@gmail.com>  
**To:** board.of.supervisors@sfgov.org,  
**Date:** 09/21/2012 06:22 PM  
**Subject:** Attn: City Operations and Neighborhood Services Committee Members re: Sam's Cable Car  
Lounge

---

Item 2 of SFPD conditions not complete. Should include, as in my request for conditions on  
ABC protest on Page 2,  
Condition 1, "the sale of beer, wine, and/or spirits offsale is strictly prohibited." Thank you for  
your consideration.

Sincerely,  
Marvis J. Phillips  
Public Safety Chair - Alliance for a Better District 6



To: BOS Constituent Mail Distribution,  
Cc:  
Bcc:  
Subject: BART - Celebrating 40 years of service with YOU!

From: Molly M Burke <MBurke@bart.gov>  
To: mburke@bart.gov (Molly Burke),  
Date: 09/20/2012 01:32 PM  
Subject: BART - Celebrating 40 years of service with YOU!

---

#### 40 Years Serving the Bay Area 40th Anniversary Sticker

BART marks 40 years of service in September 2012. In those four decades, BART has carried more than 2.7 billion people around the San Francisco Bay Area. We're observing this 40th anniversary year with events and activities to thank our riders, reflect on milestones over the years and look toward the future.

#### Highlights and ways to learn more...

**Free BART rides for field trips:** A major element of BART's 40th anniversary celebration is a program giving away 40,000 free rides for student field trips. The Free BART Rides for Student Field Trips program is a way for BART to encourage our students to use public transportation. For all the details and to find out how your school group can request free field trips, go to [www.bart.gov/fieldtrips](http://www.bart.gov/fieldtrips).

**"Wear to Win" stickers:** A sticker promotion giving out 1,000 BART tickets worth \$40 each. Ride BART on Friday, September 21 or Saturday, September 22 and you could win a \$40 BART ticket. Pick up a sticker celebrating 40 years of BART service at any BART station. Wear the sticker throughout the day and if you're spotted by the "BART 40th Anniversary Squad" you'll win one of 1,000 \$40 BART tickets. For all the details go to [www.bart.gov/freetickets](http://www.bart.gov/freetickets).

**Literary art posters for schools and libraries:** As a thank-you to schools and libraries in the Bay Area, BART is giving away copies of its latest series of transit art posters, updated with a commemorative 40th anniversary logo. The series "Literary Journeys," features works by local artist Owen Smith depicting scenes from books with Bay Area connections.

**Ice cream giveaways:** Come celebrate BART's 40th with ice cream treats courtesy of our sponsor Dreyer's. Six ice cream events will be scheduled at different BART stations. Some events will include delicious bundt cakes provided by Nothing Bundt Cakes of Emeryville. Join us in the free area outside the faregates as we thank our customers for riding BART and provide them with detailed information about our Free Field Trips Program that will transport 40,000 students, chaperones, and teachers to various educational field trips in the coming school year. The schedule for the giveaways is as follows:

September 29, 1 pm - 4 pm  
Rockridge  
Powell Street

October 13, 1 pm - 4 pm  
Castro Valley

15

Fremont

October 27, 1 pm - 4 pm  
El Cerrito Plaza  
Pittsburg/Bay Point

Molly M. Burke  
BART  
Government & Community Relations  
(510) 464-6172

BART: Celebrating 40 years of service!



To: BOS Constituent Mail Distribution,  
Cc:  
Bcc:  
Subject: REALLY?; Shell Oil, The Wildlife Killers??

From: "Chuck Huntington" <chuckermh@earthlink.net>  
To: <boardofsupervisors@sfgov.org>,  
Date: 09/20/2012 05:01 PM  
Subject: REALLY?; Shell Oil, The Wildlife Killers??

---

The idea of "green power" is always commendable if you can convince the populace to pay for it, but I am extremely surprised and disappointed that you would choose to award this great gift to Shell Oil, the company which is preparing to drill for oil in the Arctic Ocean.

