File No. 17096

Item No. 7

# SUNSHINE ORDINANCE TASK FORCE

AGENDA PACKET CONTENTS LIST

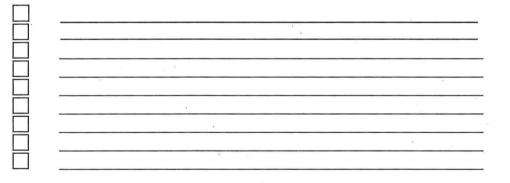
Sunshine Ordinance Task Force

Date: March 7, 2018

Petition/Complaint Memorandum - Deputy City Attorney Complainant's Supporting Documents Respondent's Response Correspondence Order of Determination Minutes Committee Recommendation/Referral Administrator's Report No Attachments

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## OTHER



Completed by: V. Young Date 3/2/18

\*An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

## Young, Victor

From: Sent: To: Cc: Subject: SOTF, (BOS) Thursday, August 31, 2017 11:54 AM 'williams532001@yahoo.com' Calvillo, Angela (BOS) SOTF - Request for additional information- Sunshine Ordinance Complaint

Dear Mr. Williams:

I am in receipt of your complaint against the Arts Commission and additional information is needed before I can process your complaint. Please provide the following:

- 1. Copy of your request to the Arts Commission for public records and their response.
- 2. Descriptions of the documents requested and date the request was submitted to the Arts Commission.

Thank you.

Victor Young 415-554-7724 Administrator, Sunshine Ordinance Task Force

From: Google Forms [mailto:sfbdsupvrs@gmail.com] Sent: Thursday, August 31, 2017 11:46 AM To: SOTF, (BOS) <sotf@sfgov.org> Subject: New Response Complaint Form

Your form has a new entry.

Here are the results.

Complaint against which Department or Ar Commission

Arts Commission

Name of individual contacted at Department or Commission

Kate Patterson-Murphy

Alleged Violation

Public Records

Sunshine Ordinance Section:	San Francisco Code Section 67.25
Please describe alleged violation	Failure to timely produce clearly identified public records responsive to the Sunshine Ordinance Request.
Name	Kevin B. Williams
Address	176 Bradford Street
City	San Francisco
Zip	94110-5704
Telephone	(415) 424-8221
Email	williams532001@yahoo.com
	Smail with <u>Address Extractor</u> for Gmail.
This email was sent via the <u>Goog</u>	ie romis Add-on.



October 2, 2017

#### VIA E-MAIL *only*: sotf@sfgov.org

Members: Hon. Leuwam Tesfai (Chair), Hon. Fiona Hinze and Hon. Bruce Wolfe Sunshine Ordinance Task Force Complaint Committee 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102-4689

Attn.: Victor Young

## SUBJECT: SUNSHINE ORDINANCE COMPLAINT COMMITTEE REQUEST COMPLAINANT IDENTIFY PUBLIC RECORDS RESPONDENT ARTS COMMISSION HAS REFUSED TO DISCLOSURE

Kevin B. Williams v Kate Patterson and San Francisco Arts Commission File No. -17-096

Dear Members:

Following the September 26, 2017 Complaint Committee hearing, the members directed me to prepare a list of public records requested on August 16, 2017, but to date not disclosed. For that purpose, I will utilize the operative complaint – item-by-item to address the failure and refusal of respondent to make full disclosure in response to several cognizable Sunshine Ordinance Requests ("SOR") for production of public records.

In addition, misstatements of facts and evidence made by Ms. Patterson for which time constraints did not fully permit adequate rebuttal require some brief clarification with citation to the Complaint hearing written record.

#### INTRODUCTION

A more thorough review of respondent Arts Commissions' responses since the September 26, 2017 Complaint hearing reveals there has all along been a concerted effort to willfully "stonewall" full disclosure and compliance with the Sunshine Ordinance by the Executive Director of the Arts Commission Tom DeCaigny. A recapitulation of email communications shown below reveals that first, on August 17, 2017, at 7:45 AM, DeCaigny texted BVOH Executive Director Barbara Ockel not to comply with the Sunshine Ordinance because the organization is a nonprofit. Secondly, he next instructs Patterson to invoke an improper and patently illegal extension under an alternate pretext that the request is voluminous in nature. Thirdly, Mr. DeCaigny asks Patterson how Ockel should respond as follows:

#### From: DeCaigny, Tom (ART)

Sent: Thursday, -August 17, 2017 7:48AM

To: Patterson; Kate (ART) <kate.patterson@sfgov.org>; barbara@bvoh.org

**Cc:** Takayama, Robynn (ART) <robynn.takavama@sfgov.org>; Mumby, Barbara (ART) <br/><br/>barbara.mumby@sfgov.org>

Subject: Fwd: Sunshine Ordinance Request-- \$5.6 Million Bayview Opera House Ruth Williams Memorial Theater

*"Hi Barbara*~

Thank you for forwarding. I don't believe that the nonprofit BVOH is subject to the Sunshine Ordinance. It is my understanding that the Ordinance only pertains to public agencies in which case the request would need be addressed to the SFAC. Public Works, etc. I'm copying our Public Information Officer, Kate Patterson-Murphy to clarify and advise on next steps.

Kate, how should Barbara respond to this request? I imagine she would inform him that the request needs to be addressed and submitted to the appropriate City agencies. When received, we'll like need to invoke a voluminous records extension as it's a pretty extensive request.

#### Thanks,

Tom Sent from my iPhone. Please excuse brevity and typos." (bold letter emphasis added.) (Com. p. 200)

Begin forwarded message:

From: Barbara Ockel <barbara@bvoh.org>

Date: August16, 2017 at 11:12:34 PM PDT

To: "Takayama, Robynn (ART)" <robynn.takayama(i:l{sfgov.org>

Ce: "DeCaigny, Tom (ART)" <tom.decaigny@sfgov.org>

Subject: Fwd: Sunshine Ordinance Request-- \$5.6 Million Bayview Opera House Ruth Williams

Memorial Theater

"Hi Robynn,

Just received this letter from Kevin Williams. Can we have a call about this tomorrow, Thursday? He's demanding a response within 24 hours. Barbara Ockel Executive Director BAYVIEW OPERA HOUSE" (Com. p. 201)

Ironically, respondents' reply alleging no documents responsive to the request omits that seeks and Ockel takes direction from the Arts Commission staff, more particularly orders, which emanate from the Director himself, Tom DeCaigny. Sunshine Ordinance Section 67.34 defines "willful conduct" of any elected official, department head, or other managerial city employee failure to discharge any duties imposed by the

Sunshine Ordinance shall be deemed "official misconduct." It would appear apparent that the conduct of Mr. DeCaigny is in clear violation and inimical to public policy.

To wit: DeCaigny ordered his staff and the BVOH Director <u>not</u> to produce the requested records on both unlawful and unethical grounds. He further ordered his own staff to concoct a voluminous records delay through requesting an undue extension under Gov. Code 6253 et seq.

Therefore, the foregoing violations of the Sunshine Ordinance were committed by Mr. DeCaigny in coordinated complicity with other actors named in the operative Complaint as follows:

#### SEC. 67.25. IMMEDIACY OF RESPONSE.

Notwithstanding the 10-day period for response to a request permitted in Government Code Section 6256 and in this Article, a written request for information described in any category of non-exempt public information shall be satisfied no later than the close of business on the day following the day of the request. This deadline shall apply only if the words "Immediate Disclosure Request" are placed across the top of the request and on the envelope, subject line, or cover sheet in which the request is transmitted. Maximum deadlines provided in this article are appropriate for more extensive or demanding requests, but shall not be used to delay fulfilling a simple, routine or otherwise readily answerable request.

If the voluminous nature of the information requested, its location in a remote storage facility or the need to consult with another interested department warrants an extension of 10 days as provided in Government Code Section 6456.1, the requester shall be notified as required by the close of business on the business day following the request.

- Williams requested non-exempt information across the top of the request. However, the Arts Commission illegally invoked a 14-day extension, when the maximum allowed is 10 days.
- Consultation with another interested department permits an extension of 10-days.
- Contract and bidder information requires disclosure upon request.

Section 67.21

If the custodian refuses, fails to comply, or incompletely complies with a request described in (b), the person making the request may petition the supervisor of records for a determination whether the record requested is public. The supervisor of records shall inform the petitioner, as soon as possible and within 10 days, of its determination whether the record requested, or any part of the record requested, is public. If the custodian refuses or fails to comply with any such order within 5 days, the supervisor of records shall notify the district attorney or the attorney general who shall take whatever measures she or he deems necessary and appropriate to insure compliance with the provisions of this ordinance.

- The proper enforcement remedy given the failure after six weeks from the effective date of the SOR is notification to the supervisor for the district attorney or attorney general to insure compliance.
- (i) The San Francisco City Attorney's office shall act to protect and secure the rights of the people of San Francisco to access public information and public meetings and shall not act as legal counsel for any city employee or any person having custody of any public record for purposes of denying access to the public.
- Here, the Deputy City Attorney along with staff advised the Arts Commission to obtain and release the information requested from Ms. Ockel Director of the BVOH. Mr. DeCaigny overruled them all in his capacity as Executive Director, thus committing official misconduct.

#### Section 67.24

(e) Notwithstanding any other provisions of this ordinance, public employees shall not be discouraged from or disciplined for disclosing any information that is public information or a public record to any journalist or any member of the public.

• Arts Commission Executive Director Tom DeCaigny discouraged compliance with the ordinance in his own words and accordingly is guilty of official misconduct.

c(2) The professional biography or curriculum vitae of any employee, provided that the home address, home telephone number, social security number, age, and marital status of the employee shall be redacted.

• Respondent Arts Commission is violating the Sunshine Ordinance by selective disclosure of clearly non-exempt records such as salaries, resumes, and biographies of Board members and other staff. This effectively deprives the community of knowing the qualifications of those entrusted to work there, who they are and from where they emanate.

(g) Neither the City nor any office, employee, or agent thereof may assert California Public Records Act Section 6255 or any similar provision as the basis for withholding any documents or information requested under this ordinance.

• Ms. Patterson was ordered to invoke a fake extension where no valid exemption exists as grounds to withhold documents.

(i) Neither the City, nor any office, employee, or agent thereof, may assert an exemption for withholding for any document or information based on a finding or showing that the public interest in withholding the information outweighs the public interest in disclosure. All withholdings of documents or information must be based on an express provision of this ordinance providing for withholding of the specific type of information in question or on an express and specific exemption provided by California Public Records Act that is not forbidden by this ordinance.

• Same argument as noted above.

#### SEC. 67.26. WITHHOLDING KEPT TO A MINIMUM.

"[N]o record shall be withheld from disclosure in its entirety unless all information contained in it is exempt from disclosure under express provisions of the California Public Records Act or of some other statute ..."

- At bar, respondent Arts Commission has withheld documents in bad faith from disclosure with knowledge aforethought that <u>not all</u> of the records requested by the Complainant were exempt from production.
- To date respondent has continued to either "stonewall" or refuse release of the records by delay and deception, under an innocuous pretext for noncompliance with the Sunshine Ordinance.
- Multiple acts of noncompliance, although within the same complaint nevertheless constitutes misconduct, which require referral to the Ethics Commission in that Mr. DeCaigny is a department head who is clearly implicated in the willful obstruction of public records.

Reviewing courts have consistently held obstruction of the public's right to know is far more serious that "willful blindness". Here direct evidence shows that Mr. DeCaigny, a high level manager of a major city department with a public trust, not only had constructive knowledge of a coordinated effort to withhold nonexempt documents, but ordered it, even against the advice of his own counsel and staff.

## I. REQUEST FOR PUBLIC DISCLOSURE OF DOCUMENTS

#### Contracts & Procurement:

1) Provide for public disclosure, a conformed copy of ANY and ALL contracts, grants, loans, bids, and any purchase orders of whatever kind that are directly related to or indirectly pertain to the \$5.6 million dollar historic renovation of the Bayview Opera House Ruth Williams Memorial Theater. Please also include, where and in what trade publication(s) the contract was advertised prior to bid;

## **REBUTTAL:**

- Respondent produced only \$2.5 million dollars representing the prime contractor M H Construction therewith nine (9) change orders of approximately 800k. Thus, \$3.1 million dollars does not appear to be accounted for as no explanation accompanied the response.
- 2) Submit copies of the progress payments issued covering each phase of the renovation work leading up to and including project completion;

#### **REBUTTAL:**

(See rebuttal at SOR No. 1.)

3) Produce copies of all notices soliciting public comment or public participation prior to the design and rebuild phase of the renovation project, including sign-in sheets;

#### **REBUTTAL:**

• Respondent has failed to disclose public records responsive to the request, to date.

4) Provide conformed copies of the bid documents, list of bidders, competitive bid amount and ALL documents, which reflect the selection of the lowest, responsive, responsible bidder chosen for the work. Include a list of the subcontractors and any change orders submitted, which might have increased the contract base bid amount.

#### **REBUTTAL:**

• Bid documents and related bidder lists were produced reflecting award of the renovation prime contract with subcontractors. However, the contract award does not account for the balance of \$3.1 million dollars of the total published expenditure of \$5.6 million dollars.

5) Submit a copy of ALL bids for the commercial painting, including pre-renovation signage advertisement of public notice of temporary closure of the building followed by the grand opening, broken down by race, gender, or sex approved either by the BVOH Board and/or Arts Commission between 2013-2017;

#### **REBUTTAL:**

- Respondent has failed to produce disclosure of public records responsive to the request, to date with respect to pre-renovation advertisement of public notice of temporary closure.
- 6) Provide for public disclosure, a conformed copy of ANY and ALL proposals received by the BVOH pertaining to any selection panel comprised either of a "Committee" and/or, Commission person with respect to construction, architectural/engineering, personal, professional services, and consulting contracts awarded by the BVOH Board or Arts Commission between 2013 and 2017;

#### **REBUTTAL:**

• Respondent refused disclosure of public records responsive to the request has been produced to date with respect to any proposals received pertaining to any selection panel or committee and/or Commission person with respect to consulting contracts awarded between 2013 and 2017.

## **Events Revenue**

7) Produce for public disclosure, a conformed copy of ANY and ALL contracts, purchase orders, or vendor agreements obtained via competitive bid and/or Request for Proposal ("RFP"), and revenue therefrom, broken down by race, gender, and sex, and approved by the BVOH Board and/or Art Commission or in any instance where there was no competitive bidding between 2013 and 2017;

#### **REBUTTAL:**

- Respondent has refused to produce but two purchase orders covering the entire period requested without identification of any signed and executed contracts.
- 8) Submit for public disclosure ALL "Public" as well as "Private" events and ANY corresponding signed and executed contracts with corresponding dollar amount for each space rental paid and revenue generated therefrom, broken down by race, gender, and sex between 2013 and 2017;

#### **<u>REBUTTAL:</u>**

- Respondent refused disclosure of public records responsive to the request to identifying the renters for each "public" or "private" event and dates pertaining to payments for space and revenue generated therefrom between 2013 and 2017.
- 9) Provide for public disclosure, ANY and ALL contracts, including but not limited to ANY short term or long term agreements, purchase orders, or contract modifications of ANY dollar amount awarded, broken down by race, gender, or sex and approved by the BVOH Board or Arts Commission between 2013 and 2017;

#### **REBUTTAL:**

- Following the Sunshine Taskforce Complaint Committee meeting on September 26<sup>th</sup> effective as of this writing on September 28, 2017, Ms. Kate Patterson has forwarded a limited number of BVOH Board minutes following Taskforce member Wolfe's public admonition, citing that nonprofits as recipients of public funds require public disclosure of such minutes. It is noted that the minutes do not cover *inter alia* the subject years requested.
- In addition thereto, Ms. Patterson included unsigned and unexecuted leasehold agreements between the Arts Commission and Bayview Opera House Ruth Williams Memorial Theater, but is nonresponsive on that same ground.
- Ms. Patterson will not produce the lease covering the BVOH satellite office directly across the street because the landlord is not a city property.
- 10) Produce for public disclosure, the total revenue of ANY and ALL sources of income within each fiscal year beginning 2013 through 2017;

#### **REBUTTAL:**

(See SOR No. 8)

11) Submit for public disclosure, copies of ANY and ALL consultant contracts, including but not limited to professional, personal, legal, office equipment, furniture, maintenance, and accounting contracts or vendor agreements of any kind issued between 2013 and 2017, and total payments related thereto, broken down by race, gender, and sex;

#### **REBUTTAL:**

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• No disclosure of public records responsive to the request has been produced to date professional, personal, legal, office equipment, furniture, maintenance, and accounting contracts or vendor agreements of any kind issued between 2013 and 2017, and total payments related thereto, broken down by race, gender, and sex.

12) Provide federal and state tax returns filed for tax years 2013 through 2017;

#### **REBUTTAL:**

- The submissions of 990 federal tax returns were responsive to the SOR.
- 13) Produce conformed copies of ANY and ALL documents, reflecting donations of food, liquor, and wine, including but not limited to ANY other source of donations for anything else properly related to BVOH goals and objectives;

#### **REBUTTAL:**

• Respondent refused disclosure of public records responsive to the request reflecting dates of in-kind donations of food, liquor, and wine from any source.

#### **BVOH Board of Directors**

Submit for public disclosure, the resumes of each BVOH Board member from 2009 through 2017. Identify by name whether any former member of the Board subsequently became an employee during any calendar year(s);

#### **REBUTTAL:**

- Effective on September 28, 2017, Ms. Patterson via email informed Complainant that the only resume to be disclosed will be the resume of Executive Director Barbara Ockel because she (Patterson) does not have a copy of it.
- A) Provide conformed copies of unredacted Board Minutes, therewith related correspondence reflecting the location where each meeting was held, if other than at 4705 Street, covering the period between 2013 through 2017. In addition, identify rents paid at both the main Opera House facility and the new Third Street, San Francisco BVOH satellite office with a copy of the rental agreement;

#### **REBUTTAL:**

(See SOR Nos. 9 and 14)

B) Respondent produced a conformed copy of the BVOH Articles of Incorporation only after appearing before the Sunshine Taskforce;

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## **REBUTTAL:**

- Respondent provided documents following Sunshine Taskforce Complaint Committee hearing on September 28, 2017 and is responsive to August 16, 2017 SOR.
- C) Submit a copy of ALL Board and Staff reports covering the period between 2013 and 2017;

#### **REBUTTAL:**

- Staff and Board reports shown in minutes having been discussed, but to date not produced for public consumption.
- D) Provide ANY and ALL BVOH funding sources between 2013 and 2017;

#### **REBUTTAL:**

• On information and belief, BVOH has served as fiscal agent for other non-profits and received income therefrom, but either fails to disclose or refuses to produce fiscal documents of such revenue. Thus, respondent is nonresponsive in that complete disclosure has been requested, but denied by unreasonable delay.

#### **BVOH Staff**

15) Produce a copy of ALL job descriptions and methods of advertisement, recruitment, and retention of employees, therewith Equal Employment Opportunity Policy and Procedures Handbook;

#### **REBUTTAL:**

- Respondent refuses to produce job descriptions for any position, except for the BVOH Executive Director.
- 16) Submit for public disclosure, the total number and respective salaries of ALL BVOH employees, identify each job classification up to and including, administrative, management, and supervisorial occupations with respective dates of hire, delineated by race, gender, and sex employed between 2013 and 2017,

## **REBUTTAL:**

• Respondent refuses to produce public documents responsive to the request for staff salaries, delineated by job classification; therewith dates of hire have been produced as a public record for disclosure.

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17) Provide documents or records, which clearly identifies the exact Board/Management person(s) authorized to make hiring and firing decisions;

#### **REBUTTAL:**

- Respondent refuses to identify whether the board or management is authorized to make hiring and firing decisions.
- 18) Respondent refuses to produce the EEO statistical data (*only without names*) of staff, including interns fired or discharged for cause delineated by race, gender, and sex between 2013 and 2017;

#### **REBUTTAL:**

- Request for statistical information on BVOH hiring and retention of women and minorities denied, and as such is deemed nonresponsive to the SOR.
- 19) Submit a list of paid staff presently employed with the BVOH, whether part-time or full time delineated by race, gender, sex, including residency status or domicile, either within, or outside of the City and County of San Francisco.

## **REBUTTAL:**

- Request for statistical information on BVOH full-time and part-time hiring and retention of women and minorities was denied for both employees domiciled within and outside of the City and County of San Francisco, and as such is deemed nonresponsive to the SOR.
- 20) Produce ANY and ALL documents, records, or correspondence of any kind relating to authorization granted by the BVOH Board and/or Arts Commission to solicit funds under the name of the late Karla Johnson of the Mayor's Office on Disability. In addition thereto, please produce an accounting as to the total use of these funds.

