#### Coalition for San Francisco

## Neighborhoods The

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#### **NEIGHBORHOOD VIEWS**

NOVEMBER 2011, XXXVIII No 11

#### RPD's Ginsburg Charged with Willful Failure and Official Misconduct

There are many fine people who work for San Francisco's Recreation and Parks Department (RPD), but RPD Director Phil Ginsburg and Director of Policy and Public Affairs Sarah Ballard are ruining the RPD's reputation for good governance.

In 2008 Mayor Gavin Newsom appointed Ginsburg — his former Chief of Staff — as the Director of RPD. Ginsburg had no background in management and no experience with recreation and/or parks. Ballard was one of Supervisor Michela Alioto-Pier's legislative aides. Although both Ginsburg and Ballard are politically well-connected, they have demonstrated a lack of judgment and ethics.

Being appointed to a job because you are politically well-connected to Gavin Newsom does not suddenly make you qualified for your appointment.

Ginsburg and Ballard's desire to please wealthy RPD public-private donors has created a situation where the RPD is pushing donor agendas over public agendas. In effect, the RPD has become a lobbyist for the wealthy people, businesses and organizations who give them money. If your neighborhood wants a drinking fountain fixed... well, maybe the RPD might get around to it some day. If billionaire Warren Hellman, the sponsor of "Hardly Strictly Bluegrass" or the Fisher Family, the major donors to the City Fields Foundation, wants a favor Ballard and Ginsburg will be on their knees begging to help out. This need to please donors has led directly to charges against Ginsburg and Ballard.

RPD employees Phil Ginsburg, Sarah Ballard, secretary Olive Gong and Recreation and Park Commission president Mark Buell were all found guilty of violating the following sections of the Sunshine Ordinance:

§67.25: failure to respond to immediate document disclosure requests,

§67.26: withholding documents,

§67.27: failure to justify the withholding of public records and

§67.21: not assisting the requestor of documents by the Sunshine Ordinance Task Force (SOTF).

The SOTF is an eleven-member commission appointed by the Board of Supervisors to ensure government compliance. If the SOTF decides that a severe enough violation has occurred in a case that case is then forwarded to the Ethics Commission.

These are the charges against Ginsburg and Ballard that the Sunshine Ordinance Task Force will send to the Ethics

Commission: the SOTF ruled on October 25th, in sunshine complaint No. 11049, George Wooding v. Recreation and Parks Department: a Notice and Referral for Willful Failure and Official Misconduct. The ruling reads as follows:

"The Sunshine Ordinance Task Force ("Task Force") hereby provides notification of willful failure and official misconduct findings against Phil Ginsburg and Sarah Ballard of the San Francisco Recreation and Parks Department for failure to comply with the Order of Determination ("Order") issued on August 8, 2011 in sunshine complaint No. 11049, George Wooding v. Recreation and Parks Department.

"This willful failure and official misconduct finding is noticed for appropriate action pursuant to

- 1) Sunshine Ordinance section 67.34 whereby the willful failure of any elected official, department head, or other managerial city employee to discharge any duties imposed by the Sunshine Ordinance, the Brown Act or the Public Records Act shall be deemed official misconduct and
- 2) San Francisco City Charter Section 15.105 (suspension and removal)."

If found guilty by the Ethics Commission the case will be forwarded to Mayor Lee who will then have to decide if Ginsburg and Ballard will be dismissed from their respective positions.

This is the third major sunshine violation by the RPD in the last three years. Ironically, every Recreation and Park Commission agenda ends with "Know your rights under the Sunshine Ordinance. Government's duty is to serve the public, reaching its decisions in full view of the public. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review."

#### How did things go so seriously wrong at the RPD?

The Commonwealth Club scheduled a panel discussion entitled *Golden Gate Park Under Siege* for May 11th, 2011. The four invited panelists were Mark Lynes, Conservation Director and General Counsel for the Golden Gate Audubon Society; Kathy Howard, ASLA, Landscape architect, Steering Committee Member Golden Gate Park Preservation Alliance; Anthea Hartig, Ph.D, President Western Office National Trust for Historic Preservation; and George Wooding, President of the West of Twin Peaks Central Council.