Remember where you heard it first: Shell Oil almost CERTAINLY will cause an oil spill where they are ill-prepared to clean it up in the Arctic Ocean; killing polar bears, seals, whales and other wildlife. This poorly planned but foreseen "accident" will be at least on the scale of the BP fiasco in the Gulf of Mexico.

Don't agree with me? For details, contact the Natural Resources Defense Council, [www.nrdc.org](http://www.nrdc.org), or call their San Francisco office at 415-875-6100..

With regard and hope,

Charles Huntington  
Captain, USAF (Ret.)  
Alamo CA  
20 Sep 12  
[chuckermh@earthlink.net](mailto:chuckermh@earthlink.net)



To: BOS Constituent Mail Distribution,  
Cc:  
Bcc:

Subject: The below writer captures rather precisely the "unintended consequences" of Rec/Park's approval of what the Bicycle Panthers wanted, and got... (I do not know this person.).. I add: JFK Drive now looks like any old back alley...

From: john barry <jackbarry99@gmail.com>  
To: Sean Elsbernd <Sean.Elsbernd@sfgov.org>, Board of Supervisors Board <Board.of.Supervisors@sfgov.org>, Burton Meyer <burtonmeyer@comcast.net>, Chooi Eng Grosso <c.e.grosso@earthlink.net>, pramila Dandakar <pramilasf@yahoo.com>, jack barry <jackbarry99@me.com>, Frank Noto <franknoto2003@yahoo.com>, Carolyn Asbury <crmasbury@hotmail.com>, Dennis Minnick <dennis@415images.com>,  
Date: 09/18/2012 09:41 AM  
Subject: The below writer captures rather precisely the "unintended consequences" of Rec/Park's approval of what the Bicycle Panthers wanted, and got... (I do not know this person.).. I add: JFK Drive now looks like any old back alley...

---

### Deaneski says...

9/17/2012 3:40 pm

There is no question that the new lanes have reduced utility for many people who locomote through the park even as it has increased utility for some. So-called "safety" statistics will disregard most of the new, negative consequences. Close calls, higher anxiety, heightened vigilance, time inefficiency, and uncivil altercations are all inevitable consequences of restricting traffic to narrow lanes with little room for maneuver and no room to escape. What separates the bike lane from traffic is not a "buffer"; it is a barrier - of solid, parked vehicles. Intersections are worse for everybody. Westbound JFK motorists making right turns onto the western entrance to Conservatory Drive can not even see cyclists in the bike lane to their right because of the tall tourist busses and paratransit vehicles parked in the designated spaces just before the turn. Stop sign-running cyclists and right-turning motorists surprise each other as a result of this foolish design. Cyclists who used to be able to smoothly mix and merge into traffic to make left turns must now roll straight through the intersection, stop, pivot and then cross left when a gap in traffic occurs. This is an improvement?

<http://www.sfmta.com/cms/bproj/JFKCycleTrack.htm>

My friends and I used to cycle JFK regularly on weekends and no longer do so

because at the end of the ride we are frustrated, nervous wrecks from dealing with the congestion.

A conventional striped bike lane to the inside of parked cars (like the ones on Kirkham) would have improved utility for most cyclists and without degrading utility for anyone else.

The design we're stuck with right now has, in contrast, created winners and losers.

[[View Online](#) | [E-mail author](#) | ^ [Return to Top](#)]

john barry

[BarryHillRealtors.com](http://BarryHillRealtors.com)

[jackbarry99@gmail.com](mailto:jackbarry99@gmail.com)