#### **REBUTTAL:**

- Respondent disclosed *only* the balance of unused funds solicited under the name of the late Karla Johnson through the BVOH Ruth Williams Memorial Theater, without either identifying any person(s) that authorized the public solicitation for private funding or producing an accounting of monies heretofore expended.
- 21) Submit ANY and ALL documents, records, or correspondence of any kind relating to authorization granted by the BVOH Board and/or Arts Commission to solicit funds or authorize any grants towards education related to contributions to San

Francisco theater arts made by the late Ruth Williams following the September 1995 renaming of the historic landmark honoring her name.

#### **REBUTTAL:**

• Respondent has refused disclosure of public records relating to any authorization by the BVOH Board and/or Arts Commission to solicit funds or any grants towards education related to contributions to San Francisco theater arts by the late Ruth Williams following the September 1995 renaming of the historic landmark honoring her memory responsive to the SOR.

## E-mail, Letter, Community/Event Notices, Correspondence

22) Provide ANY and ALL email, community, or event notices and incoming and outgoing correspondence between 2013 and 2017;

#### **REBUTTAL:**

- Respondent refused to produce any email, community, or event notices and incoming and outgoing correspondence between 2013 and 2017 responsive to the SOR.
- 23) Produce names, fliers, posters, and related notices of ALL **plays or theatrical productions** performed at the Ruth Williams Memorial Theater;

## **REBUTTAL:**

- Respondent refused to produce names, fliers, posters, and related notices of ALL plays or theatrical productions performed at the Ruth Williams Memorial Theater responsive to the SOR.
- 24) Submit ANY and ALL payments made to musicians, dancers, bands, music or dance instructors related to performing arts occurring between 2013 and 2017; and

#### **REBUTTAL:**

• Respondent produced no proof of payments made to musicians, dancers, bands, music or dance instructors related to performing arts occurring between 2013 and 2017 responsive to the SOR.

25) Provide ALL other sources of income, including public grants and private grants;

## **<u>REBUTTAL:</u>**

• Respondent produced no records of all sources of income from private and public rentals of the facility, including other income as a fiscal agent to other non-profits and unreported economic development related activities.

## **BVOH Ruth Williams Memorial Theater Community Contacts & Resource Lists**

26) Submit ALL contact lists covering each organization, business, and individuals utilized for notifying the public of special events, meetings, and conferences.

#### **REBUTTAL:**

• Respondent refused to produce email and physical addresses of contact lists of organizations, businesses, and individuals submitted for which the BVOH interacts with appertaining to the arts, culture, and community educational activities. Respondent lists only names of individuals, businesses, and organization while completely omitting the contact information.

## II. ARGUMENT AND LEGAL DISCUSSION

## A. JURISDICTION

The Commission is a department under the Ordinance. The Task Force therefore generally has jurisdiction to hear a complaint of a violation of the Ordinance against the Commission.

The Arts Commission has not contested jurisdiction. **APPLICABLE STATUTORY SECTION(S) Section 67 of the San Francisco Administrative Code:** Section 67.21 governs responses to public records requests Section 67.25 governs immediacy of response. **Section 6250 et seq. of the Cal. Gov't Code ("CPRA")** 

Section 6253 governs the release of public records and the timing of responses.

The 14-day extension invoked by the Arts Commission under the provisions cited is inapplicable to requests for "Immediate Disclosure" appertaining to contract bidder information. Thus, such is required for production immediately. The many attempts to further deny by delay disclosure of public records at having the Complainant submit the same request to three different entities is palpable. Section (e) (1) of the Sunshine Ordinance states under "**Contracts, Bids and Proposal**" in relevant part provides:

"Contracts, contractors' bids, responses to requests for proposals and all other records of communications between the department and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded." (Underlined emphasis added.) Thus, Patterson at all relevant times was without jurisdiction to invoke a 14-day extension for contract info it lawfully had no jurisdiction to invoke. Her citation to Cal. Gov't Code §6253(c)(2) and (3) as grounds to apply an extension is entirely bogus and intended solely for the purpose of delay. (Com. p. 184)

In relevant part these sections provide:

"(c) The requirements of subdivision (a) are in addition to any action required of a public agency by Section 6253.

"(2) The public agency determines that the request should be denied and bases that determination solely on an exemption listed in Section 6254.

"(3) The public agency makes available an index of its records."

No such exemption for a local public agency applicable to the operative Sunshine Ordinance Request exists anywhere in Section 6254. In sum, the Arts Commission denied the request where absolutely no exemption is evident to do so.

The Sunshine Ordinance specifically prohibits an employee from interfering with other city employees, including City Attorney staff from restricting access to public records. In an email such a violation is manifest between Deputy City Attorney Lauren Curry and Ms. Kate Patterson on August 17, 2017.

In relevant part Ms. Patterson stated: *Hi Lauren - It's just contracts with the City correct? They don't have to turn over a contract they might have with a food vendor for example- right?* (Com. pp. 110, 172-173) On the same date, Ms. Curry told Patterson that the lease agreement required disclosure of records immediately upon request. (Com. p. 189) Patterson agreed, except when later ordered by her boss not to release them anyway. Consequently, the delay in disclosure has now spanned several weeks whereby the Arts Commission staff began releasing them begrudgingly on "rolling basis.

Notwithstanding, no citable ground existed then and none now, to continue "stonewalling" release of the remaining records requested on August 16<sup>th</sup> given that respondents own counsel advised such should have been released "upon request." *Thanks, Kate. The Cultural Centers are also subject to Administrative Code Section* 67.24(e) (copied below) which is referenced in both the grant and lease agreements. (Com. p. 174)

After first agreeing to produce the requested documents in behalf of the BVOH Ruth Williams Memorial Theater, Patterson reneges and consults with various staff who appear to be coaching her on records <u>not</u> to disclose. Accordingly, she is in constant contact with the City Attorney's office because the Complainant cited the proper standard of care from the Sunshine Ordinance. "*Lauren*~ *See below*. *Just keeping you in the loop in case this escalates. We have 14 days to respond*." (Com. pp. 126-128, 136, 141-142) Hl Lauren- Actually, a colleague dug up an email that was sent to Barbara clarifying what they need to turn over, so for now we have an answer. Kate how much grant funding does the city provide annually? (Com. p. 199)

"HI Lauren- Quick question is the Bayview Opera House subject to Sunshine requests? As you know the building is owned by the SFAC and they receive a large grant from us every year. My guess ls that we would need to turn over docs because it is city funded. Can you please verify? Thanks, Kate Patterson-Murphy Director of Communications San Francisco Arts Commission." (Com. p. 200)

Initially, and before the September 26, 2017 Complaint hearing Ms. Patterson stated that she had *no documents responsive* to the Complainant's request for BVOH Articles of Incorporation, Minutes, Lease Agreements, "The Arts Commission has no records responsive to this request." (Com. p. 257)

Again on August 17, 2017 email conversations between the Arts Commission Executive Director, Tom Decalgry, Patterson, and several other Arts Commission staff with BVOH Executive Director Barbara Ockel further reflects that the public records previously denied and those presently denied for production reveal a conspiratorial pretext to willfully withhold them. Id.

After analyzing the apparent <u>informality</u> of the email exchanges between the aforesaid actors, from the objective standard of a reasonable person, the Arts Commission's claim that it has no documents responsive to the Complainant's requests for full disclosure not only violates both the spirit and intent of the Sunshine Ordinance, but is intellectually dishonest and patently unethical. (Com. p. 178) Thus, it may readily be deduced from the facts and evidence proffered that Arts Commission management is predisposed to resist full disclosure and compliance from its executive level. Id.

These infractions are very serious and as a matter of law require referral for enforcement to the Ethics Commission for an investigation on such other grounds. The above-stated documents were released six (6) weeks from the date of filing the operative Complaint. This wholly untimely resistance to full and proper disclosure ignores direct advice from the City Deputy Attorney where cultural centers in lease agreements with the city also require production of public records. "*Thanks, Kate. The Cultural Centers are also subject to Administrative Code Section 67.24(e) (copied below) which is referenced in both the grant and lease agreements.*" (Com. p. 174-175)

#### III. CONCLUSION

The First Appellate District Court held in, *Rivero v The Superior Court of the County of San Francisco Respondent; Arlo Smith Real Parties in Interest* (1997) 54 Cal. App. 4th 1048 that so long as no law enforcement information that would impede law enforcement investigation proceedings or seek disclosure of confidential information, under virtually all other circumstances production of public records is required.

The same reviewing court further opined:

"The findings and purpose are stated broadly: "... [P] (a) Government's duty is to serve the public, reaching its decisions in full view of the public. [P] (b) Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance will assure that their deliberations are conducted before the people and that City operations are open to the people's review. [P] (c) ... Violations of open government principles occur at all levels, from local advisory boards to the highest reaches of the State hierarchy.  $[P] \dots [P]$  (e)

The people of San Francisco want an open society. They do not give their public servants the right to decide what they should know. The public's right to know is as fundamental as its right to vote. To act on truth, the people must be free to learn the truth. [P] (f) The sun must shine on all the workings of government so the people may put their institutions right when they go wrong. . . ." (S.F. Admin. Code, § 67.1.)" (external quotations added.)

Dated: October 2, 2017

Respectfully submitted,

Kexin B. Williams

Kevin B. Williams, Complainant

#### Young, Victor

	kevin williams <williams532001@yahoo.com> Wednesday, December 20, 2017 8:05 PM SOTF, (BOS); Thomas Busse; James Autry; Jaleel Kairi; bro.j.bbpsf@gmail.com; Jamo Muhammad; Francisco Da Costa; Sala Haquekyah; theresawallace777@hotmail.com; therontaylor@gmail.com; moneykeevin obrien Re: Additional Records</williams532001@yahoo.com>
Follow Up Flag:	Follow up
Flag Status:	Flagged

#### Dear Mr. Young:

Pursuant to the order of Chairman Wolfe at the **Special Meeting** of December 19, 2017, I am resending the Sunshine Taskforce "Rebuttal Brief" prepared by me in behalf of the Bayview Hunters Point Community, and parties in interest concerning an August 16, 2017 "Immediate Sunshine Ordinance Request" for production of public records concerning, the Ruth Williams Memorial Theater Bayview Opera House. You personally witnessed Chairman Wolfe ask me to prepare a formal "Rebuttal" of the documents requested and those received by that nonprofit agency following the **September 26, 2017**, Sunshine Taskforce Complaint Committee meeting.

Within one week of the order, I sent you the attached rebuttal document, which indicates delivery to both the Sunshine Ordinance Taskforce ("SOTF") and the respondents effective on **December 2**, **2017 at 9:55 AM**, but inexplicably was not forwarded to the voting members of the **Special Meeting Taskforce** for public deliberation and vote. While I appreciate the long debate and protracted discussions on the part of taskforce members, please convey that this procedural omission is a material one. Please be advised that we do not waive our strenuous objection for following the order. For all intents and purposes, such an indisputable omission clearly prejudiced petitioners' inviolate right to due process before the members. Consequently, the members voted without the information that the **Complaint Committee** chairman clearly directed be included in their packet. The relief requested by petitioner and his community is based solely upon facts and evidence of record, recapitulated in the Rebuttal Brief, but not presented to the SOTF at anytime prior to the recent meeting. To the detriment of the BVHP community and myself as petitioner, I testified that evening totally unaware that the "Rebuttal Brief" had **not** been provided to a single voting member. This is clear prejudicial error and an absolute abuse of discretion.

Accordingly, we request a showing of proof as to the specific reason(s) the rebuttal document was not forwarded to the members, although the email time signature above reflects it was received by the SOTF on the morning of December 2nd. Thus, we seek any related correspondence, including intra-agency or inter-agency documents, e-mails, records, or any form of oral communications, including but not limited to any and all such other records as may be deemed public that is subject to disclosure as a reasonable explanation for the failure to update the members packet to include the attached rebuttal document.

Respectfully, we disagree with the vote of the Taskforce to continue the matter, without consequences to those responsible for violations of the Sunshine Ordinance because a plain reading of the record indicates that independently from this, or any other meritorious complaint, the Taskforce is under sustained departmental pressure, including but not limited to intrusive interference from the City Attorneys Office. Its representative was present at the meeting ostensibly to provide guidance and advice to the members. However, he openly began to exert direct authority of over the meeting

chairman. In that context, counsel grew more adversarial towards the public and equally protective over the respondent Arts Commission. At some juncture, counsel proceeded to demand that I allow him to publically cross-examine me, akin to a court of law, putting me on trial. In response, on the record, and in the middle of the hearing proceedings, Chairman Wolfe felt so compelled to resist this attempt to control the proceedings that he immediately issued a verbal admonition to the Deputy City Attorney that it is he, [Mr. Wolfe] that is presiding officer over the meeting and not the City Attorney. Such is a fact that its own counsel is expected to be aware of. It became apparent to members of the public that the negative exchange quickly prompted, the other members to begin to reel in the chair against the petitioner and for the respondents regardless to the weight of evidence of record and regardless the supporting testimony presented.

Notwithstanding, City department employees charged with violations were allowed to refer to members of the public in highly offensive terms as, **"The Peanut Gallery,"** without any admonition for this generalization towards all citizens present, including myself that were totally innocent of any form of dilatory conduct. Instead, these citizens were broadly warned by the chair at the insistence of City employee about maintaining order, when none of those accused said one single word. Another apparent instance, as testified to by a more vocal citizen complaining about the appearance of partiality is that the same offending City employee was observed as being freely allowed freely to approach the Taskforce dais or inside the taskforce deliberation seating area. The staffer engage in ex parte communication with a SOTF official, while the meeting was in progress. (i.e. whispering in ear of taskforce official) without an admonition of any kind.

In closing, we will attempt to obtain the Ruth Williams Memorial Opera House documents, aided by the Arts Commission staff in good faith. We have already spoken and agreed to try to work closer together. However, please be advised should the records not be produced, we reserve the right to request reconsideration based upon the same material omission of said *Rebuttal Brief* and because when taken together substantial evidence of record requires a finding *inter alia* under San Francisco Administrative Code Section 67.21.

We are hereto requesting that the SOTF record be completely updated within a reasonable time before the next special meeting to allow adequate time for written transcription should we seek reconsideration, or some other form of administrative, or judicial review of the underlying decision. Moreover, please provide a CD copy of the oral argument and testimony of both the September 26th SOTF Complaint Committee meeting and December 19th Special Taskforce meeting.

If in the interim you have any questions, please don't hesitate to contact me at (415) 424-8221.

Sincerely,

Kevin B. Williams, Petitioner

On Monday, October 2, 2017, 9:55:01 AM PDT, kevin williams <williams532001@yahoo.com> wrote:

See attached rebuttal.

Kevin B. Williams

On Thursday, September 28, 2017 1:55 PM, "Patterson, Kate (ART)" <kate.patterson@sfgov.org> wrote:

Dear Mr. Williams,

I'm writing with responsive records to your August 16, 2017 request.

In your letter, under **BVOH Board of Directors**, you requested:

**14.** Submit for public disclosure the resumes of each BVOH Board member from 2009 through 2017. Identify by name whether any former member of the Board subsequently became an employee during any calendar year(s);

The SFAC has already provided you with a resume for Barbara Ockel, who became executive director in 2009 after serving on the Board. We do not have resumes for the other BVOH Board Members.

**14.A** Provide conformed copies of underacted Board Minutes, therewith related correspondence reflecting the location where each meeting was held if other than at 4705 Street, covering the period between 2013 through 2017. In addition, identify rents paid at both the main Opera House facility and the new Third Street, San Francisco BVOH satellite office with a copy of the rental agreement.

Attached are the Board Minutes that the Arts Commission has on record. Barbara Ockel can provide minutes for the BVOH's public meetings that go further back if she has them in her archives. With regard to rents paid, please find attached our lease agreements between the SFAC and the BVOH from 2009, 2012 and 2016. Please let us know if you would like the "executed" copies. If so, we will request them from offsite storage. Please also refer to the revised budget, which is attached. The SFAC does not have a copy of the rental agreement between the BVOH and the landlord of the Third Street property.

**14.B** Produce a conformed copy of the BVOH Articles of Incorporation. Please find the BVOH's Articles of Incorporation attached.

**14.D** Provide ANY and ALL BVOH funding sources between 2013 and 2017. We have already provided you with budgets in response to this request. Please find attached a revised BVOH budget for this fiscal year.

Sincerely,

Kate Patterson-Murphy Director of Communications

San Francisco Arts Commission 401 Van Ness Avenue, Suite 325 San Francisco, CA 94102 T: 415-252-2229 sfartscommission.org

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**NOTICE:** Please be mindful that all correspondence and documents submitted to the San Francisco Arts Commission are public records and as such, are subject to the <u>Sunshine Ordinance</u> and can be requested by the public. If this happens, all sensitive personal information, such as Social Security numbers and phone numbers, will be redacted.

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DENNIS J. HERRERA City Attorney

## OFFICE OF THE CITY ATTORNEY

NICHOLAS COLLA Deputy City Attorney

Direct Dial: (415) 554-3819 Email: nicholas.colla @sfgov.org

## MEMORANDUM

TO: Sunshine Ordinance Task Force

FROM: Nicholas Colla Deputy City Attorney

DATE: September 22, 2017

RE: Complaint No. 17096 – Williams v. San Francisco Arts Commission

#### COMPLAINT

Complainant Kevin Williams ("Complainant") alleges that the San Francisco Arts Commission ("the Commission") violated provisions of the Sunshine Ordinance by failing to timely respond to his August 16, 2017<sup>1</sup> Immediate Disclosure Request ("IDR").

## COMPLAINANT FILES THIS COMPLAINT

On August, 2017, Complainant filed this complainant with the Task Force regarding the Commission's alleged failure to timely respond to Complainant's IDR.

#### JURISDICTION

The Commission is a department under the Ordinance. The Task Force therefore generally has jurisdiction to hear a complaint of a violation of the Ordinance against the Commission. The Commission has not contested jurisdiction.

#### **APPLICABLE STATUTORY SECTION(S)**

Section 67 of the San Francisco Administrative Code:

- Section 67.21 governs responses to public records requests.
- Section 67.25 governs immediacy of response.

#### Section 6250 et seq. of the Cal. Gov't Code ("CPRA")

• Section 6253 governs the release of public records and the timing of responses.

#### APPLICABLE CASE LAW

• none

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<sup>&</sup>lt;sup>1</sup> The original IDR was sent to the Bayview Opera House, a non-profit that receives grant proceeds from the Commission, on August 16, 2017. It appears that the Commission did not actually receive this IDR until August 17, 2017.

#### MEMORANDUM

TO: Sunshine Ordinance Task Force
DATE: September 22, 2017
PAGE: 2
RE: Complaint No. 17096 – Williams v. San Francisco Arts Commission

#### BACKGROUND

On August 16, 2017, Complainant sent an email IDR to the Bayview Opera House which was then forwarded to the Commission's Director of Communications, Kate Patterson-Murphy ("Ms. Patterson"), on August 17, 2017. In his IDR, Complainant laid out 26 separate enumerated requests for documents on various topics, some of which Ms. Patterson alleges have nothing to with the Commission.

On August 17, 2017, Ms. Patterson sent a response email to Complainant in which she invoked a 14 day extension to respond to Complainant's IDR. She also informed Complainant that some of the records sought in the request were within the control of other city departments such as Municipal Transportation Agency ("SFMTA") and the Department of Public Works ("DPW") and that she would forward the IDR to the custodians of record for those departments and send them an email introducing them to Complainant.

On August 31, 2017, after allegedly having yet to receive all the desired records, Complainant filed this complaint with the Task Force.

On September 5, 2017, in response to the filing of this Complaint, Ms. Patterson wrote a letter to the Task Force which reads in part as follows:

With the 14-day extension, the deadline to fulfill this request was August 30, 2017.

Also on August 17, I sent an email to my colleagues at the San Francisco Municipal Transportation Agency, SF Public Works and the Mayor's Office on Disability alerting them to this IDR. I provided a copy of the letter and asked who from each office would be the designated respondent.

After ascertaining that many of the records Mr. Williams requested were in fact not in the Arts Commission's possession and as promised to Mr. Williams, on Monday, August 21, 2017, I sent an email introducing him to the Custodians of Records at the aforementioned agencies, which were lead agencies on the Bayview Opera House's construction project during various phases.