(cont'd on p.2)

Commonwealth panelist Kathy Howard states, "We love Golden Gate Park and want to protect its beauty for the enjoyment of San Franciscans from all backgrounds: young or old, rich or poor. Our goal is to protect Golden Gate Park so that it can continue as a beautiful, natural landscape available to all San Franciscans today and as an heritage for future generations.

The RPD wanted to protect its City Fields Foundation project
— a private enterprise that installs artificial turf on the city's
playing fields — and did not want conflicting viewpoints to be
made public, especially at the Commonwealth Club.

The Fisher Family, the sponsors of the City Fields Foundation, are working with the RPD to pave over the 7.5-acre Beach Chalet grass soccer fields by replacing the natural grass with synthetic grass, add 60-foot lighting, widen roads, increase parking and add bleachers so that the synthetic fields could be used until 10:00 pm every night. Coincidentally, the Public Utilities Commission (PUC) is trying to add a four-acre wastewater treatment plant right beside the paved soccer fields. With trees being cut down and grass fields being paved, over half of the western area of GGP is going to be altered. The Golden Gate Master Plan clearly states that the Western part of GGP should remain in a natural "sylvan" state.

Fearful that the Commonwealth panel would upset the City Fields Foundation soccer field plans, Ginsburg, Ballard, Buell, and lobbyist Susan Hirsch, the Director of the City Fields Foundation tried to either cancel or alter the Commonwealth panel. Ten days before the panel was to meet, the Commonwealth switchboard started receiving calls stating that the panel was "unfair and biased."

Next came the notes and phone calls to Commonwealth Club members. Here are some of the excerpts from Sarah Ballard: "The panelists were likely to incite the audience ... were not rationally able to discuss the issues ... panelists were deeply biased ... had no interest in discussing facts ... answers would be heavily skewed ... we are all surprised that the Commonwealth Club name would be attached to something that was so clearly hyperbolic ... the forum should be canceled."

Mark Buell in an email to Commonwealth COO Greg Dalton: "I find the title inflammatory, the participants biased and the fact that no one from the RPD is invited hard to understand. As president of the Commission I would like to urge the club to both alter the title of the event to 'issues facing the park' and ask the club to have a representative of the RPD be on the panel." Mark Buell was added to the panel and the panel name was changed.

City Fields Foundation lobbyist Susan Hirsh wrote to event moderator Jim Chappell from her private email address on May 3<sup>rd</sup>: "I wanted to follow up to the phone message 1 left you regarding the upcoming Commonwealth Club discussion about Golden Gate Park. You and I discussed this project years ago; the private sector is contributing far more than \$20 million to provide safe, accessible, and yes, environmentally sound fields for kids all across San Francisco to use. We have a unique public-private partnership with Rec and Park; it's too bad the focus is on something negative, rather than the

positive impact." Even now Hirsh continues to be non-responsive to questions regarding her role in panel changes.

Despite all of this buildup the actual panel discussion was cordial and respectful.

Three weeks after the panel, on June 3rd and June 9th panelist George Wooding sent Immediate Disclosure Requests to RPD employee Olive Gong requesting any and all documents from April 15th – May 30th, 2011 regarding the Commonwealth Club. On June 10th, Gong replied, "...we [RPD] do not have any documents in response to your June 3rd and June 9th request." Wooding again requested documents pertaining to the May 11th panel and received copies of emails sent from Ginsburg, Buell and Ballard's office stating that they had no documents that were responsive to his request.

Under normal circumstances, this would have been the end of Wooding's sunshine request. All questions had been asked and answered twice. Unfortunately for the RPD, Wooding had received copies of most of the documents that he was requesting from an independent source. Wooding filed a sunshine complaint with the Sunshine Ordinance Task Force (SOTF) and requested a hearing. By producing the documents that the RPD claimed not to have, the RPD was trapped in its lie.

At the July 26th SOTF hearing, Olive Gong admitted that the requested documents had existed, but insisted that it was the RPD's right to determine what documents they could keep and what documents they could delete. So much for the RPD's public transparency. This is kind of like a drunk driver telling a judge that he will decide when he is drunk. The RPD lost its case and was sanctioned. As it turns out City agencies must keep records of all documents for a period of no less than two years; only duplicate records can be erased.