**Information Request Form**  
board.of.supervisors to: board.of.supervisors

09/23/2012 10:17 PM

To:board.of.supervisors@sfgov.org  
Email:board.of.supervisors@sfgov.org  
FIRST\_NAME:Amtage  
LAST\_NAME:Gwen  
ADDRESS:Am Stockborn 8  
CITY:Frankfurt am Main, Germany  
STATE:  
ZIP:  
PHONE\_NUMBER:015782628473  
FAX:  
CONTACT\_EMAIL:G.Amtagelt-online.de  
DATE\_OF\_RECORD:  
FILENUMBER:  
RESOLUTIONNUMBER:  
ORDINANCENUMBER:  
MOTIONNUMBER:  
SEE\_FILE\_ON:  
PICK\_UP\_INFORMATION ON:  
MAIL\_INFORMATION:Yes  
EMAIL\_INFORMATION:Yes  
ADDITIONAL\_INFORMATION:Yes

ADDITIONAL\_INFORMATION\_DETAIL:I'm not sure if I have the correct form or if I am at the right address, but I wanted to add my voice to the petition of "Help Save Charlie", the dog that is supposed to be euthanized soon, because he bit the police officer's horse. Although I live in Germany I am very upset by this decision and would like you to reconsider. Please think about this jurisdiction once again, you would not only be hurting the animal. Thousands of Facebook user are more than concerned and I think it would be terrible example and detrimental to the wonderful image that people, even here in Germany have of your beautiful city. Thank you for listening, and please do rethink this.



**To:** BOS Constituent Mail Distribution,  
**Cc:**  
**Bcc:**  
**Subject:** the parking fees

**From:** Pam Gill <gilladmin@mac.com>  
**To:** board.of.supervisors@sfgov.org,  
**Date:** 09/19/2012 05:18 PM  
**Subject:** the parking fees

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Please do not allow the fees on parking to go up to \$6/hour or the time to be extended until 10 pm and on weekends when there has formerly been no charge. This is getting ridiculous. We need to stress out less not more. Sincerely,  
Pam Gill 4072 25th Street, SF, 94114



To: BOS Constituent Mail Distribution,  
Cc:  
Bcc:  
Subject: SF one of the dirtiest cities

From: J Sottile <jim\_sottile@yahoo.com>  
To: "board.of.supervisors@sfgov.org" <board.of.supervisors@sfgov.org>,  
Cc: "Edwin.Lee@sfgov.org" <Edwin.Lee@sfgov.org>  
Date: 09/20/2012 12:16 PM  
Subject: SF one of the dirtiest cities

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To the Board of Supervisors:

Can this city do better than it does at keeping clean?

<http://blog.sfgate.com/ontheblock/2012/09/20/americas-dirtiest-cities-yes-sf-made-the-list/>

Thanks,  
Jim Sottile





**To:** BOS Constituent Mail Distribution,  
**Cc:**  
**Bcc:**  
**Subject:** Governor Signs Steinberg/Dutton Legislation Curbing Abuses of Disabled Access Law

**From:** Regina Dick-Endrizzi/MAYOR/SFGOV  
**To:** Board of Supervisors/BOS/SFGOV@SFGOV,  
**Cc:** BOS-Legislative Aides/BOS/SFGOV  
**Date:** 09/19/2012 05:22 PM  
**Subject:** Fw: Governor Signs Steinberg/Dutton Legislation Curbing Abuses of Disabled Access Law

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Dear Supervisors,

Please note this substantive bill was signed by Governor Brown today. There are very good components to this bill, such as:

- A \$1.00 is being added to the business registration fee that split between the state and local jurisdictions for a Disability Access and Education Fund.
- Landlords are required to state on a lease form or rental agreement whether the property has undergone an inspection by a certified access specialist. This re-enforces Supervisor Chiu's legislation. Supervisor Chiu's legislation does require more from the property owner and that is better for our businesses and individual with disabilities.

It is still to be determined if this will reduce the lawsuits in SF as the prime litigants in SF do not send demand letters, but for our very small businesses (25 employees or less) they will likely pay less in punitive damages and that is significant.

I will have full synopsis for you and your staff tomorrow.