The Custodian of Records at SF Public Works explicitly informed me that Mr. Williams would have to reach out to him separately to register a request. I informed Mr. Williams of this, and also reminded him that I was not required to gather documents on his behalf but only to help facilitate a connection with the appropriate record keeper at each department, which I did. During this period, I also had a conversation with our City Attorney Laruen Curry who confirmed that that was the extent of my role.

On August 22, I received an email from SFMTA's custodian of records Caroline Celaya informing me that she had acknowledged receipt of the request in an email to Mr. Williams.

In the interim, the Arts Commission undertook an extensive search through staff email records, accounting records and project folders related to the Bayview Opera House.

## OFFICE OF THE CITY ATTORNEY

#### MEMORANDUM

TO:	Sunshine Ordinance Task Force
DATE:	September 22, 2017
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RE:	Complaint No. 17096 - Williams v. San Francisco Arts Commission

On August 30, the Arts Commission sent Mr. Williams our detailed response to each item enumerated in his letter for which we had records, thus meeting the deadline. I created a dropbox file for easy access of said documents. Mr. Young has a copy of our response.

On August 31, I received a series of emails from my colleague at SF Public Works, which had yet to receive a direct request from Mr. Williams, with records in response to the IDR. I forwarded those emails to Mr. Williams and, fearing that some of the files were too large for his inbox, I also uploaded them to a separate folder in the same dropbox file to help facilitate easy access.

To date, I do not have any records from the SFMTA. If I did, I would share them in the same fashion as the aforementioned records from the SF Public Works. Since Ms. Celaya has confirmed that she has been in communication with Mr. Williams, which signifies to me that she will contact him directly when that agency's documents are ready.

I believe the Arts Commission has met all of the requirements to respond to this IDR in a timely fashion, and I see no violation.

#### **QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS**

- Does Complainant feel that the documents that were eventually provided by the Commission satisfy his IDR?
- Did Complainant follow up directly with other departments for the records that weren't within the custody of the Commission?

#### LEGAL ISSUES/LEGAL DETERMINATIONS

- Did the Commission violate Administrative Code Sections 67.21 and/or 67.25 by failing to timely respond to Complainant's IDR?
- Did the Commission violate CPRA 6253(c) by allegedly failing to comply with Complainant's requests for records?

# CITY AND COUNTY OF SAN FRANCISCO OFFICE OF THE CITY ATTORNEY

## MEMORANDUM

TO:	Sunshine Ordinance Task Force
DATE:	September 22, 2017
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RE:	Complaint No. 17096 – Williams v. San Francisco Arts Commission

#### CONCLUSION

THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:

THE TASK FORCE FINDS THE ALLEGED VIOLATIONS TO BE TRUE OR NOT TRUE.

OFFICE OF THE CITY ATTORNEY

#### MEMORANDUM

TO:	Sunshine Ordinance Task Force	
DATE:	September 22, 2017	
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RE:	Complaint No. 17096 – Williams v. San Francisco Arts Commission	

#### \* \* \*

# CHAPTER 67, SAN FRANCISCO ADMINISTRATIVE CODE (SUNSHINE ORDINANCE)

#### SEC. 67.21. PROCESS FOR GAINING ACCESS TO PUBLIC RECORDS; ADMINISTRATIVE APPEALS.

(a) Every person having custody of any public record or public information, as defined herein, (hereinafter referred to as a custodian of a public record) shall, at normal times and during normal and reasonable hours of operation, without unreasonable delay, and without requiring an appointment, permit the public record, or any segregable portion of a record, to be inspected and examined by any person and shall furnish one copy thereof upon payment of a reasonable copying charge, not to exceed the lesser of the actual cost or ten cents per page.

(b) A custodian of a public record shall, as soon as possible and within ten days following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered to the office of the custodian by the requester orally or in writing by fax, postal delivery, or e-mail. If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance.

(c) A custodian of a public record shall assist a requester in identifying the existence, form, and nature of any records or information maintained by, available to, or in the custody of the custodian, whether or not the contents of those records are exempt from disclosure and shall, when requested to do so, provide in writing within seven days following receipt of a request, a statement as to the existence, quantity, form and nature of records relating to a particular subject or questions with enough specificity to enable a requester to identify records in order to make a request under (b). A custodian of any public record, when not in possession of the record requested, shall assist a requester in directing a request to the proper office or staff person.

(d) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b), the person making the request may petition the supervisor of records for a determination whether the record requested is public. The supervisor of records shall inform the petitioner, as soon as possible and within 10 days, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petition, and where otherwise desirable, this determination shall be in writing. Upon the determination by the supervisor of records that the record is public, the supervisor of records shall immediately order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order within 5 days, the supervisor of records shall notify the district attorney or the attorney general who shall take whatever measures she or he deems necessary and appropriate to insure compliance with the provisions of this ordinance.

(e) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b) above or if a petition is denied or not acted on by the supervisor of public records, the person making the request may petition the Sunshine Task Force for a determination whether the

OFFICE OF THE CITY ATTORNEY

#### MEMORANDUM

TO:	Sunshine Ordinance Task Force
DATE:	September 22, 2017
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RE:	Complaint No. 17096 – Williams v. San Francisco Arts Commission

record requested is public. The Sunshine Task Force shall inform the petitioner, as soon as possible and within 2 days after its next meeting but in no case later than 45 days from when a petition in writing is received, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petition, and where otherwise desirable, this determination shall be in writing. Upon the determination that the record is public, the Sunshine Task Force shall immediately order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order within 5 days, the Sunshine Task Force shall notify the district attorney or the attorney general who may take whatever measures she or he deems necessary to insure compliance with the provisions of this ordinance. The Board of Supervisors and the City Attorney's office shall provide sufficient staff and resources to allow the Sunshine Task Force to fulfill its duties under this provision. Where requested by the petition, the Sunshine Task Force may conduct a public hearing concerning the records request denial. An authorized representative of the custodian of the public records requested shall attend any hearing and explain the basis for its decision to withhold the records requested.

#### SEC. 67.25. IMMEDIACY OF RESPONSE

(a) Notwithstanding the 10-day period for response to a request permitted in Government Code Section 6256 and in this Article, *a written request for information described in any category of non-exempt public information shall be satisfied no later than the close of business on the day following the day of the request.* This deadline shall apply only if the words "Immediate Disclosure Request" are placed across the top of the request and on the envelope, subject line, or cover sheet in which the request is transmitted. Maximum deadlines provided in this article are appropriate for more extensive or demanding requests, but shall not be used to delay fulfilling a simple, routine or otherwise readily answerable request.

(b) If the voluminous nature of the information requested, its location in a remote storage facility or the need to consult with another interested department warrants an extension of 10 days as provided in Government Code Section 6456.1, the requester shall be notified as required by the close of business on the business day following the request.

(c) The person seeking the information need not state his or her reason for making the request or the use to which the information will be put, and requesters shall not be routinely asked to make such a disclosure. Where a record being requested contains information most of which is exempt from disclosure under the California Public Records Act and this article, however, the City Attorney or custodian of the record may inform the requester of the nature and extent of the non-exempt information and inquire as to the requester's purpose for seeking it, in order to suggest alternative sources for the information which may involve less redaction or to otherwise prepare a response to the request.

(d) Notwithstanding any provisions of California Law or this ordinance, in response to a request for information describing any category of non-exempt public information, when so requested, the City and County shall produce any and all responsive public records as soon as reasonably possible on an incremental or "rolling" basis such that responsive records are produced as soon as possible by the end of the same business day that they are reviewed and collected. This section is intended to prohibit the withholding of public records that are responsive to a records request until all potentially responsive documents have been reviewed and collected. Failure to comply with this provision is a violation of this Article.

OFFICE OF THE CITY ATTORNEY

#### MEMORANDUM

TO:Sunshine Ordinance Task ForceDATE:September 22, 2017PAGE:7RE:Complaint No. 17096 – Williams v. San Francisco Arts Commission

#### CAL. PUBLIC RECORDS ACT (GOVT. CODE §§ 6250, ET SEQ.)

#### SEC. 6253

(c) Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

### Sunshine Ordinance Task Force Complaint Summary

File No. 17096

Kevin Williams V. Arts Commission

Date filed with SOTF: 8/28/17

Contacts information (Complainant information listed first): <u>Williams532001@yahoo.com (C</u>omplainant) Kate Patterson, Arts Commission (Respondent)

File No. 17096: Complaint filed by Kevin Williams against Kate Patterson and the Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

Administrative Summary if applicable:

**Complaint Attached.** 

# SAN FRANCISCO SUNSHINE TASKFORCE

# Complainant Kevin Williams Reply to Supervising Custodian of Records Kate Patterson's Responses

January 30, 2018 Order of Compliance and Amendments Committee

## 2/12/2018

## By: /s/ Kevin B. Williams, Complainant and Petitioner

KEVIN B. WILLIAMS 176 Bradford Street | San Francisco, CA 94110-5704 Ph. 415.424.8221 | Fax 415.926.5530 E-mail: williams532001@yahoo.com

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KEVIN WILLIAMS REPLY TO CUSTODIAN OF 25 CORDS KATE PATTERSON'S RESPONSES

KEVIN B. WILLIAMS 176 Bradford Street | San Francisco, CA 94110-5704 Ph. 415.424.8221 | Fax 415.926.5530 E-mail: williams532001@yahoo.com

February 12, 2018

#### VIA E-MAIL only: sotf@sfgov.org

Members: Frank Cannata (Chair), Dave Maass and Chris Hyland Sunshine Ordinance Task Force Compliance and Amendments Committee 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102-4689

Attn.: Victor Young

## **SUBJECT:** COMPLAINANT AND PETITIONER KEVIN WILLIAMS REPLY TO CUSTODIAN OF RECORDS AND RESPONDENT KATE PATTERSON'S RESPONSE TO COMPLIANCE AND AMENDMENTS JANUARY 30<sup>TH</sup> ORDER

[Kevin B. Williams v Kate Patterson and San Francisco Arts Commission File No. -17-096.]

Dear Members:

#### I. INTRODUCTION

Based solely on the facts and evidence proffered nothing may logically explain a 5 <sup>1</sup>/<sub>2</sub> month delay in producing public records responsive to the IDR and other related documents. By the time this matter is heard by the full Sunshine Ordinance Taskforce, 7 <sup>1</sup>/<sub>2</sub> months would have elapsed with no light in sight. Following the January 30, 2017 Compliance and Amendments Committee meeting, the Arts Commission's Custodian of Records, Kate Patterson was ordered to prepare a complete and detailed, item-by-item, response to my October 2, 2017 "Rebuttal Brief" ("RB").

I have alleged that the respondent failed to make full and timely disclosure in response to the original August 16, 2017, Immediate Disclosure Request ("IDR"). The members made clear a stated intent at the meeting to produce a clear record for proper review by the full Sunshine Ordinance Taskforce ("SOTF").

On February 2, 2018, Ms. Patterson filed a voluminous reply. Accordingly, I have endeavored to: First, substantially narrow down the items requested and reduce the burden on the members by separately attaching the current revised "Rebuttal" to Ms. Patterson's responses as **Exhibit A.** 

Secondly for comprehensive clarity of the issues before the SOTF, herein presented is each relevant and overarching procedural, factual and evidentiary principle of this case. I believe if impartially taken together as a whole do establish prima facie violations of the Sunshine Ordinance. A simple analysis of a timeline of the events standing alone harmonize with the within allegations that withholding public records is and has been calculated for denial by delay.

Thirdly, my legal arguments and discussion of the Sunshine text appertaining to this reply explains exactly what, how and why an inordinate delay of at least 5 1/2 months has occurred. I conclude, the excessive delay is directly attributable to manifest violations of practically every section the Ordinance. Taking all the relevant evidence together, I intend to specifically show exactly what procedural violations reasonably precipitated the underlying denial of records by stubborn delay. Finally, upon careful review and consideration of Ms. Patterson's responses, therewith complete written record of the Committee Agenda Records Packet (hereinafter, "CAR") I find Ms. Patterson's writing remains wholly nonresponsive. Despite its significant length in form, it remains anemically wanting in substance. In order that we avoid confusion and wasting the full Taskforce's time, I am willing to stipulate that the San Francisco Metropolitan Transportation Authority ("SMTA") possess no further documents responsive to the request.

I also, stipulate that the Department of Public Works ("DPW") did submit documents in the form of bids, which appear only "*partially*" responsive because from a grand total of \$5.6 million dollars expended, a balance of \$3.1 million remains unaccounted for. In any event, having narrowed the inquiry, we next examine the applicable Sunshine Ordinance provisions against the duties and responsibilities of respondent Arts Commission to comply. The inquiry need not go further than whether the information sought is a public record and whether it is reasonably "available" to the custodian of records. This is so because, Ms. Patterson testified that no other documents were available to her office, but has *never* stated that anything in the IDA was deemed exempt as a public record from disclosure. Therefore, the course and direction of inquiry to the full Taskforce would primarily be focused on the duty and responsibilities of the Ruth Williams Bayview Opera House to comply with City ordinances, rules, and regulations pursuant to Section 67.24.

At this juncture, I call to the members attention that its decision-making process is a quasijudicial functional at carrying out City business. As such, well-settled dicta of the courts prescribe the abuse of discretion standard of review, if the inferior tribunal's decision is in any way not supported by substantial evidence. Here, respondent waived any claim against the jurisdiction of the SOTF *after* filing initial responses through counsel on September 21, 2017 to the instant Complaint. Again, *only after* it appeared advantageous do so, the Custodian of Records next asserted that the Taskforce possesses no jurisdiction over certain records of the Ruth Williams Bayview Opera House because it is a so called independent 501(c) (3) nonprofit corporation, within the meaning of San Francisco Administrative Code Section 21(L). Therefore, for the purposes of inquiry that defense is moot. The record herein reflects respondent's unconditional admission Section 67.24 applies to the instant IDR because the nonprofit is a city leaseholder that receives grant monies well in excess of \$500,000 per year. Thus, as a matter of law, it is clear error and an abuse of discretion for respondent Arts Commission to be allowed to insist upon a bifurcated defense, heretofore having from the onset submitted to the full jurisdiction of the SOTF. Therefore, both Respondent and Complainant concur that the matter(s) remaining for decision is whether it is "true or not true" one or more violations of the Sunshine Ordinance occurred.

# II. STATEMENT OF FACTS

# A. Chronological and Procedural History

- 1. On August 16, 2017, Complainant filed his Immediate Disclosure Request for production of public records with the Ruth Williams Memorial Theater Bayview Opera House ("BVOH"). CAR: p. 184.
- 2. On August 17, 2017, Ms. Patterson sent a response email to Complainant in which she <u>invoked a 14 day extension</u> in response to the complaint in behalf of the BVOH.
- 3. Also on August 17, 2017, Arts Commission Director of Cultural Affairs sent an early morning text to Arts Commission staff, including Custodian of Records Kate Patterson, Barbara Mumby, Robynn Takayama, and the BVOH Executive Director Barbara Ockel directing his staff to help her respond to the Complaint.

In relevant part, Mr. DeCaigny said:

From: DeCaigny, Tom (ART)

Sent: Thursday, -August 17, 2017 7:48AM

**To:** Patterson; Kate (ART) <kate.patterson@sfgov.org>;

barbara@bvoh.org

**Cc:** Takayama, Robynn (ART) <robynn.takavama@sfgov.org>;

Mumby, Barbara (ART) <br/>
starbara.mumby@sfgov.org>

Subject: Fwd: Sunshine Ordinance Request-- \$5.6 Million Bayview

Opera House Ruth Williams Memorial Theater

# "Hi Barbara~

Thank you for forwarding. I don't believe that the nonprofit BVOH is subject to the Sunshine Ordinance. It is my understanding that the Ordinance only pertains to public agencies in which case the request would need be addressed to the SFAC. Public Works, etc. I'm copying our Public Information Officer, Kate Patterson-Murphy to clarify and advise on next steps.

*Kate, how should Barbara respond to this request?* I imagine she would inform him that the request needs to be addressed and submitted to the appropriate City agencies.

When received, we'll like need to invoke a voluminous records extension as it's a pretty extensive request. Thanks, Tom Sent from my iPhone. Please excuse brevity and typos. " CAR: p. 200 Begin forwarded message:

From: Barbara Ockel <barbara@bvoh.org>

Date: August16, 2017 at 11:12:34 PM PDT

To: "Takayama, Robynn (ART)" <robynn.takayama(i:l{sfgov.org>

Ce: "DeCaigny, Tom (ART)" <tom.decaigny@sfgov.org>

Subject: Fwd: Sunshine Ordinance Request-- \$5.6 Million Bayview Opera House Ruth Williams Memorial Theater

"Hi Robynn,

Just received this letter from Kevin Williams. Can we have a call about this tomorrow, Thursday? He's demanding a response within 24 hours. Barbara Ockel Executive Director BAYVIEW OPERA HOUSE" CAR: p. 201.

Again, on August 17, 2017, Ms. Patterson in an email stated: Hi Lauren--It's just contracts with the City correct? They don't have to turn over a contract they might have with a food vendor for example-right? CAR: pp. 249-254.

4. On the same date above, Ms. Lauren told Ms. Patterson that the Lease Agreement required disclosure of records immediately upon request pursuant to Section 67.24. CAR: p. 189.

- 5. Ms. Patterson stated in the letter she had invoked a 14-day extension to comply with the request. Thus, the deadline given to meet the request was August 30, 2017, but with no conditions requiring him to contact any other departments.
- 6. Mr. Williams later complained when she told him that he would need to file two separate requests, which would have the effect of changing the deadline for submission from the original request. CAR: pp. 196-197.
- 7. On Monday, August 21, 2017, for the first time five (5) days after the IDR, Ms. Patterson informed Mr. Williams that she had later found that many of the records requested were in fact not in the Arts Commission's possession, but assured him that the response would be forthcoming by August 30, 2017.
- 8. On August 31, 2017, after Complainant had not received the records, Complainant filed the instant complaint with the SOTF. Id.
- 9. On September 5, 2017, in response to the filing of this complaint, Ms. Patterson wrote a response letter to inform the Task Force among other things that Deputy City Attorney Laruen Curry confirmed that of Ms. Patterson's role ceased. At the same time, the Arts Commission alleged having undertaken an extensive search through staff email records, accounting records and project folders related to the Bayview Opera House. CAR: pp. 279-281.

10. The following conversations ensued:

Thanks, Kate. The Cultural Centers are also subject to Administrative Code Section 67.24(e) (copied below) which is referenced in both the grant and lease agreements. **CAR: p. 276-279.** After first agreeing to produce the requested documents in behalf of the BVOH she reneged on that promise. "Lauren ~ See below. Just keeping you in the loop in case this escalates. We have 14 days to respond." **CAR: pp. 202, 218.** The internal deliberative process went on: Hi Lauren- Actually, a colleague dug up an email that was sent to Barbara clarifying what they need to turn over, so for now we have an answer. Kate how much grant funding does the city provide annually? **CAR: p. 198.** "HI Lauren-Quick question is the Bayview Opera House subject to Sunshine requests? As you know the building is owned by the SFAC and they receive a large grant from us every year. My guess is that we would need to turn over docs because it is city funded. Can you please verify? Thanks," Kate Patterson-Murphy Director of Communications San Francisco Arts Commission. **CAR: p. 276-277**.

11. Ironically, respondents' reply alleging no documents responsive to the request omits that Ockel takes direction from the Arts Commission staff, more particularly orders, which emanate from the Director himself Tom DeCaigny. Sunshine Ordinance

Section 67.34 defines "willful conduct" of any elected official, department head, or other managerial city employee failure to discharge any duties imposed by the Sunshine Ordinance shall be deemed "official misconduct."

- 12. It is apparent that the conduct of Mr. DeCaigny and his Custodian of Records Kate Patterson is in clear violation of the Code and inimical to public policy.
- To wit: DeCaigny ordered his staff and the BVOH Director <u>not</u> to produce the requested records on both unlawful and unethical grounds. He further ordered his own staff to concoct a voluminous records delay through requesting an erroneous 14-day extension under Gov. Code 6253 et seq. Therefore, the foregoing violations of the Sunshine Ordinance were committed by Mr. DeCaigny in coordinated complicity with other actors named in the operative Complaint.