On October 21st, 141 days after the original Commonwealth Club document request, the RPD finally provided some of the requested documents. The SOTF subsequently filed ethics charges against Ginsburg and Ballard for willful failure and official misconduct.

According to Hope Johnson, President of SOTF, "...the RPD emails that should have been retained in a professional and businesslike manner under a records retention policy and Rec and Park needed to take responsibility for that action." She also stated, "I believe that this case demonstrates the need for the Mayor, Ethics Commission and District Attorney to enforce the Sunshine Ordinance is much deeper than simply adhering to an ordinance. Rec and Park's lack of compliance was also hiding City employee and commissioner attempts to sabotage public discussion of privatization of public land. These public officials were signing their non-public emails with their public titles to sway the Commonwealth Club to bias a forum arranged by members of the public."

These then are the people who run our San Francisco parks. Hopefully Sarah Ballard and Phil Ginsburg will be punished for their actions, for they are making a mockery of governmental transparency and ruining the reputation of the RPD.

...George Wooding (MTHA)

#### **CSFN Draft Minutes: General Assembly Meeting October 18**

- 1. **Call to Order.** President Judith Berkowitz brought the meeting to order at 7:00 at Northern Police Station.
  - a. *Quorum declared*. Delegates and alternates represented 22 CSFN member organizations. 7 guests signed in.
  - b. Agenda approved.
  - c. Introductions. Delegates and guests introduced themselves. Hosts Sally Stephens Golden Gate Heights Neighborhood Assoc (GGHNA) and Kristine Zaback Forest Knolls Neighborhood Organization (FKNO) described their organizations' objectives, history, and current issues.
- 2. **Minutes.** The October General Assembly draft minutes were approved as printed on p 3 of the February newsletter
- 3. Officers' Reports.
  - a. President Berkowitz (EMIA) Drew attention to short article on last page of October NL: The ABCs of RCV. Briefly explains the strategy of voting an RCV ballot • Congratulated George Wooding for his excellent review of the measures (Front page story.) • Ballot argument follow up: Voter Information Pamphlet (VIP) is mailed and distributed. CSFN has 3 ballot arguments on record. CSFN is the official opponent to Prop B – Road Repair Bond; also has arguments against Prop E – Amend/Repeal Voter-Approved Lege by BoS, and Prop F – BoS makes rules for their own campaign consultants. • Jeff Adachi met with Berkowitz, Kathy Devincenzi, and Hiroshi Fukuda in order to gather input from CSFN on land-use issues to promulgate the land-use plank for his mayoral campaign platform. • Since CSFN is the official opponent of Prop B, the Road Repair Bond, she appeared in the SF League of Women Voters (SF-LWV) informational video along with interviewer Melissa Griffin. Available for viewing on demand at http://sanfrancisco.granicus.com/ ViewPublisher.php?view id=139 • Discussed possibility of creating a slate card. • November program will be the election wrap-up. Speakers to be announced.
  - b. 1<sup>st</sup> VP Clark (RHN)
  - c. 2<sup>nd</sup> VP Mahan (OMMRA)
  - d. Recording Secretary Mahan (OMMRA)
  - e. Corresponding Secretary Millet (PBNA) Discussed host assignments and the host assignment process.
  - f. Treasurer Lew (NBN) submitted a written report.

#### 4. Committee Reports

- a. *Open Space:* **Kathy Howard** (SPEAK) Open Space Committee made a Sunshine Request for Documents pertaining to the ROSE for Dates 2008–2011.
- b. Land Use & Housing: Chair Hiroshi Fukuda (RCA) Cmte unanimously recommends to the GA to oppose proposed amendments to Planning Code Articles 10 & 11 that pose a threat to San Francisco Historic Preservation. Resolved: Oppose Supervisor Wiener's proposed amendments to Planning Code Articles 10 & 11 as currently drafted.