Kindly,

**Regina Dick-Endrizzi | Executive Director | Office of Small Business**

regina.dick-endrizzi@sfgov.org | D: 415.554.6481 | O: 415.554.6134 | F: 415.558.7844  
City Hall, Suite 110 | San Francisco, CA 94102

**"Offering Solutions for San Francisco small businesses"**

----- Forwarded by Regina Dick-Endrizzi/MAYOR/SFGOV on 09/19/2012 04:38 PM -----

**From:** Hedlund, Mark

**Sent:** Wednesday, September 19, 2012 3:27 PM

**Subject:** Governor Signs Steinberg/Dutton Legislation Curbing Abuses of Disabled Access Law

21

STATE CAPITOL  
SACRAMENTO, CA 95814  
(916) 651-4006

# California State Senate

SENATOR  
**DARRELL STEINBERG**  
PRESIDENT PRO TEMPORE



## FOR IMMEDIATE RELEASE

Contact: Mark Hedlund

September 19, 2012

916-651-4006

## Governor Signs Legislation Reforming Disabled Access

### Law

(Sacramento) – A measure to protect California businesses from predatory legal action while improving access for members of the disabled community is now California law, as Governor Jerry Brown today signed Senate Bill 1186. This bipartisan effort co-authored by Senate President pro Tempore Darrell Steinberg (D-Sacramento) and Senator Bob Dutton (R-Inland Empire) becomes law immediately upon the Governor's signature, as both houses of the Legislature passed the bill with overwhelming support as an urgency measure.

The bill brings reform to the state's disability access law by prohibiting "demand for money" letters, where attorneys target businesses with alleged minor access violations and demand a quick monetary settlement in lieu of a more expensive lawsuit or fixing the problem to improve access. Among other provisions, the bill prevents attorneys from "stacking" multiple claims for the same alleged violation in order to increase monetary awards, while it also reduces statutory damages for businesses that fix unintentional violations within 30 to 60 days.

"The whole point of our state and federal disability access laws is to remove barriers for the disabled, giving them full and equal access to businesses like everyone else. Up until now unfortunately, it was often cheaper and quicker for business owners to settle out of court than to remove those obstacles," said Steinberg. "SB 1186 will instead provide more incentives to fix the violations and enhance accessibility. After many months of working with business and disability rights advocates, this compromise applies common sense to difficult issues."

While the new law prohibits demand letters asking for money or offers to settle, an attorney with a claim for damages can still send a letter to a business pointing out the alleged violation and advise the owner and/or tenant they "may be civilly liable for actual and statutory damages for a violation of the construction-related accessibility requirement." Any complaint must also

specify the alleged barrier with the date and manner in which it denied access to a person with a disability.

In addition, SB 1186 makes a distinction between intentional and unintentional violations. While a business or property owner would be eligible for reduced damages if the violation is unintentional and is fixed within the statutory time frame, the law preserves the full statutory damages liability for intentional violations.

The urgency measure passed the State Senate 34 – 3, and passed the State Assembly by a vote of 77 – 0.

###

President, Board of Supervisors  
District 3  
第三區  
市參事會主席



COB, Dep. Directors  
J. Guirre, cpage  
City and County of San Francisco  
三藩市市及縣政府

DAVID CHIU  
邱信福

September 18, 2012

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

Dear Clerk Calvillo,

Pursuant to Section 2.8 of the Administrative Code and Board Rule 6.3, I hereby call a Special Meeting of the Board of Supervisors to take place in the Board Chambers on Tuesday, October 9, 2012, at 2:00 p.m.

The sole subject to be considered at this meeting shall be the official misconduct charges against Sheriff Ross Mirkarimi, which were filed by Mayor Edwin M. Lee pursuant to Charter Section 15.105. Please prepare the appropriate hearing and motion files for the meeting, and please inform all relevant parties of this special meeting as soon as possible.

Sincerely,

A handwritten signature in cursive script that reads "David Chiu".

David Chiu

cc: Members, Board of Supervisors

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2012 SEP 18 PM 2:02  
M