# III. ARGUMENT AND LEGAL DISCUSSION

# A. JURISDICTION

Ms. Patterson's answer to the Complaint was prepared and submitted to the Taskforce by Deputy City Attorney Nicholas Colla on September 21, 2017. It stated: "The Commission is a department under the Ordinance. The Task Force therefore generally has jurisdiction to hear a complaint of a violation of the Ordinance against the Commission. <u>The Arts Commission did not</u> contest the jurisdiction of the SOTF".<sup>1</sup> (underlined emphasis added.) **CAP: p. 184-191.** 

#### **APPLICABLE STATUTORY SECTION(S)**

Section 67 of the San Francisco Administrative Code:
Section 67.21 governs responses to public records requests
Section 67.25 governs immediacy of response.
Section 6250 et seq. of the Cal. Gov't Code ("CPRA")
Section 6253 governs the release of public records and the timing of responses.

# B. The Custodian of Records Answered Williams IDR Complaint Through Deputy

City Attorney Nicolas Colla and thereby Waived Any Objection to the Jurisdiction of SOTF

Ms. Patterson's initial answer to the IDR accepting the jurisdiction of the SOTF under the various

# SEC. 67.36. SUNSHINE ORDINANCE SUPERSEDES OTHER LOCAL LAWS.

The provisions of this Sunshine Ordinance supersede other local laws. Whenever a conflict in local law is identified, the requirement which would result in greater or more expedited public access to public information shall apply.

stated provisions of San Francisco Administrative Code section 67 *et sec.* is binding. Complainant agrees with the specific procedural protocols identified therein predicated on the proper jurisdiction of the SOTF pursuant to San Francisco Administrative Code section 67 et sec., which is simply defined for review and consideration of the IDR Compliant as filed, whether or not the factual allegations are **"true or not true."** After having filed her answer with the SOTF, it is improper for this Taskforce to permit testimony that permits a change in that answer to San Francisco Administrative Code 21(I). Ms. Patterson knew of the nonprofit status of the Bayview Opera House when filing a response. In any event, Section 67.36 makes moot these contentions because it provides whenever a conflict is identified, the choice of law is that "which would result in greater or more expedited public access to public information" regardless. Needless to say, application of Section 21(I) would cause further delay both procedurally and on the merits.

The First Appellate District Court held in, *Rivero v The Superior Court of the County of San Francisco Respondent; Arlo Smith Real Parties in Interest* (1997) 54 Cal. App. 4th 1048 that so long as no law enforcement information that would impede law enforcement investigation proceedings or seek disclosure of confidential information, under virtually all other circumstances production of public records is required.

# The same reviewing court further opined:

"The findings and purpose are stated broadly: "... [¶] (a) Government's duty is to serve the public, reaching its decisions in full view of the public. [¶] (b) Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance will assure that their deliberations are conducted before the people and that City operations are open to the people's review. [¶ (c) ... Violations of open government principles occur at all levels, from local advisory boards to the highest reaches of the State hierarchy. [¶] ... [¶] (e) The people of San Francisco want an open society. They do not give their public servants the right to decide what they should know. The public's right to know is as fundamental as its right to vote. To act on truth, the people must be free to learn the truth. [¶] (f) The sun must shine on all the workings of government so the people may put their institutions right when they go wrong. . . ." (S.F. Admin. Code § 67.1.)" (external quotations added.)

# C. Section 67.25. IMMEDIACY OF RESPONSE.

Notwithstanding the 10-day period for response to a request permitted in Government Code Section 6256 and in this Article, a written request for information described in any category of non-exempt public information shall be satisfied no later than the close of business on the day following the day of the request. This deadline shall apply only if the words "Immediate Disclosure Request" are placed across the top of the request and on the envelope, subject line, or cover sheet in which the request is transmitted.

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Maximum deadlines provided in this article are appropriate for more extensive or demanding requests, but shall not be used to delay fulfilling a simple, routine or otherwise readily answerable request. If the voluminous nature of the information requested its location in a remote storage facility or the need to consult with another interested department warrants an extension of 10 days as provided in Government Code Section 6456.1, the requester shall be notified as required by the close of business on the business day following the request. [citation.]

At all relevant times, the Complainant requested <u>non-exempt information</u> in bold letter 16 count font written across the top of the request. However, the Arts Commission illegally invoked a 14-day extension, when the maximum allowed is 10 days. Consultation with another interested department still only permits an extension of 10-days. Contract and bidder information requires disclosure immediately upon request.

# D. Section 67.21.

If the custodian refuses, fails to comply, or incompletely complies with a request described in (b), the person making the request may petition the supervisor of records for a determination whether the record requested is public. The supervisor of records shall inform the petitioner, as soon as possible and within 10 days, of its determination whether the record requested, or any part of the record requested, is public.

If the custodian refuses or fails to comply with any such order within 5 days, the supervisor of records shall notify the district attorney or the attorney general who shall take whatever measures she or he deems necessary and appropriate to insure compliance with the provisions of this ordinance. The proper enforcement remedy given the failure after six weeks from the effective date of the notification is to the supervisor for the district attorney or attorney general to insure compliance. Respondent failed to perform this duty.

# E. The City Attorney's Office is representing the Supervising Custodian of Records

# against Complainants IDR even though no litigation is pending.

(i) The San Francisco City Attorney's office shall act to protect and secure the rights of the people of San Francisco to access public information and public meetings and shall not act as legal counsel for any city employee or any person having custody of any public record for purposes of denying access to the public. [citation.]

Here, the Deputy City Attorney along with staff advised the Arts Commission to obtain and release the information requested from Ms. Ockel Director of the BVOH on August 17, 2018. Mr. DeCaigny overruled them all in his capacity as Executive Director, thus committing official misconduct.

It is obvious that Ms. Barbara Ockel forwarded the IDR served on her office by me to the Arts Commission staff. Three different Deputy City Attorneys indirectly assisted Ms. Ockel through staff at advising her exactly how not to respond, without any proper procedural determination concerning the existence of the documents sought. Specifically, Deputy City Attorney Nicolas Colla acted in behalf of Ms. Patterson directly before the Taskforce.

This constitutes a clear and present violation of the Sunshine Ordinance and is further prejudicial to the Complainants right to due process and impartial review.<sup>2</sup>

# **F.** Section 67.24.

"(e) Notwithstanding any other provisions of this ordinance, public employees shall not be discouraged from or disciplined for disclosing any information that is public information or a public record to any journalist or any member of the public." The IDR requested information that is public with appropriate redaction, but too have continued to be denied by delay.

"c (2) The professional biography or curriculum vitae of any employee, provided that the home address, home telephone number, social security number, age, and marital status of the employee shall be redacted."

Respondent Arts Commission also violated the Sunshine Ordinance by selective disclosure of clearly non-exempt records such as salaries, resumes, and biographies of Board members and BVOH staff (*see* Section 67.24(e) titled, "*PUBLIC INFORMATION THAT MUST BE DISCLOSED*".) As a practical matter, recipient Bayview Opera House cannot be city financed by any city agency to the tune of over three quarters of a million dollars and keep secret, the resumes, bio vitae's, education and experience to operate a multi-million dollar historic building and function in complete secrecy. This effectively deprives the community of knowing the qualifications of those entrusted with their cultural, political, and economic stability, or the right to know who they are and from whence they came.

(g) Neither the City nor any office, employee, or agent thereof may assert California Public Records Act Section 6255 or any similar provision as the basis for withholding any documents or information requested under this ordinance.

 <sup>&</sup>lt;sup>2</sup> According to Black's Law Dictionary legal representation is defined as: To exhibit; to expose before the eyes. To represent a thing is to produce it publicly. Dig. 10, 4, 2, 3. To represent a person is to stand in his place; to supply his place; to act as his substitute. *Plummer v. Brown*, 04 Cal. 429, 1 Pac. 703 ; *Solon v. Williamsburg Sav. Bank*, 35 Dun (N. Y.) 7.

Ms. Patterson was ordered to invoke a fake extension under Section 6253, where no such valid exemption exists as grounds to withhold documents. She withheld records that were never exempt from disclosure as admitted by respondent. (*see* Section 67.24(e).

(i) Neither the City, nor any office, employee, or agent thereof, may assert an exemption for withholding for any document or information based on a finding or showing that the public interest in withholding the information outweighs the public interest in disclosure. All withholdings of documents or information must be based on an express provision of this ordinance providing for withholding of the specific type of information in question or on an express and specific exemption provided by California Public Records Act that is not forbidden by this ordinance. Same argument as noted above. [citations.] Accordingly, the invocation of the 14 day extension by Ms. Patterson under the direction of her boss Tom DeCaigny is forbidden by the Ordinance.

IV. <u>SEC. 67.26.</u> WITHHOLDING MUST BE KEPT TO A MINIMUM. "[N]o record shall be withheld from disclosure in its entirety <u>unless all information contained in it is</u> <u>exempt from disclosure</u> under express provisions of the California Public Records Act or of some other statute ..."(underlined emphasis added.)

In this case, respondent Arts Commission withheld documents in bad faith from disclosure with knowledge aforethought that <u>not all</u> of the records requested by the Complainant were exempt from production. To date respondent has continued to either "stonewall" or refuse release of the records by denial and delay, under an innocuous pretext for not complying with the Sunshine Ordinance. Multiple acts of noncompliance, although within the same complaint nevertheless constitutes misconduct, which require referral to the Ethics Commission in that Mr. DeCaigny is a department head that is clearly implicated in willful obstruction of public records.

Reviewing courts have consistently held obstruction of the public's right to know is far more serious that "willful blindness". Here direct evidence shows that Mr. DeCaigny, a high level department head and manager of a major city department duty-bound to protect the public's interest in open government, not only had constructive knowledge of a coordinated effort to withhold nonexempt documents, but ordered it, even against the advice of his own counsel and staff. <u>Id</u>.

The 14-day extension invoked by the Arts Commission under the provisions cited is inapplicable to requests for "Immediate Disclosure" appertaining to contract bidder information. Thus, such is required for production immediately. Respondents documented attempts to manufacture a pretextural basis to employ tactics designed to deny disclosure by delay of public records have been to date, successful. Carefully aided by the City Attorney's Office ran interference towards causing unnecessary delays in affirmatively responding to the IDR. <u>Id</u>.

Next, Ms. Paterson initially agreed to cooperate with Complainant, after consultation with the actors herein named, she moved to have Complainant submit the same IDR request to two additional entities. Such machinations are an equally palpable injustice. Section 67.24(e)(1) of the Sunshine Ordinance states under "Contracts, Bids and Proposal" and in relevant part provides:

"Contracts, contractors' bids, responses to requests for proposals and all other records of communications between the department and persons or firms seeking contracts shall be open to <u>inspection immediately after a</u> <u>contract has been awarded</u>." (Underlined emphasis added.)

Thus, in her official role as supervising Custodian of Records, Ms. Patterson at all relevant times was without jurisdiction to invoke a 14-day extension citing, Cal. Gov't Code §6253(c)(2) and (3) as grounds to apply a 14-day extension intended solely for the purpose of delay. **CAR: P. 224.** 

In relevant part these sections provide:

"(c) The requirements of subdivision (a) are in addition to any action required of a public agency by Section 6253.

"(2) The public agency determines that the request should be denied and bases that determination solely on an exemption listed in Section 6254.

"(3) The public agency makes available an index of its records."

No such exemption for a local public agency applicable to the operative Sunshine Ordinance Request exists anywhere in Section 6254. In sum, the Arts Commission denied the request where absolutely no exemption exist to do so. <u>Id</u>.

The Sunshine Ordinance specifically prohibits an employee from interfering with other city employees, including City Attorney staff from restricting access to public records. In an email such a violation is manifest between Deputy City Attorney Lauren Curry and Ms. Kate Patterson on August 17, 2017. <u>Id</u>.

In relevant part Ms. Patterson stated: *Hi Lauren - It's just contracts with the City correct? They don't have to turn over a contract they might have with a food vendor for example- right?* **CAR: pp. 249-250.** On the same date, Ms. Lauren Curry told Ms. Patterson that the Lease Agreement required disclosure of records immediately upon request. Ms. Patterson agreed, except when later ordered by her boss not to release them anyway. Consequently, the delay in disclosure



spanned several weeks even then, whereby the Arts Commission staff began releasing documents that should have been produced the day after the IDA were still released *only* on "rolling basis. <u>Id</u>.

Notwithstanding, no citable grounds existed then and none now, for respondent to have continued stonewalling release of the remaining records requested on August 16<sup>th</sup> given that respondents own counsel advised such should have been released "upon request." *Thanks, Kate. The Cultural Centers are also subject to Administrative Code Section 67.24(e) (copied below) which is referenced in both the grant and lease agreements.* **CAR: 250.** 

After first agreeing to produce the requested documents in behalf of the Ruth Williams Memorial Theater BVOH, Mr. Patterson subsequently reneged after consulting with various staff, including the City Attorney, who is actively coaching her on records <u>not</u> to disclose.

Accordingly, she is in constant contact with the City Attorney's office because the Complainant cited the proper standard of care from the Sunshine Ordinance. "Lauren~ See below. Just keeping you in the loop in case this escalates. We have 14 days to respond." CAR: 202. pp. 126-128, 136, 141-142.

Hl Lauren- Actually, a colleague dug up an email that was sent to Barbara clarifying what they need to turn over, so for now we have an answer. Kate how much grant funding does the city provide annually? CAR: p. 275.

"HI Lauren- Quick question is the Bayview Opera House subject to Sunshine requests? As you know the building is owned by the SFAC and they receive a large grant from us every year. My guess ls that we would need to turn over docs because it is city funded. Can you please verify? Thanks, Kate Patterson-Murphy Director of Communications San Francisco Arts Commission." CAR: p. 276.

Nothing explains why the records were not release immediately following that acknowledgment discussed by them all. Initially, and before the September 26, 2017 Complaint hearing Ms. Patterson stated that she had *no documents responsive* to the Complainant's request for BVOH Articles of Incorporation, Minutes, or Lease Agreements. "The Arts Commission has no records responsive to this request." CAR: p. 332.

Again on August 17, 2017 email conversations between the Arts Commission Executive Director, Tom DeCaigny, Ms. Patterson, and several other Arts Commission staff with BVOH Executive Director Barbara Ockel further reflect that the public records previously denied and those presently denied for production reveal a "willful intent" withhold them. <u>Id</u>.

After analyzing the apparent <u>informality</u> of the email exchanges between the aforesaid actors, from the objective standard of a reasonable person, the Arts Commission's claim that it has no documents responsive to the Complainant's requests for full disclosure not only violates both the fundamental purpose of the Sunshine Ordinance, but its spirit and intent. **CAR: p. 267.** Thus, it may readily be deduced from the excessively long delays, the Arts Commission management is predisposed to resist full disclosure and compliance because the order not to cooperate with the lawful submitted IDR directly emanates from Mr. DeCaigny at the executive level. <u>Id</u>. His infractions are more serious since as a matter of law such allegations require referral for enforcement to the Ethics Commission for an investigation.

The above-stated documents were released six (6) weeks from the date of filing the operative Complaint. This wholly unacceptable acts of resistance to full and proper disclosure ignores direct advice from the City Deputy Attorney, citing cultural centers in Lease Agreements with the city require immediate production of public records. "*Thanks, Kate. The Cultural Centers are also subject to Administrative Code Section 67.24(e) (copied below) which is referenced in both the grant and lease agreements.*" CAR: pp. 177-178.

V. SUMMARY OF PRIMA FACIE VIOLATIONS OF SUNSHINE ORDINANCE:

NO OF VIOL.(s)	SPECIFIC VIOLATION	IMPROPER OR ILLEGAL ACT(s)	CITE. TO SOTF RECORD
Count 1:	Sec. 67.21:	Supervising Custodian of Records Kate Patterson stated the records requested are public, but did not upon written receipt of Complainant's petition within 5 days and no later than 45 days notify the district attorney or attorney general to take measures to insure compliance.	
Count 2:	Sec. 67.21 (i)	From the initial filing of the IDR to the response shows that the Custodian of record and indeed the department head was represented by the City Attorney's Office in violation of the provisions of the ordinance cited.	
Count 2:	Sec. 67.24 (e)	Supervising Custodian of Records Kate Patterson failed to produce records for which the Arts Commission's Lease Agreement for rental of the Ruth Williams Bayview Opera House required immediate disclosure of all documents, including those related to bid and award of contracts. The procurement information was due the next	179, 250, 252, 265,

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		business day. Rather than comply, the supervising Custodian of Records illegally invoked the 14-day California Public Records Act in direct contravention to Section 67.24 subsections (g), (h) and (i).	
Count 3:	Sec. 67.25:	Complainant's IDR met all criteria for disclosure of cited bid and contract awards documents, including other nonexempt public records. Maximum time allowed is 10 days, not 14 days as illegally invoked by supervising Custodian of Records. The need to consult with another interested city department still does not extend the time allotted beyond the 10 day limit.	САР: р. 192.
Count 4:	Sec. 67.26	A prima facie violation occurred because Custodian of Records withheld all records from Complainant in their entirety, including those that admittedly were non-exempt. This act substantially failed to keep withholding of records to a minimum.	САР: р. 291.
Count 5:	Sec. 67.50:	No exempt records were requested in the IDR and the supervising Custodian of Records has not asserted that any of the records do not exist or that they are exempt and thus, not public.	САР: р. 260.
Count 6.	Sec. 67.53:	For the same reasons noted above, citation to Section 6253 cites improper authority and is further invalid because that authority is precluded by Section 67.26 All of the public records were withheld despite none being exempt from disclosure.	САР: р. 260.
Count 7.	Sec. 67.34	The 7 month delay come March 16, 2018 must be regarded as "willful" attributable to the long delay with multiple acts of noncompliance must be regarded as "official misconduct".	САР: рр. 166-167

# VI. THE REAL REASON ARTS COMMISSION REFUSES TO ACCOUNT FOR \$3.1 MILLION DOLLARS ALLEGEDLY SPENT ON THE BVOH RENOVATION --CORRUPTION

The Bayview Opera House Ruth Williams Memorial Theater ("BVOH") is a California nonprofit 501(c) (3) organization with a Board of Directors, whose function is ostensibly "cultivation of arts and culture" according to its Articles of Incorporation on file with the State of California Secretary of State. *See* attached. However, the BVOH IRS 990 Tax Returns show that the BVOH is engaged in prohibited unreported "economic development" business activities. Both the BVOH Executive Director Barbara Ockel and certain members of the Board have direct ties both to the Hunters Point Naval Shipyard and to rouge developers Lennar Developers, Inc.

Although the Opera House is a historic landmark, built in 1888 and officially zoned for theater, it has long been and continues to be used as a conduit for both City sponsored corrupt economic development and political money laundering in complicity with large prominent San

Francisco politicians. Specifically, two of its current board members Mr. Thor Kaslowsky, a former San Francisco Redevelopment Agency Executive Manger and Theo Ellington, own and operate economic development firms with deep ties to the Hunters Point Naval Ship Yard Developer Lennar, have each received various board and commission political appointments. Mr. Ellington is currently a proposed candidate for San Francisco Board of Supervisors for District 10 in Bayview Hunters Point ("BVHP") where the opera house is located.

Ellington also has close affiliations with the Oakland Warriors Basketball team. Current Supervisor Malia Cohen and Ellington use Ockel as "gatekeeper" for advertising and promoting numerous political campaigns and events that have promoted voter approved initiatives to allow Lennar Developer to build condos and homes on contaminated soil. No less importantly, added to this patronage army, Supervisor Cohen's aunt Jackie Cohen also sits on the same BVOH board.

For decades the community has complained of the corruption between this rouge developer and local politicians vying for power. This interplay of corruption is well-known, well-reported, and well-documented in that poverty stricken, violent, and frustrated populous of BVHP. However, for the same political reasons no governmental agency has evinced the temerity to even remotely challenge such transparent bright-line criminality. Accordingly, poor residents in particular are susceptible to the appeal of *payola* guided by the cleaver hand of Ockel and similar surrogates like her who work for and give unconditional allegiance to a malignant and corrupt patronage army that exits. Under a pretext of uplifting the community with festivities through donated food, alcohol, live music, and dancing, individuals and organizations that support this political agenda are rewarded with city financed grants, business contracts, giving the appearance of open opportunities to the poor. Ockel refuses to give a full accounting of \$5.6 million dollars purportedly spent to renovate the building. Only \$2.5 million dollars has been accounted for with respect to the hiring of the construction contractions. The balance of millions of dollars remains a secret, including the donations

However, neither the Arts Commission nor Ockel will produce any financial records showing how the remaining balance of \$3.1 million dollars was allocated. On information and belief, the balance of this unaccounted money has been used, in part, to reward cronies for political favors. The Arts Commission charges Ockel only \$1.00 per year for rental of the Opera House and receives a City six figure annual salary from Arts Commission in grants exceeding \$500,000 (2012-2016, now over \$700,000) that continued uninterrupted for four (4) consecutive years, even during the entire period in which the Opera House was closed for renovation.