#### Motion Passed 19 - 0 - 2

- c. Transportation: Chair Gary Noguera (MPIC)
- d. Water Task Force: Chair Joan Girardot (MCIPOA)
  Supervisor David Campos is moving CCA program forward
  and having Term Sheet Signed With SF Clean City to Create
  SFMUD to compete with PG&E for energy.

#### 5. Unfinished Business.

Resolved that the CSFN strongly oppose the adoption of the 2011 draft Recreation & Open Space Element (ROSE) in its current iteration; and be it further

Resolved that CSFN support the further review of the document by public stakeholders and encourage the Planning Department to seriously consider these proposals by offering a new public comment period of at least 30 days after the public release of the resulting final revised document; and be it further Resolved that the current scheduled adoption of October 20,

2011 be replaced with an adoption by the Planning Commission of at least 60 days after the new public comment period end. (OS+LU&H Cmtes)

**Motion passed 19 - 0 - 1** 

#### 6. New Business.

Resolved: CSFN create a slate card as a follow-up to the ballot argument to state CSFN's opposition to Propositions B, E and F, spend no more than \$1000 towards this effort.

#### **Motion passed 12-1-1**

- 7. **Program.** Draft Recreation & Open Space Element (ROSE) Presenter: Sue Exline Planner, Citywide Policy
- 8. **Adjournment.** The October CSFN General Assembly meeting was adjourned at 9:25PM.

...Angelique Mahan (OMMRA) Acting Recording Secretary

#### **DEIR Released for Golden Gate Park Beach Chalet Athletic Fields Project**

The San Francisco Planning Department has released the Draft Environmental Impact Report (DEIR) for the seven-acre Beach Chalet artificial turf soccer field project. This project will have a major impact on the wildlife habitat and the naturalistic and historic character of the western end of Golden Gate Park.

Once this project has been built, 150,000 watts of sports lighting on 60-foot poles will be lighted from sunset until 10:00 p.m. every night, degrading the quality of the natural experience of Ocean Beach. The DEIR can be downloaded at:

http://sfplanning.org/index.aspx?page=1828

#### **PUBLIC HEARINGS**

1. Planning Commission – December 1, Room 400, SF City Hall, (Time 1:00 but can change.) Your presence will show the Planning Commission and the decision-makers that the public is concerned about this project and willing to act on that concern.

 Historic Preservation Commission – November 16, Room 400, City Hall (Time 12:30 p.m., but can change.) This is the hearing to give comments on the impact on the historic character of Golden Gate Park.

Follow this link for updated meeting times and room numbers for both commissions:

http://www.sf-planning.org/index.aspx?page=7

#### WRITTEN COMMENTS

Written comments are due by 5:00 p.m. on December 12, 2011. Even if you come to a hearing, it is important that you send in written comments.

Contact Kathy Howard for information or if you can attend a hearing sfoceanedge@earthlihnk.net .

We are arranging rides for those who cannot take public transportation.

...Katherine Howard (SPEAK) Open Space Committee,

#### **Land Use & Housing Committee Report**

#### **November 7**

Hiroshi Fukuda convened the Regular Meeting of the CSFN Land Use & Housing Committee on Monday, November 7, 2011 at 5:45 P.M. in the Community Room of the Northern Police Station at Turk and Fillmore Streets.

The Committee considered the following items:

- 1. Historic Preservation: Supervisor Wiener's amendments to Planning Code Articles 10 & 11 are a threat to San Francisco's Historic Preservation: Planning Commission hearing on Nov. 11, 2011 proposed to be continued until Dec. 8, 2011.
- 2. Parkmerced lawsuit proceeding against Fortress City and Shelter Island. Problems include tripling of residents and guarantee of rent control and legality of rent control.
- 3. Recreation & Open Space Element (ROSE): CSFN is part of a working group finalizing revisions. The other group members are not familiar with the Planning Code, and revisions will most likely not be ready until after Dec. 2, 2011, Planner requested due date. Planning is hopeful to present ROSE to Planning Commission in January for adoption in late February 2012.
- 4. CPMC: Academy of Arts University still interested in Van Ness CPMC site if CPMC cannot develop what they want on that site.
- 5. Japantown Better Neighborhood Area Plan update was presented to Planning Commission on Oct. 27. Planning Commissioners appear to be supportive of the plan to preserve Japantown. Plan does not include demolition of the Japan Center and garage
- Live Nation Masonic Auditorium project: Planning Commission hearing on Nov. 17 at 10 AM: Live Nation wants a temporary Conditional Use approval until EIR is completed. They presently have a conditional ABC license.
- 7. One Bay Area Plan: Next round of Public Workshops scheduled for January
- 8. Motion unanimously approved: Committee will develop a policy statement that describes CSFN's position on housing, planning, zoning, other land use matters in San Francisco. CSFN needs policy to address ABAG and MTC plans which Planning will use to secure huge MTC funds for transit and justify densification in "priority development areas" (PDA) and transit corridors (most of SF). Meeting Info: The Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) will hold the next round of Plan Bay Area public workshops in January 2012. By then we expect to have a set of clearly defined scenarios that illustrate different housing/jobs distribution and transportation infrastructure investments. The scenarios will be evaluated as to how well they help the region achieve the 15% per-capita greenhouse gas (GHG) emissions reduction targets and other Plan Bay Area. Please note that registration is required to attend the workshops. Stay tuned for a future announcement with registration details.
- Code enforcement: Need to check on effectiveness of Planning Dept's code enforcement. Coordination between DBI and Planning needs improvement.
- Acquisition dates for Academy of Art properties suggested. Subsequent research sent to LU&H Chair and President Berkowitz.

The next regular meeting of the Committee will be held on Monday, December 12 at 5:30 p.m. in the Community Room of the Northern Police Station located at Turk and Fillmore Streets.

The meeting was adjourned at 7:22 P.M.

...Hiroshi Fukuda (RCA) Chair \_\_\_ 4 \_\_

#### **Executive Committee Report**

#### October 26

Angelique Mahan called the meeting to order at 5:53pm. There was a quorum. Judy Berkowitz, Angelique Mahan, Dick Millet, Rose Hillson, Lorraine Lucas and Evelyn Wilson were present. Penelope Clark and Jim Lew were excused. Sue Cauthen was absent.

#### **Officers' Reports**

President Berkowitz reported that she attended two meetings concerning the ROSE with Denis Mosgofian, Linda D'Vario Isabelle Wade, Rose Hillson and others to review the entire Recreation & Open Space Element (ROSE). • The Historic Preservation Consortium will be meeting Saturday October 29<sup>th</sup> in the Strong Conference room 11am. • SF Beautiful has initiated a lawsuit against AT&T and would like CSFN to consider adding name to it. PBNA has already done so • It was noted that CSFN bylaws were silent where it came to adding our name to a lawsuit.• She showed the slate card design to the ExComm members.

2<sup>nd</sup> Vice President Mahan gave an update on the slate card and printing options. It was agreed that we would mail the slate card out to up to 5000 voters (or when the allocated money runs out) via a mail house. See October draft minutes, p.3.

Corresponding Secretary Millet advised the Board that AT&T was in the process of obtaining permits for the big AT&T boxes

Executive Committee unanimously voted to recommend to the General Membership that CSFN that add our name to SF Beautiful Lawsuit.

For the post-election wrap up the Executive Committee suggested inviting Chris Bowman and/or Alex Clemens to give the Post Election Analysis.

The meeting was adjourned at 7:15pm

...Angelique Mahan (Acting Chair)



#### **Redistricting Task Force**

The Redistricting Task Force will meet with the public:

#### Tuesday, November 15 at 6:00PM

Districts 1, 2, 5 – Hall of Flowers, 9th Avenue at Lincoln Way

#### Saturday, November 19 at 10:00AM

Districts 3, 6, 8 – Tenderloin Community School, 627 Turk Street

#### Wednesday November 30 at 6:00PM

Districts 4, 7, 11 – Balboa High School Auditorium, 1000 Cayuga Street

#### Wednesday, December 7 at 6:00PM

Districts 9 & 10 – Horace Mann Middle School Auditorium, 3351 23rd Street

#### **CSFN Annual Holiday Dinner**

OUR FEATURED DINNER SPEAKER
HAS YET TO BE DETERMINED

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On Tuesday December 20th, CSFN will host our Annual Dinner at the Patio Español,
Spanish Cultural Center, 2850 Alemany Blvd.
Individual Dinner Tickets are \$60.
Thank you to all our wonderful Sponsors!
If you or your organization would like to be a CSFN Sponsor,
your name will appear in each of our monthly newsletters.