Ockel previously served on the Opera House Board of Directors, as a former ship yard artist with strong present day political ties to Lennar Developers, but saw an opportunity to orchestrate removal of the former Executive Director to then assume control of the Board in furtherance of powerful political player's towards promoting "housing and commercial development" at the Hunters Point Naval Ship Yard through using starving artistic and former city employees to subvert and indeed infiltrate once independent and viable non-profit community based organizations.

Rather, the facility has become a conduit for political fundraisers, economic criminality, and a main artery to promote systematic depopulation of indigenous BVHP residents to make room for development through past and future political ballot initiatives. The actors and interchange between the political players who have actively participated in the process of subluxation of heretofore

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# REVIN WILLIAMS REPLY TO CUSTODIAN OF RECORDS KATE PATTERSON'S RESPONSES

independent individuals and nonprofit community-based organizations now under government control are motivated purely by payola and cronyism towards Redevelopment Urban Renewal style displacement of economically marginalized African Americans targeted for gentrification with little ability to fight back. The Arts Commission has become a principal financier of corruption of "play we pay" politics. That is the real reason the respondent refuses to show me the money.

#### VII. CONCLUSION

There can be neither a rational nor logical explanation for nearly a 6 month delay in producing the records requested last year on August 16, 2017, except for willful disregard of and disrespect for the Sunshine Ordinance. Based solely on the record, application of the Ordinance's principles to the operative complaint a minimum of seven (7) distinct counts of violations are cited above. The listed violations are supported by the Compliance Amendments Agenda Record. However, it is entirely understandable why respondents' would feign compliance with open government law by positing voluminous responses that are full on form and empty on substance.

Simply stated, the records requested are public and available to the Custodian of Records. Respondents admit they are public under Section 67.24, but refused to release them anyway. A transparent pretext for refusing disclosure constitutes improper governmental activity constituting moral turpitude and is independently sanctionable.

The Arts Commission would have the Taskforce members believe that it has no power or control over (nonprofit) Bayview Opera House. That the records requested are unavailable to them even in the legal capacity of grantor, and despite granting over 90% of the Bayview Opera House funding is unable to obtain their records is both laughable and an insult to modern human intelligence. Moreover, behind the needless and excessive delays are employees, including managers and department heads that fear no consequences for failing to comply. This is because these city employees are afforded free and effective representation of counsel through the City Attorney's Office, even <u>before</u> litigation and despite the Sunshine Ordinance's preclusion against legal representation of city employees. Not once did any Deputy City Attorney ever write or telephone me, a citizen of San Francisco and taxpaying client. The policy provisions of the Ordinance clearly state I am the party with a guaranteed right to must be protected over that of any city employee, as a matter of law.

Finally, Ruth Williams Memorial Theater Bayview Opera House was named by the City and County of San Francisco in honor of my dearly departed mother. She is credited with saving that historic structure from certain demolition (by the city) in the late 60's. The unassailable and documented history of proof is narrated in a 26 minute and 17 second video titled "Point of Pride", which explains the cultural significance of the landmark building for which the Arts Commission is attempting to systematically eviscerate in stone cold secrecy. The respondent and all its collaborators are employing nefarious tools of secrecy essential to accomplish a broader objective.

The poorest-of-poor residents of Bayview Hunters Point through these very same evil devices of darkness and deception are effectively being denied access to a building and indeed their very own culture. Ruth Williams gave her life to preserve a place for the disenfranchise residents of https://search.yahoo.com/yhs/search?p=Point+of+Pride+San+Francisco+Hunters that area and future generations to come.+Point&ei=UTF-8&hspart=mozilla&hsimp=yhs-002.

At this juncture, the respondent insists that the community has no right to know among other things the education, experience, and related background of a siting Board and its staff. Notwithstanding, the community has no right to know who is using the building whether or not they are individuals, business, or churches from outside or within the community. Records exit showing arbitrary excessive differential rentals of space to community residents at unaffordable prices while political fundraisers prohibited under state law are free. Respondent Arts Commission endorses the prohibitive rents that restrict the poverty stricken residents of Bayview Hunters Point access to the oldest historic landmark of its kind in the City. Respondent rents to Ockel *for only* \$1 dollar per year.

I submit to this honorable Taskforce, if it has taken me all of 6 months without success to obtain public records whose namesake is indelibly etched on the building for perpetuity, then how long would it conceivably take for an interested citizen to obtain them? Not only must respondent be ordered to produce the public records sought, but every applicable sanction must be invoked to discourage such willful misconduct in the foreseeable future and to further insure the good people of San Francisco the well-deserved tangible benefits of open government. That benefit will never manifest from a mere florescent appearance, but from the warm and reassuring confidence of natural sunlight required to effectively expose the darkness of deception of these perpetrators. Only if the rules of the Ordinance are properly obeyed are the citizens protected from governmental wrongdoing precipitated by arrogant acts of misconduct of public officials with impunity.

Dated: February 13, 2018

Respectfully submitted,

Kevin B. Williams

/s/ Kevin B. Williams, Complainant

# EXHIBIT A

# [Complainant's Reply to Custodial of Records Kate Paterson]

# REVISED IMMEDIATE DISCLOSURE REQUEST

# Contracts & Procurement:

1) Provide for public disclosure, a conformed copy of ANY and ALL contracts, grants, loans, bids, and any purchase orders of whatever kind that are directly related to or indirectly pertain to the \$5.6 million dollar historic renovation of the Bayview Opera House Ruth Williams Memorial Theater. Please also include, where and in what trade publication(s) the contract was advertised prior to bid;

#### **REBUTTAL:**

- Respondent produced only \$2.5 million dollars representing the prime contractor M H Construction therewith nine (9) change orders of approximately 800k. Thus, \$3.1 million dollars does not appear to be accounted for as no explanation accompanied the response.
- 2) Submit copies of the progress payments issued covering each phase of the renovation work leading up to and including project completion;

#### **REBUTTAL:**

(See rebuttal at SOR No. 1.)

3) Produce copies of all notices soliciting public comment or public participation prior to the design and rebuild phase of the renovation project, including sign-in sheets;

#### **REBUTTAL:**

> Respondent has failed to disclose public records responsive to the request, to date.

4) Provide conformed copies of the bid documents, list of bidders, competitive bid amount and ALL documents, which reflect the selection of the lowest, responsive, responsible bidder chosen for the work. Include a list of the subcontractors and any change orders submitted, which might have increased the contract base bid amount.

# **REBUTTAL:**

- ➢ Bid documents and related bidder lists were produced reflecting award of the renovation prime contract with subcontractors. However, the contract award does not account for the balance of \$3.1 million dollars of the total published expenditure of \$5.6 million dollars.
- 5) Submit a copy of ALL bids for the commercial painting, including pre-renovation signage advertisement of public notice of temporary closure of the building followed by the grand

opening, broken down by race, gender, or sex approved either by the BVOH Board and/or Arts Commission between 2013-2017;

#### **REBUTTAL:**

- Respondent has failed to produce disclosure of public records responsive to the request, to date with respect to pre-renovation advertisement of public notice of temporary closure.
- 6) Provide for public disclosure, a conformed copy of ANY and ALL proposals received by the BVOH pertaining to any selection panel comprised either of a "Committee" and/or, Commission person with respect to construction, architectural/engineering, personal, professional services, and consulting contracts awarded by the BVOH Board or Arts Commission between 2013 and 2017;

# **REBUTTAL:**

# *Request is waived.*

Respondent refused disclosure of public records responsive to the request has been produced to date with respect to any proposals received pertaining to any selection panel or committee and/or Commission person with respect to consulting contracts awarded between 2013 and 2017;

# **Events Revenue**

7) Produce for public disclosure, a conformed copy of ANY and ALL contracts, purchase orders, or vendor agreements obtained via competitive bid and/or Request for Proposal ("RFP"), and revenue therefrom, broken down by race, gender, and sex, and approved by the BVOH Board and/or Art Commission or in any instance where there was no competitive bidding between 2013 and 2017;

# **REBUTTAL:**

# *Request is waived.*

- Respondent has refused to produce but two purchase orders covering the entire period requested without identification of any signed and executed contracts.
- 8) Submit for public disclosure ALL "Public" as well as "Private" events and ANY corresponding signed and executed contracts with corresponding dollar amount for each space rental paid and revenue generated therefrom, broken down by race, gender, and sex between 2013 and 2017;

# **REBUTTAL:**

- Respondent refused disclosure of public records responsive to the request to identifying the renters for each "public" or "private" event and dates pertaining to payments for space and revenue generated therefrom between 2013 and 2017.
- 9) Provide for public disclosure, ANY and ALL contracts, including but not limited to ANY short term or long term agreements, purchase orders, or contract modifications of ANY dollar

amount awarded, broken down by race, gender, or sex and approved by the BVOH Board or Arts Commission between 2013 and 2017;

# **REBUTTAL:**

- Request minutes between 2013 to 2017 in readable format word or PDF format. Submission is responsive, but unable to open document as submitted.
- > Unsigned and unexecuted leasehold agreements between the Arts Commission and Bayview Opera House Ruth Williams Memorial Theater, is nonresponsive due to lack of official signatures.
- 10) Produce for public disclosure, the total revenue of ANY and ALL sources of income within each fiscal year beginning 2013 through 2017;

#### **REBUTTAL:**

(See refusal to disclose is same as No. 8)

11) Submit for public disclosure, copies of ANY and ALL consultant contracts, including but not limited to professional, personal, legal, office equipment, furniture, maintenance, and accounting contracts or vendor agreements of any kind issued between 2013 and 2017, and total payments related thereto, broken down by race, gender, and sex;

#### **REBUTTAL:**

*Request is substantially waived to identification of "legal services" and the amount paid.* 

- ➤ No disclosure of public records responsive to the request has been produced to date professional, personal, legal, office equipment, furniture, maintenance, and accounting contracts or vendor agreements of any kind issued between 2013 and 2017, and total payments related thereto, broken down by race, gender, and sex.
- 12) Provide federal and state tax returns filed for tax years 2013 through 2017;

# **REBUTTAL:**

The submissions of 990 federal tax returns were responsive to the SOR.

13) Produce conformed copies of ANY and ALL documents, reflecting donations of food, liquor, and wine, including but not limited to ANY other source of donations for anything else properly related to BVOH goals and objectives;

# **REBUTTAL:**

Respondent refused disclosure of public records responsive to the request reflecting dates of in-kind donations of food, liquor, and wine from any source.

# **BVOH Board of Directors**

KEVIN WILLIAMS REPLY TO CUSTODIAN OF RECORDS KATE PATTERSON'S RESPONSES

14) Submit for public disclosure, the <u>resumes of each BVOH Board member</u><sup>3</sup> from 2009 through 2017. Identify by name whether any former member of the Board subsequently became an employee during any calendar year(s);

# **REBUTTAL:**

- Effective on September 28, 2017, Ms. Patterson via email informed Complainant that the only resume to be disclosed will be the resume of Executive Director Barbara Ockel because she (Patterson) does not have a copy of it.
- 11) Provide conformed copies of unredacted Board Minutes, therewith related correspondence reflecting the location where each meeting was held, if other than at 4702 Street, covering the period between 2013 through 2017. In addition, identify rents paid at both the main Opera House facility and the new Third Street, San Francisco BVOH satellite office with a copy of the rental agreement;

# **REBUTTAL:**

(See SOR Nos. 9 and 14)

12) Respondent produced a conformed copy of the BVOH Articles of Incorporation only after appearing before the Sunshine Taskforce;

#### **REBUTTAL:**

- Respondent provided documents following Sunshine Taskforce Complaint Committee hearing on September 28, 2017 and is responsive to August 16, 2017 SOR.
- 13) Submit a copy of ALL Board and Staff reports covering the period between 2013 and 2017;

#### **REBUTTAL:**

# **Request Waived.**

- Staff and Board reports shown in minutes having been discussed, but to date not produced for public consumption.
- 14) Provide ANY and ALL BVOH funding sources between 2013 and 2017;

#### **REBUTTAL:**

On information and belief, BVOH has served as fiscal agent for other non-profits and received income therefrom, but either fails to disclose or refuses to produce fiscal documents of such revenue. Thus, respondent is nonresponsive in that complete disclosure has been requested, but denied by unreasonable delay.

# **BVOH Staff**

15) Produce a copy of ALL job descriptions and methods of advertisement, recruitment, and retention of employees, therewith Equal Employment Opportunity Policy and Procedures Handbook;

#### **REBUTTAL:**

<sup>3</sup> Section 67.21

- Respondent refuses to produce job descriptions for any position, except for the BVOH Executive Director.
- 16) Submit for public disclosure, the total number and respective salaries of ALL BVOH employees, identify each job classification up to and including, administrative, management, and supervisorial occupations with respective dates of hire, delineated by race, gender, and sex employed between 2013 and 2017,

#### **REBUTTAL:**

- Respondent refuses to produce public documents responsive to the request for staff salaries, delineated by job classification; therewith dates of hire have been produced as a public record for disclosure.
- 17) Provide documents or records, which clearly identifies the exact Board/Management person(s) authorized to make hiring and firing decisions;

# **REBUTTAL:**

# Request is waived.

- Respondent refuses to identify whether the board or management is authorized to make hiring and firing decisions.
- 18) Respondent refuses to produce the EEO statistical data (*without names*) of staff, including interns fired or discharged for cause delineated by race, gender, and sex between 2013 and 2017;

# **REBUTTAL:**

- ➢ Request for statistical information on BVOH hiring and retention of women and minorities denied, and as such is deemed nonresponsive to the SOR.
- 19) Submit a list of paid staff presently employed with the BVOH, whether part-time or full time delineated by race, gender, sex, including residency status or domicile, either within, or outside of the City and County of San Francisco;

#### **REBUTTAL:**

- Request for statistical information on BVOH full-time and part-time hiring and retention of women and minorities was denied for both employees domiciled within and outside of the City and County of San Francisco, and as such is deemed nonresponsive to the SOR.
- 20) Produce ANY and ALL documents, records, or correspondence of any kind relating to authorization granted by the BVOH Board and/or Arts Commission to solicit funds under the name of the late Karla Johnson of the Mayor's Office on Disability. In addition thereto, please produce an accounting as to the total use of these funds;

#### **REBUTTAL:**

Respondent disclosed *only* the balance of unused funds solicited under the name of the late Karla Johnson through the BVOH Ruth Williams Memorial Theater, without either identifying any person(s) that authorized the public solicitation for private funding or producing an accounting of monies heretofore expended.

\_\_\_\_\_

21) Submit ANY and ALL documents, records, or correspondence of any kind relating to authorization granted by the BVOH Board and/or Arts Commission to solicit funds or authorize any grants towards education related to contributions to San Francisco theater arts made by the late Ruth Williams following the September 1995 renaming of the historic landmark honoring her name;

# **REBUTTAL:**

# Request is waived.

Respondent has refused disclosure of public records relating to any authorization by the BVOH Board and/or Arts Commission to solicit funds or any grants towards education related to contributions to San Francisco theater arts by the late Ruth Williams following the September 1995 renaming of the historic landmark honoring her memory responsive to the SOR.

# E-mail, Letter, Community/Event Notices, Correspondence

22) Provide ANY and ALL email, community, or event notices and incoming and outgoing correspondence between 2013 and 2017;

# **REBUTTAL:**

- Respondent refused to produce any email, community, or event notices and incoming and outgoing correspondence between 2013 and 2017 responsive to the SOR.
- 23) Produce names, fliers, posters, and related notices of ALL **plays or theatrical productions** performed at the Ruth Williams Memorial Theater;

#### **REBUTTAL:**

- Respondent refused to produce names, fliers, posters, and related notices of ALL plays or theatrical productions performed at the Ruth Williams Memorial Theater responsive to the SOR.
- 24) Submit ANY and ALL payments made to musicians, dancers, bands, music or dance instructors related to performing arts occurring between 2013 and 2017; and

#### **REBUTTAL:**

- Respondent produced no proof of payments made to musicians, dancers, bands, music or dance instructors related to performing arts occurring between 2013 and 2017 responsive to the SOR.
- 25) Provide ALL other sources of income, including public grants and private grants;

# **REBUTTAL:**

Respondent produced no records of all sources of income from private and public rentals of the facility, including <u>other income as a fiscal agent to other non-profits and "unreported</u> <u>economic development</u>" related activities.

# BVOH Ruth Williams Memorial Theater Community Contacts & Resource Lists

26) Submit ALL contact lists covering each organization, business, and individuals utilized for notifying the public of special events, meetings, and conferences;

# **REBUTTAL:**

Respondent refused to produce email and physical addresses of contact lists of organizations, businesses, and individuals submitted for which the BVOH interacts with appertaining to the arts, culture, and community educational activities. Respondent lists only names of individuals, businesses, and organization while completely omitting the contact information.



August 16, 2017

<u>VIA E-MAIL only: barbara@bvoh.org</u> Barbara Ockel Bayview Opera House Ruth Williams Memorial Theater 4705 Third Street San Francisco, CA 94124

# SUBJECT: SUNSHINE REQUEST FOR <u>IMMEDIATE</u> <u>DISCLOSURE</u> OF PUBLIC RECORDS

Dear Ms. Ockel or Custodian of Records:

Under the Sunshine Ordinance, I respectfully request the following public records be produced to me <u>IMMEDIATELY</u> as required by Chapter 67.25 of the San Francisco Administrative Code, notwithstanding a ten (10) day period allotted for response pursuant to Government Code Section 6256:

# **REQUEST FOR PUBLIC DISCLOSURE OF DOCUMENTS**

# **Contracts & Procurement:**

- Provide for public disclosure, a conformed copy of ANY and ALL contracts, grants, loans, bids, and any purchase orders of whatever kind that are directly related to or indirectly pertain to the \$5.6 million dollar historic renovation of the Bayview Opera House Ruth Williams Memorial Theater. Please also include, where and in what trade publication(s) the contract was advertised prior to bid;
- 2) Submit copies of the progress payments issued covering each phase of the renovation work leading up to and including project completion;
- 3) Produce copies of all notices soliciting public comment or public participation prior to the design and rebuild phase of the renovation project, including sign-in sheets;
- 4) Provide conformed copies of the bid documents, list of bidders, competitive bid amount and ALL documents, which reflect the selection of the lowest, responsive, responsible bidder chosen for the work. Include a list of the subcontractors and any change orders submitted, which might have increased the contract base bid amount.

- 5) Submit a copy of ALL bids for the commercial painting, including pre-renovation signage advertisement of public notice of temporary closure of the building followed by the grand opening, broken down by race, gender, or sex approved either by the BVOH Board and/or Arts Commission between 2013-2017;
- 6) Provide for public disclosure, a conformed copy of ANY and ALL proposals received by the BVOH pertaining to any selection panel comprised either of a "Committee" and/or, Commission person with respect to construction, architectural/engineering, personal, professional services, and consulting contracts awarded by the BVOH Board or Arts Commission between 2013 and 2017;

# **Events Revenue**

- 7) Produce for public disclosure, a conformed copy of ANY and ALL contracts, purchase orders, or vendor agreements obtained via competitive bid and/or Request for Proposal ("RFP"), and revenue therefrom, broken down by race, gender, and sex, and approved by the BVOH Board and/or Art Commission or in any instance where there was no competitive bidding between 2013 and 2017;
- 8) Submit for public disclosure ALL "Public" as well as "Private" events and ANY corresponding signed and executed contracts with corresponding dollar amount for each space rental paid and revenue generated therefrom, broken down by race, gender, and sex between 2013 and 2017;
- 9) Provide for public disclosure, ANY and ALL contracts, including but not limited to ANY short term or long term agreements, purchase orders, or contract modifications of ANY dollar amount awarded, broken down by race, gender, or sex and approved by the BVOH Board or Arts Commission between 2013 and 2017;
- 10) Produce for public disclosure, the total revenue of ANY and ALL sources of income within each fiscal year beginning 2013 through 2017;
- 11) Submit for public disclosure, copies of ANY and ALL consultant contracts, including but not limited to professional, personal, legal, office equipment, furniture, maintenance, and accounting contracts or vendor agreements of any kind issued between 2013 and 2017, and total payments related thereto, broken down by race, gender, and sex;
- 12) Provide federal and state tax returns filed for tax years 2013 through 2017;
- 13) Produce conformed copies of ANY and ALL documents, reflecting donations of food, liquor, and wine, including but not limited to ANY other source of donations for anything else properly related to BVOH goals and objectives;

2

# **BVOH Board of Directors**

- 14) Submit for public disclosure, the resumes of each BVOH Board member from 2009 through 2017. Identify by name whether any former member of the Board subsequently became an employee during any calendar year(s);
- A) Provide conformed copies of unredacted Board Minutes, therewith related correspondence reflecting the location where each meeting was held, if other than at 4705 Street, covering the period between 2013 through 2017. In addition, identify rents paid at both the main Opera House facility and the new Third Street, San Francisco BVOH satellite office with a copy of the rental agreement;
- B) Produce a conformed copy of the BVOH Articles of Incorporation;
- C) Submit a copy of ALL Board and Staff reports covering the period between 2013 and 2017;
- D) Provide ANY and ALL BVOH funding sources between 2013 and 2017;

# **BVOH Staff**

- 15) Produce a copy of ALL job descriptions and methods of advertisement, recruitment, and retention of employees, therewith Equal Employment Opportunity Policy and Procedures Handbook;
- 16) Submit for public disclosure, the total number and respective salaries of ALL BVOH employees, identify each job classification up to and including, administrative, management, and supervisorial occupations with respective dates of hire, delineated by race, gender, and sex employed between 2013 and 2017,
- 17) Provide documents or records, which clearly identifies the exact Board/Management person(s) authorized to make hiring and firing decisions;
- 18) Produce the NUMBER (*only without names*) of staff, including interns fired or discharged for cause delineated by race, gender, and sex between 2013 and 2017;
- 19) Submit a list of paid staff presently employed with the BVOH, whether part-time or full time delineated by race, gender, sex, including residency status or domicile, either within, or outside of the City and County of San Francisco.
- 20) Produce ANY and ALL documents, records, or correspondence of any kind relating to authorization granted by the BVOH Board and/or Arts Commission to solicit funds under the name of the late Karla Johnson of the Mayor's Office on Disability. In addition thereto, please produce an accounting as to the total use of these funds.

Submit ANY and ALL documents, records, or correspondence of any kind relating 21)to authorization granted by the BVOH Board and/or Arts Commission to solicit funds or authorize any grants towards education related to contributions to San Francisco theater arts the late Ruth Williams made following the September 1995 renaming of the historic landmark honoring her name.

### E-mail, Letter, Community/Event Notices, Correspondence

- Provide ANY and ALL email, community, or event notices and incoming and 22) outgoing correspondence between 2013 and 2017;
- Produce names, fliers, posters, and related notices of ALL plays or theatrical 23) productions performed at the Ruth Williams Theater;
- 24) Submit ANY and ALL payments made to musicians, dancers, bands, music or dance instructors related to the performing arts occurring between 2013 and 2017; and
- 25) Provide ALL other sources of income, including public grants and private grants;

# **BVOH Ruth Williams Memorial Theater Community Contacts & Resource Lists**

Submit ALL contact lists covering each organization, business, and individuals 26) utilized for notifying the public of special events, meetings, and conferences.

Please note that I will promptly pay for any copying fee or other reasonable costs associated with recovering the information in any retrievable format such as CD-ROM, thumb-drive, or electronic mail. If you should require any additional time in which to produce these public records, please don't hesitate to contact me at (415) 424-8221 within one business day of receipt of this request in accordance with San Francisco Administrative Code Section 67.25, as amended.

If after this submission, there may subsequently appear any unreasonable delay in production of these public records, please be advised that I will promptly take appropriate steps to secure them. Thank you in advance for your anticipated prompt response to this Sunshine Ordinance request for production of public records.

511 alions Respectfully submitted, Kevih B.

### Patterson, Kate (ART)

From:	Patterson, Kate (ART)
Sent:	Monday, August 21, 2017 3:13 PM
То:	'kevin williams'
Cc:	Celaya, Caroline (MTA); Takayama, Robynn (ART); Mumby, Barbara (ART); Steinberg,
	David (DPW)
Subject:	RE: Memorial to Ruth Williams and Mary Booker

Dear Mr. Williams,

I am in the process of responding fully to your records request and I am confident that we will meet the deadline of August 30 (the deadline after the 14 day extension, which was invoked on August 17, 2017).

The Arts Commission does not have many of the documents requested in the section "Contracts & Procurement". I did in fact speak with the City Attorney who confirmed that I should help assist you in getting the requested records from other City departments, namely the SFMTA and DPW. I fulfilled my responsibility in helping facilitate the transfer of records responsive to this request in an email introduction to both Custodians of Records for DPW and SFMTA in which I included your original letter.

The SFMTA and DPW asked that you please submit a separate request so that they could assist you – that is their process. I believe everyone is doing their best to comply with your request, which is voluminous in nature. We would appreciate your patience as we gather these records.

Sincerely,

Kate Patterson-Murphy Director of Communications

San Francisco Arts Commission 401 Van Ness Avenue, Suite 325 San Francisco, CA 94102 T: 415-252-2229 sfartscommission.org

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**NOTICE:** Please be mindful that all correspondence and documents submitted to the San Francisco Arts Commission are public records and as such, are subject to the <u>Sunshine Ordinance</u> and can be requested by the public. If this happens, all sensitive personal information, such as Social Security numbers and phone numbers, will be redacted.

From: kevin williams [mailto:williams532001@yahoo.com] Sent: Monday, August 21, 2017 2:46 PM To: Patterson, Kate (ART) <kate.patterson@sfgov.org> Cc: Celaya, Caroline (MTA) <caroline.celaya@sfmta.com>; Takayama, Robynn (ART) <robynn.takayama@sfgov.org>;

Mumby, Barbara (ART) <br/>barbara.mumby@sfgov.org>

Subject: Re: Memorial to Ruth Williams and Mary Booker

Respectfully, neither will I complete any forms nor direct them to three different departments since the Sunshine Ordinance requires *only* that such requests be made by definition to "*a department*" of the City and County of San Francisco. (*See* Gov. Code sec. 6252(a)(d)) To that extent, any tier of fact whether it be the Sunshine Task Force, Board of Supervisors, or a court of competent jurisdiction would find it unreasonable and indeed sanctionable as bad faith conduct, to have a member of the public go to three separate agencies of the same City government for disclosure of public documents appertaining to a single contract. For that reason specific reason, I find particularly troubling that you have carbon copied Ms. Caroline Celaya, the custodian of record for the MTA on this very email, which is attached to the actual recently submitted 4-page Sunshine Ordinance Request. *If the same transfer of information could be done with the MTA, would it not be reasonable to conclude that the custodian of records for the DPW could have been provided with the same exact request as you have already demonstrated is possible with the MTA?* 

In any event, after first offering to provide the information unabated, now over the the course a weekend there appears a refusal to comply with a previously agreed upon method and timetable for public disclosure. Thereon, you requested a fourteen (14) day extension with no such hitches. Did you consult with the City Attorney's Office before requesting that I duplicate my request for production public records?

With all due respect, I must therefore construe these nonsensical and unnecessary machinations as being orchestrated purely for the sake of delay. All of the \$5.6 million dollar renovation contract work was advertised, signed, and executed at the (BVOH) Ruth Williams Memorial Theater, a property owned and controlled by the San Francisco Arts Commission, an entity created by Board of Supervisors resolution.

In closing, please comply with the request as agreed and provide the information requested as clearly written. If for any reason the Arts Commission will not keep its written promise to timely produce the documents for public disclosure, please accept this as my Petition to your supervisor herein submitted pursuant to San Francisco Administrative Code Section 67.21(d) shown below. Be advised that I will promptly proceed to have this Sunshine Ordinance Request vigorously enforced, either by the district attorney or the attorney general as authorized under law.

#### SEC. 67.20. DEFINITIONS.

Whenever in this article the following words or phrases are used, they shall mean:

(a) "Department" shall mean a department of the City and County of San Francisco. (Italics added)

(b) "Public Information" shall mean the content of "public records" as defined in the California Public Records Act (Government Code Section 6252), whether provided in documentary form or in an oral communication..., "

# SEC. 67.21. PROCESS FOR GAINING ACCESS TO PUBLIC RECORDS;

(d) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b), the person making the request may petition the *supervisor of records* for a determination whether the record requested is public. The supervisor of records shall inform the petitioner, as soon as possible and within 10 days, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petition, and where otherwise desirable, this determination shall be in writing. Upon the determination by the supervisor of records that the record is public, the supervisor of records shall immediately order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order within 5 days, the supervisor of records shall notify the district attorney or the attorney general who shall take whatever measures she or he deems necessary and appropriate to insure compliance with the provisions of this ordinance.

If you have any further questions, please feel free to contact me directly at (415) 424-8221.

Thank you,

Kevin B. Williams

On Monday, August 21, 2017 11:36 AM, "Patterson, Kate (ART)" < kate.patterson@sfgov.org > wrote:

Dear Mr. Williams,

After reviewing the attached letter with my colleagues, please note that for item 1-4 under "Contracts & Procurement" you will also need to contact the SFMTA's Custodian of Records Caroline Celaya, cc'd here for your convenience.

The SFMTA was the lead agency for Phase One of the construction project. Please reach out to Ms. Celaya with a separate request for records outlining just the things you need from this Agency.

Sincerely,

Kate Patterson-Murphy Director of Communications

San Francisco Arts Commission 401 Van Ness Avenue, Suite 325 San Francisco, CA 94102 T: 415-252-2229 sfartscommission.org

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**NOTICE:** Please be mindful that all correspondence and documents submitted to the San Francisco Arts Commission are public records and as such, are subject to the <u>Sunshine Ordinance</u> and can be requested by the public. If this happens, all sensitive personal information, such as Social Security numbers and phone numbers, will be redacted.

From: kevin williams [mailto:williams532001@yahoo.com] Sent: Thursday, August 17, 2017 12:38 PM To: Patterson, Kate (ART) <<u>kate.patterson@sfgov.org</u>> Cc: Mumby, Barbara (ART) <<u>barbara.mumby@sfgov.org</u>> Subject: Re: Memorial to Ruth Williams and Mary Booker

Hello Ms. Patterson:

I will be providing a detailed complaint once I obtain all of responses to my Sunshine Ordinance Request, which is attached below. Quite frankly, a great deal of tension exists in the community over the widely held perception that the residents don't have proper access to the facility. More importantly, a rash of complaints that

I have verified indicates the BVOH Board of Directors and Barbara Ockel are not in sync with the people there. I personally attended its last months Board meeting in an attempt to explain the need for cooperation, but unfortunately I was completely ignored. No follow-up on any of my suggestions made. I find shocking that my personal presence and desire to share legitimate concerns expressed from the community appear to have been brushed off so cavalierly. Director Barbara Ockel and the Board have refused to inform, even other members of my family when their next meeting will take place. This is unacceptable. Many complaints center on the prohibitive costs for rental of the theater for private events, some of which are arbitrary and based solely on her discretion. I have copiously documented these facts and know they found are grounded in truth. Recently, I received a report that she called the police on a Black community-based labor organization named ABU (Aboriginal Black Unity) who demanded to participate in painting the building. I am committed to ending this totally adversarial relationship through potent community action. Whenever, these highly questionable incidents occur Ms. Ockel remarks that she is following the direction of the Arts Commission.

Accordingly, please let me know when the next BVOH Board meeting will be held and consider having someone in authority for the Arts Commission present to hear from the community.

Thank you,

Kevin Williams Tel.: (415) 424-8221

On Tuesday, July 18, 2017 4:01 PM, "Patterson, Kate (ART)" < kate patterson@sfgov.org > wrote:

Dear Mr. Williams,

Nice speaking to you. Please find below the email chain related to the mural petition.

Thank you for your candor and for sharing some of the community's concerns about how the center is being run and the types of programs being offered. When you have some time, please rearticulate your thoughts and concerns in writing so that we have them documented accurately and so that we can discuss potential next steps internally.

Sincerely,

Kate Patterson-Murphy Director of Communications

San Francisco Arts Commission 401 Van Ness Avenue, Suite 325 San Francisco, CA 94102 T: 415-252-2229 sfartscommission.org

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**NOTICE:** Please be mindful that all correspondence and documents submitted to the San Francisco Arts Commission are public records and as such, are subject to the <u>Sunshine Ordinance</u> and can be requested by the public. If this happens, all sensitive personal information, such as Social Security numbers and phone numbers, will be redacted.

From: Barbara Ockel [mailto:barbara@bvoh.org] Sent: Monday, July 17, 2017 5:19 PM To: Patterson, Kate (ART) <<u>kate.patterson@sfgov.org</u>>; Cc: Mumby, Barbara (ART) <<u>barbara.mumby@sfgov.org</u>> Subject: Re: Memorial to Ruth Williams and Mary Booker

Hi Kate,

Thanks so much for including me in the conversation, we are always looking to connect with the community for input and new ideas.

#### Hi Leela,

I found the stack of signatures you collected on my desk, but was unable to find any contact information, so that I glad you got in touch with the SFAC. Would love to connect with you and hear about your hopes and visions for the Bayview Opera House Ruth Williams Memorial Theatre. As Kate mentioned, I already had applied for one grant to place a large memorial plaque with the proper building name into the side walk, but unfortunately that particular grant was not successful. We will try again.

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Barbara

Barbara Ockel Executive Director

BAYVIEW OPERA HOUSE 4705 3rd St, San Francisco, CA 94124 www.bvoh.org | Facebook Tel: 415.824.0386 | Cell: 415.640.6626

On Jul 17, 2017, at 4:52 PM, Patterson, Kate (ART) <<u>kate.patterson@sfgov.org</u>> wrote:

Hi Leela,

It was lovely speaking to you this afternoon. Per our conversation, I'm writing to memorialize our discussion regarding the petition to create a mural in honor of Ruth Williams and Mary Booker on the Bayview Opera House. First let me say that the Arts Commission agrees these women need to be honored in a way that adequately celebrates their contributions to the community and the arts.

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Barbara – if you have answers to these questions, please chime in.

Thanks again, and let me know if you have any questions.

Best,

Kate Patterson-Murphy Director of Communications

San Francisco Arts Commission 401 Van Ness Avenue, Suite 325 San Francisco, CA 94102 T: 415-252-2229 sfartscommission.org

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# Patterson, Kate (ART)

From:	Patterson, Kate (ART)
Sent:	Monday, August 21, 2017 2:49 PM
To:	Curry, Lauren (CAT)
Cc:	Krell, Rebekah (ART); Mumby, Barbara (ART); Takayama, Robynn (ART)
Subject:	FW: Memorial to Ruth Williams and Mary Booker

Lauren – See below. Just keeping you in the loop in case this escalates. We have 14 days to respond.

Kate Patterson-Murphy Director of Communications

San Francisco Arts Commission 401 Van Ness Avenue, Suite 325 San Francisco, CA 94102 T: 415-252-2229 sfartscommission.org

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From: kevin williams [mailto:williams532001@yahoo.com] Sent: Monday, August 21, 2017 2:46 PM To: Patterson, Kate (ART) <kate.patterson@sfgov.org> Cc: Celaya, Caroline (MTA) <caroline.celaya@sfmta.com>; Takayama, Robynn (ART) <robynn.takayama@sfgov.org>; Mumby, Barbara (ART) <barbara.mumby@sfgov.org> Subject: Re: Memorial to Ruth Williams and Mary Booker

Respectfully, neither will I complete any forms nor direct them to three different departments since the Sunshine Ordinance requires *only* that such requests be made by definition to "*a department*" of the City and County of San Francisco. (*See* Gov. Code sec. 6252(a)(d)) To that extent, any tier of fact whether it be the Sunshine Task Force, Board of Supervisors, or a court of competent jurisdiction would find it unreasonable and indeed sanctionable as bad faith conduct, to have a member of the public go to three separate agencies of the same City government for disclosure of public documents appertaining to a single contract. For that reason specific reason, I find particularly troubling that you have carbon copied Ms. Caroline Celaya, the custodian of record for the MTA on this very email, which is attached to the actual recently submitted 4-page Sunshine Ordinance Request. *If the same transfer of information could be done with the MTA, would it not be reasonable to conclude that the custodian of records for the DPW could have been provided with the same exact request as you have already demonstrated is possible with the MTA?* 

In any event, after first offering to provide the information unabated, now over the the course a weekend there appears a refusal to comply with a previously agreed upon method and timetable for public disclosure. Thereon, you requested a fourteen (14) day extension with no such hitches. Did you consult with the City Attorney's Office before requesting that I duplicate my request for production public records?

With all due respect, I must therefore construe these nonsensical and unnecessary machinations as being orchestrated purely for the sake of delay. All of the \$5.6 million dollar renovation contract work was advertised, signed, and executed at the (BVOH) Ruth Williams Memorial Theater, a property owned and controlled by the San Francisco Arts Commission, an entity created by Board of Supervisors resolution.

In closing, please comply with the request as agreed and provide the information requested as clearly written. If for any reason the Arts Commission will not keep its written promise to timely produce the documents for public disclosure, please accept this as my Petition to your supervisor herein submitted pursuant to San Francisco Administrative Code Section 67.21(d) shown below. Be advised that I will promptly proceed to have this Sunshine Ordinance Request vigorously enforced, either by the district attorney or the attorney general as authorized under law.

#### SEC. 67.20. DEFINITIONS.

Whenever in this article the following words or phrases are used, they shall mean:

(a) "Department" shall mean a department of the City and County of San Francisco. (Italics added)

(b) "Public Information" shall mean the content of "public records" as defined in the California Public Records Act (Government Code Section 6252), whether provided in documentary form or in an oral communication... "

# SEC. 67.21. PROCESS FOR GAINING ACCESS TO PUBLIC RECORDS;

(d) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b), the person making the request may petition the *supervisor of records* for a determination whether the record requested is public. The supervisor of records shall inform the petitioner, as soon as possible and within 10 days, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petition, and where otherwise desirable, this determination shall be in writing. Upon the determination by the supervisor of records that the record is public, the supervisor of records shall immediately order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order within 5 days, the supervisor of records shall notify the district attorney or the attorney general who shall take whatever measures she or he deems necessary and appropriate to insure compliance with the provisions of this ordinance.

If you have any further questions, please feel free to contact me directly at (415) 424-8221.

Thank you,

Kevin B. Williams

On Monday, August 21, 2017 11:36 AM, "Patterson, Kate (ART)" < kate.patterson@sfgov.org > wrote:

Dear Mr. Williams,

After reviewing the attached letter with my colleagues, please note that for item 1-4 under "Contracts & Procurement" you will also need to contact the SFMTA's Custodian of Records Caroline Celaya, cc'd here for your convenience.

The SFMTA was the lead agency for Phase One of the construction project. Please reach out to Ms. Celaya with a separate request for records outlining just the things you need from this Agency.

Sincerely,

Kate Patterson-Murphy Director of Communications

San Francisco Arts Commission 401 Van Ness Avenue, Suite 325 San Francisco, CA 94102 T: 415-252-2229 sfartscommission.org

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Hello Ms. Patterson:

I will be providing a detailed complaint once I obtain all of responses to my Sunshine Ordinance Request, which is attached below. Quite frankly, a great deal of tension exists in the community over the widely held perception that the residents don't have proper access to the facility. More importantly, a rash of complaints that I have verified indicates the BVOH Board of Directors and Barbara Ockel are not in sync with the people there. I personally attended its last months Board meeting in an attempt to explain the need for cooperation, but unfortunately I was completely ignored. No follow-up on any of my suggestions made. I find shocking that my personal presence and desire to share legitimate concerns expressed from the community appear to have been brushed off so cavalierly. Director Barbara Ockel and the Board have refused to inform, even other members of my family when their next meeting will take place. This is unacceptable. Many complaints center on the prohibitive costs for rental of the theater for private events, some of which are arbitrary and based solely on her discretion. I have copiously documented these facts and know they found are grounded in truth. Recently, I received a report that she called the police on a Black community-based labor organization named ABU (Aboriginal Black Unity) who demanded to participate in painting the building. I am committed to ending this totally adversarial relationship through potent community action. Whenever, these highly questionable incidents occur Ms. Ockel remarks that she is following the direction of the Arts Commission.

Accordingly, please let me know when the next BVOH Board meeting will be held and consider having someone in authority for the Arts Commission present to hear from the community.

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Hi Kate,

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Hi Leela,

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# BAYVIEW OPERA HOUSE

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Barbara – if you have answers to these questions, please chime in.

Thanks again, and let me know if you have any questions.