Sponsorships include \$125 (1 Dinner) \$450 (5 Dinners, 1/2 table) \$875 (10 Dinners, full table)

Dinner choices will be Paella Valenciana Chicken Breast al Ajillo Pasta Primavera (Vegetarian)

Look for your invitation in your mailbox or as an Evite in your email box!

RSVP to 824-0617 \* sfjberk@mac.com

#### How to Reach Us

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2nd VP: Angelique Mahan • angelmahan@hotmail.com

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Treasurer: Jim Lew • emtjal@sbcglobal.net

Member-at-Large: Rose Hillson • gumby5@att.net
Member-at-Large: Sue Cauthen • scau1321@aol.com
Member-at-Large: Lorraine Lucas • wozopozo@pacbell.net
Parliamentarian: Evelyn Wilson • evelynwilsregparl@earthlink.net

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Telegraph Hill Dwellers

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Dick Millet
Gary Noguera
Ez Bert Polacci
Jeanne & Winchell Quock
Steve Williams, Attorney
(And thanks to Maria Sousa)

### Special thanks to Office Depot for photocopying services!

#### COMMITTEE MEETINGS

Land Use & Housing • Monday 5:30PM Dec 12 • Northern Police Station • Chair Hiroshi Fukuda • ninersam@aol.com • 386-2212 Open Space • Ongoing Meetings • Chair Nancy Wuerfel • nancenumber1@aol.com • 731-6432, Co-chair Ramona Albright • 621-9621

**Transportation •** Chair Gary Noguera • garynoguera@earthlink.net **Water Task Force •** Chair Joan Girardot • 346-5525

Bylaws • Chair Evelyn Wilson • evelynwilsregparl@earthlink.net • 566-7826

Gov't & Elections • Chair Charles Head •charlesnhead@hotmail.com

AGENDA General Assembly Meeting November 15, 2011	Sign In and Refreshments	Call to Order/Ascertain Quorum A. Introduction of Delegates and Guests / Short Announcements B. Hosts 1. Excelsior District Improvement Assn — EDIA 2. Jordan Park Improvement Assn — JPIA	Approval of October 2011 Minutes	Officers' Reports A. President B. Vice Presidents C. Secretaries D. Treasurer	Committee Action Items — written reports in Newsletter A. Land Use & Housing B. Open Space C. Water Task Force D. Transportation E. Government & Elections F. Bylaws	Program: Election Review and Analysis! Chris Bowman and David Lee take apart the November 8 election for us Adjournment
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	6:30	7:00	7:15	7:20	7:25	7:45

CSFN meets the third Tuesday of each month except for December at Public Transit: Muni #22 Fillmore, 31 Balboa & 38 Geary Lines

31 VOV Tuesday **Next Meeting** 

# Visitors: Please Sign the Register

Articles reflect the opinions of the submitter, not necessarily the opinion of the CSFN. We invite material from member organizations as well as rebuttal to articles already printed. We reserve the right to edit where necessary. Member organizations may receive two oppies of the newsletter without charge. Subscription: Members/\$10, Nonmembers/\$15. Neighborhood Views is published monthly, the official voice of the Coalition for SF Neighborhoods, Inc., a 501(c)4 organization.
To Submit Articles: Email articles by the 5th of the month to sfiberk@mac.com Either inline text or an attached document can be used.

Annual Dinner Announcement! Redistricting Task Force ..... October ExComm Report ...... LU&H Committee Report ...... DEIR GGP Soccer Fields ..... October Assembly Draft Minutes ...... ...... Official Misconduct Contents

P.O. Box 320098 San Francisco CA 94132 Coalition for SF Neighborhoods

Northern Police Station, Turk & Fillmore Streets (Parking in rear off Turk)