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From:	Patterson, Kate (ART)
Sent:	Monday, August 21, 2017 11:37 AM
To:	'kevin williams'
Cc:	Celaya, Caroline (MTA); Takayama, Robynn (ART); Mumby, Barbara (ART)
Subject:	FW: Memorial to Ruth Williams and Mary Booker
Attachments:	Sunshine Ordinance Request for Public Records.docx.pdf

Dear Mr. Williams,

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The SFMTA was the lead agency for Phase One of the construction project. Please reach out to Ms. Celaya with a separate request for records outlining just the things you need from this Agency.

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Thank you,

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From:	
Sent:	
То:	
Ćc:	
Subject:	
Attachments	

Steinberg, David (DPW) Monday, August 21, 2017 11:35 AM Patterson, Kate (ART); kevin williams Takayama, Robynn (ART); Mumby, Barbara (ART). RE: Memorial to Ruth Williams and Mary Booker Public Records Request Form 2017.pdf

Hi Kate,

Thanks for passing along the information.

Mr. Williams: Attached please find a copy of the Public Works records request form, which you can return to me. Or if you prefer, you can send your request in a letter directly to me at this email address.

Regards,



## David Steinberg

Principal Administrative Analyst & Custodían of Records San Francisco Public Works | City and County of San Francisco City Hall, Room 348 - 1 Dr. Carlton B. Goodlett Pl. | San Francisco, CA 94102 | (415) 554-6950 <u>sfpublicworks.org</u> <u>twitter.com/sfpublicworks</u>

From: Patterson, Kate (ART)

Sent: Monday, August 21, 2017 11:30 AM

To: kevin williams < williams532001@yahoo.com>

Cc: Steinberg, David (DPW) <david.steinberg@sfdpw.org>; Takayama, Robynn (ART) <robynn.takayama@sfgov.org>; Mumby, Barbara (ART) <barbara.mumby@sfgov.org> Subject: FW: Memorial to Ruth Williams and Mary Booker

Dear Mr. Williams,

After reviewing the attached letter with my colleagues, please note that for items 1, 2 and 4, under "Contracts & Procurement" you will need to contact San Francisco Public Works' Custodian of Records David Steinberg, cc'd here for your convenience.

Public Works managed Phase Two of the construction project, which included all landscape, exterior, building repair, restroom upgrades and balcony stabilization.

Mr. Williams, you will need to reach out to Public Works with a separate records request.

Sincerely,

Kate Patterson-Murphy Director of Communications

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Thanks so much for including me in the conversation, we are always looking to connect with the community for input and new ideas.

Hi Leela,

I found the stack of signatures you collected on my desk, but was unable to find any contact information, so that I glad you got in touch with the SFAC. Would love to connect with you and hear about your hopes and visions for the Bayview Opera House Ruth Williams Memorial Theatre. As Kate mentioned, I already had applied for one grant to place a large memorial plaque with the proper building name into the side walk, but unfortunately that particular grant was not successful. We will try again.

I would also be very interested in chatting with you about how we can better serve you and others who care deeply about preserving the cultural history of the building and the community. There may be many ways in which the story of Ruth Williams and Mary Booker can be honored and celebrated hat we haven't thought of yet.

Barbara

Barbara Ockel Executive Director

## **BAYVIEW OPERA HOUSE** 4705 3rd St, San Francisco, CA 94124

www.bvoh.org | Facebook Tel: 415.824.0386 | Cell: 415.640.6626

## On Jul 17, 2017, at 4:52 PM, Patterson, Kate (ART) < <u>kate.patterson@sfgov.org</u>> wrote:

## Hi Leela,

It was lovely speaking to you this afternoon. Per our conversation, I'm writing to memorialize our discussion regarding the petition to create a mural in honor of Ruth Williams and Mary Booker on the Bayview Opera House. First let me say that the Arts Commission agrees these women need to be honored in a way that adequately celebrates their contributions to the community and the arts.

As I mentioned, because the building is a registered historic landmark, we would not be able to place a mural on the exterior of the building. Instead, we have proposed the following ideas for you and the community to consider. Please note, that there isn't funding through the city's budget for this project and that the community would need to fundraise for this artwork.

1. Commemorative plaque – Barbara Ockel is currently seeking funding opportunities for a memorial plaque, which will be placed where it can be seen by the public. It can also feature images of the two women, so that, as you said, generations will know what these women looked like.

2. Portraits - You could commission a local artist to create two painted portraits of the women, which could be hung in a prominent place inside the Opera House.

3. Commemorative bust – like the ones at City Hall – these are very expensive, but a lasting tribute for sure.

4. Public Art/Sculpture for Oakdale and Third – As I mentioned, Carla Johnson, a city employee who was critical in securing city funds for the upgrades, established a fund for a public art project at the Opera House. The fund is approximately \$2,000. The community could use this as seed funding for a larger public art project commemorating Ms. Williams and Ms. Booker. Please note, that any significant public art project would be very costly and it would need to meet the Arts Commission's criteria, see section 5 of our guidelines: <u>http://www.sfartscommission.org/our-role-impact/about-commission/policies-guidelines/Public-ArtCivic-Art-Collection</u>. If you do decide to go this route, we can help guide you through the process and even give you a sense of what something like this would cost depending on what the community envisions.

I will look into your outstanding questions regarding the paint colors being considered for the exterior of the building, how the decision was made, etc. Also, I will inquire about the community's desire to see that "South" be taken off the building's name. Again, if the building historically said "South San Francisco" we would need to keep that.

Barbara – if you have answers to these questions, please chime in.

Thanks again, and let me know if you have any questions.

Best,

#### Kate Patterson-Murphy Director of Communications

San Francisco Arts Commission 401 Van Ness Avenue, Suite 325 San Francisco, CA 94102 T: 415-252-2229 sfartscommission.org

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From: Sent: To: Subject: Patterson, Kate (ART) Monday, August 21, 2017 11:33 AM Celaya, Caroline (MTA) Bayview Opera House Records Request

Hi Caroline,

Shortly I will introduce you to Mr. Kevin Williams who is requesting information about the Bayview Opera House renovation. According to our colleagues at DPW, the Arts Commission with a consultant Deborah Friedan worked with SFMTA on Phase 1 of the project. The Project Manager was Kenny Ngan.

Hopefully this will make it easy for you to track things down. I'll ask Mr. Williams to send a separate request.

Sincerely,

Kate Patterson-Murphy Director of Communications

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From:	Patterson, Kate (ART)
Sent:	Monday, August 21, 2017 11:30 AM
To:	'kevin williams'
Cc:	Steinberg, David (DPW); Takayama, Robynn (ART); Mumby, Barbara (ART)
Subject:	FW: Memorial to Ruth Williams and Mary Booker
Attachments:	Sunshine Ordinance Request for Public Records.docx.pdf

Dear Mr. Williams,

After reviewing the attached letter with my colleagues, please note that for items 1, 2 and 4, under "Contracts & Procurement" you will need to contact San Francisco Public Works' Custodian of Records David Steinberg, cc'd here for your convenience.

Public Works managed Phase Two of the construction project, which included all landscape, exterior, building repair, restroom upgrades and balcony stabilization.

Mr. Williams, you will need to reach out to Public Works with a separate records request.

Sincerely,

Kate Patterson-Murphy Director of Communications

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From: kevin williams [mailto:williams532001@yahoo.com] Sent: Thursday, August 17, 2017 12:38 PM To: Patterson, Kate (ART) <kate.patterson@sfgov.org> Cc: Mumby, Barbara (ART) <barbara.mumby@sfgov.org> Subject: Re: Memorial to Ruth Williams and Mary Booker

Hello Ms. Patterson:

I will be providing a detailed complaint once I obtain all of responses to my Sunshine Ordinance Request, which is attached below. Quite frankly, a great deal of tension exists in the community over the widely held

perception that the residents don't have proper access to the facility. More importantly, a rash of complaints that I have verified indicates the BVOH Board of Directors and Barbara Ockel are not in sync with the people there. I personally attended its last months Board meeting in an attempt to explain the need for cooperation, but unfortunately I was completely ignored. No follow-up on any of my suggestions made. I find shocking that my personal presence and desire to share legitimate concerns expressed from the community appear to have been brushed off so cavalierly. Director Barbara Ockel and the Board have refused to inform, even other members of my family when their next meeting will take place. This is unacceptable. Many complaints center on the prohibitive costs for rental of the theater for private events, some of which are arbitrary and based solely on her discretion. I have copiously documented these facts and know they found are grounded in truth. Recently, I received a report that she called the police on a Black community-based labor organization named ABU (Aboriginal Black Unity) who demanded to participate in painting the building. I am committed to ending this totally adversarial relationship through potent community action. Whenever, these highly questionable incidents occur Ms. Ockel remarks that she is following the direction of the Arts Commission.

Accordingly, please let me know when the next BVOH Board meeting will be held and consider having someone in authority for the Arts Commission present to hear from the community.

Thank you,

Kevin Williams Tel.: (415) 424-8221

On Tuesday, July 18, 2017 4:01 PM, "Patterson, Kate (ART)" <<u>kate.patterson@sfgov.org</u>> wrote:

Dear Mr. Williams,

Nice speaking to you. Please find below the email chain related to the mural petition,

Thank you for your candor and for sharing some of the community's concerns about how the center is being run and the types of programs being offered. When you have some time, please rearticulate your thoughts and concerns in writing so that we have them documented accurately and so that we can discuss potential next steps internally.

Sincerely,

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## Hi Kate,

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Barbara

Barbara Ockel Executive Director

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Hi Leela,

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Barbara - if you have answers to these questions, please chime in.

Thanks again, and let me know if you have any questions.

Best,

Kate Patterson-Murphy Director of Communications

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From:Patterson, Kate (ART)Sent:Monday, August 21, 2017 11:20 AMTo:Steinberg, David (DPW); Taylor, Rommel (DPW); Gordon, Rachel (DPW)Cc:Mumby, Barbara (ART); Takayama, Robynn (ART)Subject:RE: Memorial to Ruth Williams and Mary Booker

Hi David,

I will write an intro to you to Mr. Williams now, Thank you for your help!

Kate Patterson-Murphy Director of Communications

San Francisco Arts Commission 401 Van Ness Avenue, Suite 325 San Francisco, CA 94102 T: 415-252-2229 sfartscommission.org

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From: Steinberg, David (DPW)

Sent: Friday, August 18, 2017 3:03 PM

To: Taylor, Rommel (DPW) <Rommel.Taylor@sfdpw.org>; Patterson, Kate (ART) <kate.patterson@sfgov.org>; Gordon, Rachel (DPW) <Rachel.Gordon@sfdpw.org>; Sue, Candace (MTA) <Candace.Sue@sfmta.com>; Khambatta, Arfaraz (ADM) <arfaraz.khambatta@sfgov.org>

Cc: Mumby, Barbara (ART) <barbara.mumby@sfgov.org>; Takayama, Robynn (ART) <robynn.takayama@sfgov.org> Subject: RE: Memorial to Ruth Williams and Mary Booker

Hiall,

For Public Works, all inquiries should be directed to me. The standard way of doing is this is for the person from the Arts Commission responding to the Public Records Request to inform the requester that the Arts Commission doesn't have the documents being sought, inform the person that Public Works is likely to have them and give the person my contact information (or direct the person to the Public Records Request portion of the Public Works website). The person would need to submit a new/separate request to Public Works, which triggers a new set of deadlines, and we take it from there.

Rommel: It's great that you already have a jump on finding the documentation. Once I receive a formal Public Records Request, I'll touch base with you and collect the documents. I haven't actually seen the request, so if you wouldn't mind forwarding it to me, I'd appreciate it.

Thanks.

## **David Steinberg**



Principal Administrative Analyst & Custodian of Records San Francisco Public Works | City and County of San Francisco City Hall, Room 348 - 1 Dr. Carlton B. Goodlett Pl. | San Francisco, CA 94102 | (415) 554-6950 <u>sfpublicworks.org</u> <u>twitter.com/sfpublicworks</u>

From: Taylor, Rommel (DPW)

Sent: Friday, August 18, 2017 2:26 PM

To: Patterson, Kate (ART) <<u>kate.patterson@sfgov.org</u>>; Gordon, Rachel (DPW) <<u>Rachel.Gordon@sfdpw.org</u>>; Sue, Candace (MTA) <<u>Candace.Sue@sfmta.com</u>>; Khambatta, Arfaraz (ADM) <<u>arfaraz.khambatta@sfgov.org</u>>; Steinberg, David (DPW) <<u>david.steinberg@sfdpw.org</u>>

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Kate,

I can provide documents related to items 1,2 and 4 under the <u>Contracts & Procurement</u> section for the Phase two portion of the project (all landscape, exterior building repair, restroom upgrades and balcony stabilization). Regarding item 3 under the same section, DPW was not involved in the design phase of this work. That process was managed by the SFAC staff, your project consultant Deborah Frieden and BVOH. The request describes a 5.6 M project. I presume this is referencing the Phase 1 portion of the project which included site modifications, underground utilities and sidewalk work. DPW was not part of the project. The Phase 1 project was also managed by SFAC and your consultant Deborah Friedan. SFMTA was the lead agency that contracted and executed the project. Kenny Ngan was the project manager if my recollection is correct. I have copied him in this response. If he is not the appropriate person he can direct you.

Rachel,

Should I coordinate submission of the information I compile with your office? Will you be the respondent for Public Works? Please advise. I will have my documents ready by Wednesday next week if not sooner.

Thanks, RT

Rommel Taylor

Building Design and Construction | San Francisco Public Works | City and County of San Francisco 30 Van Ness Suite 4100 | San Francisco, CA 94612 | (415) 557-4615 | rommel.taylor@sfdpw.org sfpublicworks.org

From: Patterson, Kate (ART)

Sent: Thursday, August 17, 2017 5:20 PM

To: Gordon, Rachel (DPW) <<u>Rachel.Gordon@sfdpw.org</u>>; Sue, Candace (MTA) <<u>Candace.Sue@sfmta.com</u>>; Khambatta, Arfaraz (ADM) <<u>arfaraz.khambatta@sfgov.org</u>>; Taylor, Rommel (DPW) <<u>Rommel.Taylor@sfdpw.org</u>> Cc: Mumby, Barbara (ART) <<u>barbara.mumby@sfgov.org</u>>; Takayama, Robynn (ART) <<u>robynn.takayama@sfgov.org</u>> Subject: FW: Memorial to Ruth Williams and Mary Booker

Hi Everyone,

Please see the email below and the attachment, which is a Sunshine request from a Mr. Kevin Williams, a resident of the Bayview.

I'm heading out for a long weekend, so I will be in touch again on Monday, but I just wanted to give you a heads up about this. He is interested in every detail related to the Bayview Opera House construction project from 2013-2017. Look at the first section of his letter under "Contracts and Procurement".

Your respective agencies, I believe, have the lion's share of these documents – especially Public Works, which oversaw the construction, bidding, etc.

Please let me know who from your office you would like to designate as the respondent and I will make a formal introduction to Mr. Williams on Monday to let him know where he can find specific information.

I have already invoked a 14-day extension - fyi.

Thanks

Kate Patterson-Murphy Director of Communications

San Francisco Arts Commission 401 Van Ness Avenue, Suite 325 San Francisco, CA 94102 T: 415-252-2229 sfartscommission.org

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Hello Ms. Patterson:

I will be providing a detailed complaint once I obtain all of responses to my Sunshine Ordinance Request, which is attached below. Quite frankly, a great deal of tension exists in the community over the widely held perception that the residents don't have proper access to the facility. More importantly, a rash of complaints that I have verified indicates the BVOH Board of Directors and Barbara Ockel are not in sync with the people there. I personally attended its last months Board meeting in an attempt to explain the need for cooperation, but unfortunately I was completely ignored. No follow-up on any of my suggestions made. I find shocking that my personal presence and desire to share legitimate concerns expressed from the community appear to have been brushed off so cavalierly. Director Barbara Ockel and the Board have refused to inform, even other members of my family when their next meeting will take place. This is unacceptable. Many complaints center on the

> 29 P311

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Kevin Williams Tel.: (415) 424-8221

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## Hi Kate,

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#### Hi Leela,

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#### Barbara

Barbara Ockel Executive Director

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From:	Steinberg, David (DPW)
Sent:	Friday, August 18, 2017 3:03 PM
То:	Taylor, Rommel (DPW); Patterson, Kate (ART); Gordon, Rachel (DPW); Sue, Candace (MTA); Khambatta, Arfaraz (ADM)
Cc:	Mumby, Barbara (ART); Takayama, Robynn (ART)
Subject:	RE: Memorial to Ruth Williams and Mary Booker

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From: Taylor, Rommel (DPW)

Sent: Friday, August 18, 2017 2:26 PM

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Thanks, RT

**Rommel Taylor** 

Building Design and Construction | San Francisco Public Works | City and County of San Francisco 30 Van Ness Suite 4100 | San Francisco, CA 94612 | (415) 557-4615 | rommel.taylor@sfdpw.org · sfpublicworks.org

## From: Patterson, Kate (ART)

Sent: Thursday, August 17, 2017 5:20 PM

To: Gordon, Rachel (DPW) <<u>Rachel.Gordon@sfdpw.org</u>>; Sue, Candace (MTA) <<u>Candace.Sue@sfmta.com</u>>; Khambatta, Arfaraz (ADM) <<u>arfaraz.khambatta@sfgov.org</u>>; Taylor, Rommel (DPW) <<u>Rommel.Taylor@sfdpw.org</u>> Cc: Mumby, Barbara (ART) <<u>barbara.mumby@sfgov.org</u>>; Takayama, Robynn (ART) <<u>robynn.takayama@sfgov.org</u>> Subject: FW: Memorial to Ruth Williams and Mary Booker

Hi Everyone,

Please see the email below and the attachment, which is a Sunshine request from a Mr. Kevin Williams, a resident of the Bayview.

I'm heading out for a long weekend, so I will be in touch again on Monday, but I just wanted to give you a heads up about this. He is interested in every detail related to the Bayview Opera House construction project from 2013-2017. Look at the first section of his letter under "Contracts and Procurement".

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I have already invoked a 14-day extension - fyi.

Thanks!

Kate Patterson-Murphy Director of Communications

San Francisco Arts Commission 401 Van Ness Ávenue, Suite 325 San Francisco, CA 94102 T: 415-252-2229 sfartscommission.org

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From: kevin williams [mailto:williams532001@yahoo.com] Sent: Thursday, August 17, 2017 12:38 PM To: Patterson, Kate (ART) <<u>kate.patterson@sfgov.org</u>> Cc: Mumby, Barbara (ART) <<u>barbara.mumby@sfgov.org</u>> Subject: Re: Memorial to Ruth Williams and Mary Booker

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From: Barbara Ockel [mailto:barbara@bvoh.org]
Sent: Monday, July 17, 2017 5:19 PM
To: Patterson, Kate (ART) <<u>kate.patterson@sfgov.org</u>>;
Cc: Mumby, Barbara (ART) <<u>barbara.mumby@sfgov.org</u>>
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## Barbara.

Barbara Ockel Executive Director

BAYVIEW OPERA HOUSE 4705 3rd St, San Francisco, CA 94124

## www.byoh.org | Facebook

Tel: 415.824.0386 | Cell: 415.640.6626

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Barbara - if you have answers to these questions, please chime in.

Thanks again, and let me know if you have any questions.

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From:	Taylor, Rommel (DPW)
Sent:	Friday, August 18, 2017 2:26 PM
То:	Patterson, Kate (ART); Gordon, Rachel (DPW); Sue, Candace (MTA); Khambatta, Arfaraz (ADM); Steinberg, David (DPW)
Cc:	Mumby, Barbara (ART); Takayama, Robynn (ART)
Subject:	RE: Memorial to Ruth Williams and Mary Booker

Kate,

I can provide documents related to items 1,2 and 4 under the <u>Contracts & Procurement</u> section for the Phase two portion of the project ( all landscape, exterior building repair, restroom upgrades and balcony stabilization). Regarding item 3 under the same section, DPW was not involved in the design phase of this work. That process was managed by the SFAC staff, your project consultant Deborah Frieden and BVOH. The request describes a 5.6 M project. I presume this is referencing the Phase 1 portion of the project which included site modifications, underground utilities and sidewalk work. DPW was not part of the project. The Phase 1 project was also managed by SFAC and your consultant Deborah Friedan. SFMTA was the lead agency that contracted and executed the project. Kenny Ngan was the project manager if my recollection is correct. I have copied him in this response. If he is not the appropriate person he can direct you.

#### Rachel,

Should I coordinate submission of the information I compile with your office? Will you be the respondent for Public Works? Please advise. I will have my documents ready by Wednesday next week if not sooner.

Thanks, RT

#### **Rommel Taylor**

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43 ·

From:	Sue, Candace <candace.sue@sfmta.com></candace.sue@sfmta.com>
Sent:	Friday, August 18, 2017 10:57 AM
То:	Patterson, Kate (ART)
Cc:	Mumby, Barbara (ART); Takayama, Robynn (ART); Celaya, Caroline (MTA); Taylor,
	Rommel (DPW); Khambatta, Arfaraz (ADM); Gordon, Rachel (DPW)
Subject:	RE: Memorial to Ruth Williams and Mary Booker

HI Kate.

MTA Sunshine Requests (non media) are handled by the office of the MTA Board Secretary. Caroline Celaya is the contact and copied here.

Candace

From: Patterson, Kate (ART) Sent: Thursday, August 17, 2017 5:20:29 PM To: Gordon, Rachel (DPW); Sue, Candace (MTA); Khambatta, Arfaraz (ADM); Taylor, Rommel (DPW) Cc: Mumby, Barbara (ART); Takayama, Robynn (ART) Subject: FW: Memorial to Ruth Williams and Mary Booker

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Sent:	Friday, August 18, 2017 8:23 AM
То:	Patterson, Kate (ART); Gordon, Rachel (DPW); Sue, Candace (MTA); Khambatta, Arfaraz (ADM)
Cc:	Mumby, Barbara (ART); Takayama, Robynn (ART)
Subjëct:	Re: Memorial to Ruth Williams and Mary Booker

I will talk with my supervisor and get back to you later today.

Get Outlook for iOS

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Kate Patterson-Murphy Director of Communications

San Francisco Arts Commission 401 Van Ness Avenue, Suite 325 San Francisco, CA 94102 T: 415-252-2229 sfartscommission.org

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49 P331 From: kevin williams [mailto:williams532001@yahoo.com] Sent: Thursday, August 17, 2017 12:38 PM To: Patterson, Kate (ART) <kate.patterson@sfgov.org> Cc: Mumby, Barbara (ART) <barbara.mumby@sfgov.org> Subject: Re: Memorial to Ruth Williams and Mary Booker

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Barbara

Barbara Ockel Executive Director

BAYVIEW OPERA HOUSE 4705 3rd St, San Francisco, CA 94124 www.bvoh.org | Facebook Tel: 415.824.0386 | Cell: 415.640.6626

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51

P333

#### Hi Leela,

It was lovely speaking to you this afternoon. Per our conversation, I'm writing to memorialize our discussion regarding the petition to create a mural in honor of Ruth Williams and Mary Booker on the Bayview Opera House. First let me say that the Arts Commission agrees these women need to be honored in a way that adequately celebrates their contributions to the community and the arts.

As I mentioned, because the building is a registered historic landmark, we would not be able to place a mural on the exterior of the building. Instead, we have proposed the following ideas for you and the community to consider. Please note, that there isn't funding through the city's budget for this project and that the community would need to fundraise for this artwork.

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3. Commemorative bust – like the ones at City Hall – these are very expensive, but a lasting tribute for sure.

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I will look into your outstanding questions regarding the paint colors being considered for the exterior of the building, how the decision was made, etc. Also, I will inquire about the community's desire to see that "South" be taken off the building's name. Again, if the building historically said "South San Francisco" we would need to keep that.

Barbara - if you have answers to these questions, please chime in.

Thanks again, and let me know if you have any questions.

Best,

Kate Patterson-Murphy Director of Communications

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From:	Lauren.Curry@sfgov.org
Sent:	Thursday, August 17, 2017 5:23 PM
То:	Patterson, Kate (ART)
Cc:	Mumby, Barbara (ART); Takayama, Robynn (ART)
Subject:	RE: FW: Sunshine Ordinance Request \$5.6 Million Bayview Opera House Ruth
	Williams Memorial Theater

Yes, that's correct.

Lauren Curry, Deputy City Attorney Office of the City Attorney, General Government Team City and County of San Francisco City Hall, Room 234 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4682 Telephone 415-554-4670 Facsimile 415-554-4699 Lauren.Curry@sfgov.org

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From: "Patterson, Kate. (ART)" <kate. patterson@sfgov.org> To: "Curry, Lauren (CAT)" <lauren.curry@sfgov.org>, Cc: "Mumby, Barbara (ART)" <br/>barbara.mumby@sfgov.org>, "Takayama, Robynn (ART)" <robynn.takayama@sfgov.org> Date: 08/17/2017 05:21 PM Subject: RE: FW: Sunshine Ordinance Request -- \$5.6 Million Bayview Opera House Ruth Williams Memorial Theater

Hi Lauren – It's just contracts with the City correct? They don't have to turn over a contract they might have with a food vendor for example – right?

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## Thanks, Kate.

The Cultural Centers are also subject to Administrative Code Section 67.24(e) (copied below) which is referenced in both the grant and lease agreements.

### (e) Contracts, Bids and Proposals.

(1) Contracts, contractors' bids, responses to requests for proposals and all other records of communications between the department and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded. Nothing in this provision requires the disclosure of a private person's or organization's net worth or other proprietary financial data submitted for qualification for a contract or other benefit until and unless that person or organization is awarded the contract or benefit. All bidders and contractors shall be advised that information provided which is covered by this subdivision will be made available to the public upon request. Immediately after any review or evaluation or rating of responses to a Request for Proposal ("RFP") has been completed, evaluation forms and score sheets and any other documents used by persons in the RFP evaluation or contractor selection process shall be available for public inspection. The names of scorers, graders or evaluators, along with their individual ratings, comments, and score sheets or comments on related documents, shall be made immediately available after the review or evaluation of a RFP has been completed.

(2) Notwithstanding the provisions of this Subdivision or any other provision of this ordinance, the Director of Public Health may withhold from disclosure proposed and final rates of payment for managed health care contracts if the Director determines that public disclosure would adversely affect the ability of the City to engage in effective negotiations for managed health care contracts. The authority to withhold this information applies only to contracts pursuant to which the City (through the Department of Public Health) either pays for health care services or receives compensation for providing such services, including mental health and substance abuse services, to covered beneficiaries through a pre-arranged rate of payment. This provision also applies to rates for managed health care contracts for the University of California, San Francisco, if the contract involves beneficiaries who receive services provided jointly by the City and University. This provision shall not authorize the Director to withhold rate information from disclosure for more than three years.

Lauren Curry, Deputy City Attorney Office of the City Attorney, General Government Team City and County of San Francisco City Hall, Room 234 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4682 Telephone 415-554-4670 Facsimile 415-554-4699 Lauren.Curry@sfgov.org

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From: "Patterson, Kate (ART)" <<u>kate.patterson@sfqov.org</u>> To: "Curry, Lauren (CAT)" <<u>lauren.curry@sfqov.org</u>>, Date: 08/17/2017 01:31 PM Subject: FW: Sunshine Ordinance Request - \$5.6 Million Bayview Opera House Ruth Williams Memorial Theater Kate Patterson-Murphy Director of Communications

San Francisco Arts Commission 401 Van Ness Avenue, Suite 325 San Francisco, CA 94102 T: 415-252-2229 sfartscommission.org

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Hi Kate and Tom,

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Tel: 415.824.0386 | Cell: 415.640.6626 [attachment "Sunshine requirements from Robynn 2-16-14.pdf" deleted by Lauren Curry/CTYATT] [attachment "Untitled attachment 00018.htm" deleted by Lauren Curry/CTYATT]

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Here you go.

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From:	Patterson, Kate (ART)
Sent:	Thursday, August 17, 2017 5:20 PM
То:	Gordon, Rachel (DPW); Sue, Candace (MTA); Khambatta, Arfaraz (ADM); Taylor,
	Rommel (DPW)
Cc:	Mumby, Barbara (ART); Takayama, Robynn (ART)
Subject:	FW: Memorial to Ruth Williams and Mary Booker
Attachments:	Sunshine Ordinance Request for Public Records.docx.pdf

Hi Everyone,

Please see the email below and the attachment, which is a Sunshine request from a Mr. Kevin Williams, a resident of the Bayview.

I'm heading out for a long weekend, so I will be in touch again on Monday, but I just wanted to give you a heads up about this. He is interested in every detail related to the Bayview Opera House construction project from 2013-2017. Look at the first section of his letter under "Contracts and Procurement".

Your respective agencies, I believe, have the lion's share of these documents - especially Public Works, which oversaw the construction, bidding, etc.

Please let me know who from your office you would like to designate as the respondent and I will make a formal introduction to Mr. Williams on Monday to let him know where he can find specific information.

I have already invoked a 14-day extension - fyi.

Thanks!

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## Barbara

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Best,

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<sup>64</sup> P346

From:
Sent:
To:
Cc:
Subject:

Patterson, Kate (ART) Thursday, August 17, 2017 5:14 PM 'kevin williams' Mumby, Barbara (ART) RE: Memorial to Ruth Williams and Mary Booker

Dear Mr. Williams,

Thank you for the clarification.

In order to fulfill this request, please be advised that we are hereby invoking an extension of not more than 14 days from August 17, 2017 (which is the day the Arts Commission Received your letter) to respond to your request pursuant to the California Public Records Act. Under the Public Records Act, the deadline can be extended for up to 14 days due to "the need to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request" and "the need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein." (See Cal. Gov't Code §6253(c)(2) and (3)).

We will provide records on a rolling basis or as they become available. Please note, that some of the records you requested will be held by other City Agencies, primarily San Francisco Public Works. I will forward your request to them now and then follow up with a more detailed introduction when I return on Monday.

Sincerely,

Kate Patterson-Murphy Director of Communications

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Yes! I have been informed by other BVHP community leaders that the Board has cancelled two consecutive meetings and would not be meeting until November 2017. You may wish to verify this with Ms. Ockel. The lackadaisical meeting schedule of the Board is utterly disappointing, but symptomatic of the larger problem I

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have attempted to describe with respect to their overall non-responsiveness specifically to me and my family and generally to the BVHP community. We wish to have these issues properly calendared and heard before the Arts Commission after we obtain the responses to our Sunshine Ordinance Request. I genuinely appreciate your interest and involvement towards addressing the concerns of the residents who do not believe neither they, nor their culture is being respected, unlike other communities of San Francisco.

Thank you for your attention to these most important matters. I will await your response, accordingly.

Kevin B. Williams

On Thursday, August 17, 2017 1:34 PM, "Patterson, Kate (ART)" < kate.patterson@sfgov.org > wrote:

Dear Mr. Williams,

Thank you for your email and for sharing your concerns. We do not know the next date of the board meeting, but we will inquire on your behalf.

The attached document is not addressed to the Arts Commission; it is addressed to Barbara. Did you wish for us to respond? Please clarify.

Sincerely,

Kate Patterson-Murphy Director of Communications

San Francisco Arts Commission 401 Van Ness Avenue, Suite 325 San Francisco, CA 94102 T: 415-252-2229 sfartscommission.org

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Hello Ms. Patterson:

I will be providing a detailed complaint once I obtain all of responses to my Sunshine Ordinance Request, which is attached below. Quite frankly, a great deal of tension exists in the community over the widely held perception that the residents don't have proper access to the facility. More importantly, a rash of complaints that I have verified indicates the BVOH Board of Directors and Barbara Ockel are not in sync with the people there. I personally attended its last months Board meeting in an attempt to explain the need for cooperation, but unfortunately I was completely ignored. No follow-up on any of my suggestions made. I find shocking that my personal presence and desire to share legitimate concerns expressed from the community appear to have been

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Kevin Williams Tel.: (415) 424-8221

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Dear Mr. Williams,

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Thank you for your candor and for sharing some of the community's concerns about how the center is being run and the types of programs being offered. When you have some time, please rearticulate your thoughts and concerns in writing so that we have them documented accurately and so that we can discuss potential next steps internally.

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Hi Kate,

Thanks so much for including me in the conversation, we are always looking to connect with the community for input and new ideas.

Hi Leela,

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I would also be very interested in chatting with you about how we can better serve you and others who care deeply about preserving the cultural history of the building and the community. There may be many ways in which the story of Ruth Williams and Mary Booker can be honored and celebrated hat we haven't thought of yet.

#### Barbara

Barbara Ockel Executive Director

**BAYVIEW OPERA HOUSE** 4705 3rd St, San Francisco, CA 94124 <u>www.byoh.org | Facebook</u> Tel: 415.824.0386 | Cell: 415.640.6626

On Jul 17, 2017, at 4:52 PM, Patterson, Kate (ART) <<u>kate.patterson@sfgov.org</u>> wrote:

Hi Leela,

It was lovely speaking to you this afternoon. Per our conversation, I'm writing to memorialize our discussion regarding the petition to create a mural in honor of Ruth Williams and Mary Booker on the Bayview Opera House. First let me say that the Arts Commission agrees these women need to be honored in a way that adequately celebrates their contributions to the community and the arts.

As I mentioned, because the building is a registered historic landmark, we would not be able to place a mural on the exterior of the building. Instead, we have proposed the following ideas for you and the community to consider. Please note, that there isn't funding through the city's budget for this project and that the community would need to fundraise for this artwork.

1. Commemorative plaque – Barbara Ockel is currently seeking funding opportunities for a memorial plaque, which will be placed where it can be seen by the public. It can also feature images of the two women, so that, as you said, generations will know what these women looked like.

2. Portraits – You could commission a local artist to create two painted portraits of the women, which could be hung in a prominent place inside the Opera House.

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4. Public Art/Sculpture for Oakdale and Third – As I mentioned, Carla Johnson, a city employee who was critical in securing city funds for the upgrades, established a fund for a public art project at the Opera House. The fund is approximately \$2,000. The community could use this as seed funding for a larger public art project commemorating Ms. Williams and Ms. Booker. Please note, that any significant public art project would be very costly and it would need to meet the Arts Commission's criteria, see section 5 of our guidelines: <a href="http://www.sfartscommission.org/our-role-impact/about-commission/policies-guidelines/Public-ArtCivic-Art-Collection">http://www.sfartscommission.org/our-role-impact/about-commission/policies-guidelines/Public-ArtCivic-Art-Collection</a>. If you do decide to go this route, we can help guide you through the process and even give you a sense of what something like this would cost depending on what the community envisions.

I will look into your outstanding questions regarding the paint colors being considered for the exterior of the building, how the decision was made, etc. Also, I will inquire about the community's desire to see that "South" be taken off the building's name. Again, if the building historically said "South San Francisco" we would need to keep that.

Barbara - if you have answers to these questions, please chime in.

Thanks again, and let me know if you have any questions.

Best,

Kate Patterson-Murphy Director of Communications

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From:	Lauren Curry <lauren.curry@sfgov.org></lauren.curry@sfgov.org>	
Sent:	Thursday, August 17, 2017 5:03 PM	
То:	Patterson, Kate (ART)	
Subject:	Re: FW: Sunshine Ordinance Request \$5.6 Million Bayview Opera House Ruth Williams Memorial Theater	

Kate, I should say the cultural centers are subject to the lease and grant agreements acknowledging 67.24(e), and the grantee/lessee accepts it.

#### Grant Agreement

12.1 Sunshine Ordinance. Grantee acknowledges and agrees that this Agreement and the Application Documents are subject to Section 67.24(e) of the San Francisco Administrative Code, which provides that contracts, including this Agreement, grantee's bids, responses to Requests for Proposals (RFPs) and all other records of communications between City and persons or entities seeking contracts, shall be open to inspection immediately after a contract has been awarded. Nothing in such Section 67.24(e) (as it exists on the date hereof) requires the disclosure of a private person's or organization's net worth or other proprietary financial data submitted for qualification for a contract or other benefit until and unless that person or organization is awarded the contract or benefit. All information provided by Grantee that is covered by such Section 67.24(e) (as it may be amended from time to time) will be made available to the public upon request.

#### Lease agreement

## 27.31 Sunshine Ordinance

In accordance with Section 67.24(e) of the San Francisco Administrative Code, contracts, contractors' bids, leases, agreements, responses to Requests for Proposals, and all other records of communications between City and persons or firms seeking contracts will be open to inspection immediately after a contract has been awarded. Nothing in this provision requires the disclosure of a private person's or organization's net worth or other proprietary financial data submitted for qualification for a contract, lease, agreement, or other benefit until and unless that person or organization is awarded the contract, lease, agreement, or benefit. Information provided that is covered by this Section will be made available to the public upon request.

Lauren Curry, Deputy City Attorney Office of the City Attorney, General Government Team City and County of San Francisco City Hall, Room 234 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4682 Telephone 415-554-4670 Facsimile 415-554-4699 Lauren.Curry@sfgov.org

This message is subject to attorney-client privilege and/or attorney work product privilege and must not be disclosed.

From: Lauren Curry/CTYATT To: "Patterson, Kate (ART)" <kate.patterson@sfgov.org>@SFGOV, Date: 08/17/2017 04:55 PM Subject: Re: FW: Sunshine Ordinance Request -- \$5.6 Million Bayvlew Opera House Ruth Williams Memorial Theater Thanks, Kate.

The Cultural Centers are also subject to Administrative Code Section 67.24(e) (copied below) which is referenced in both the grant and lease agreements.

#### (e) Contracts, Bids and Proposals.

(1) Contracts, contractors' bids, responses to requests for proposals and all other records of communications between the department and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded. Nothing in this provision requires the disclosure of a private person's or organization's net worth or other proprietary financial data submitted for qualification for a contract or other benefit until and unless that person or organization is awarded the contract or benefit. All bidders and contractors shall be advised that information provided which is covered by this subdivision will be made available to the public upon request. Immediately after any review or evaluation or rating of responses to a Request for Proposal ("RFP") has been completed, evaluation forms and score sheets and any other documents used by persons in the RFP evaluation or contractor selection process shall be available for public inspection. The names of scorers, graders or evaluators, along with their individual ratings, comments, and score sheets or comments on related documents, shall be made immediately available after the review or evaluation of a RFP has been completed.

(2) Notwithstanding the provisions of this Subdivision or any other provision of this ordinance, the Director of Public Health may withhold from disclosure proposed and final rates of payment for managed health care contracts if the Director determines that public disclosure would adversely affect the ability of the City to engage in effective negotiations for managed health care contracts. The authority to withhold this information applies only to contracts pursuant to which the City (through the Department of Public Health) either pays for health care services or receives compensation for providing such services, including mental health and substance abuse services, to covered beneficiaries through a pre-arranged rate of payment. This provision also applies to rates for managed health care contracts for the University of California, San Francisco, if the contract involves beneficiaries who receive services provided jointly by the City and University. This provision shall not authorize the Director to withhold rate information from disclosure for more than three years.

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 From:
 "Patterson, Kate (ART)" <kate.patterson@sfgov.org>

 To:
 "Curry, Lauren (CAT)" <lauren.curry@sfgov.org>,

 Date:
 08/17/2017 01:31 PM

 Subject:
 FW: Sunshine Ordinance Request -- \$5.6 Million Bayvlew Opera House Ruth Williams Memorial Theater

Here you go.

Kate Patterson-Murphy Director of Communications

San Francisco Arts Commission 401 Van Ness Avenue, Suite 325 San Francisco, CA 94102 T: 415-252-2229 sfartscommission.org

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From: Barbara Ockel [mailto:barbara@bvoh.org] Sent: Thursday, August 17, 2017 9:24 AM To: Patterson, Kate (ART) <kate.patterson@sfgov.org> Cc: DeCaigny, Tom (ART) <tom.decaigny@sfgov.org>; Takayama, Robynn (ART) <robynn.takayama@sfgov.org>; Mumby, Barbara (ART) <barbara.mumby@sfgov.org> Subject: Re: Sunshine Ordinance Request -- \$5.6 Million Bayview Opera House Ruth Williams Memorial Theater

Hi Kate and Tom,

Here is a document Robynn sent me a while ago to clarify Sunshine requirements. It would be great if you could verify if this applies as is, and spell out the specific documents including year that we need to turn over to Mr. Williams.

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#### **BAYVIEW OPERA HOUSE**

4705 3rd St, San Francisco, CA 94124 www.bvoh.org | Facebook Tal. 415 824 0286 | Call. 415 640 6626

Tel: 415.824.0386 | Cell: 415.640.6626 [attachment "Sunshine requirements from Robynn 2-16-14.pdf" deleted by Lauren Curry/CTYATT] [attachment "Untitled attachment 00018.htm" deleted by Lauren Curry/CTYATT]

-	
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## www.bvoh.org | Facebook

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Sent:	
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То:	Curry, Lauren (CAT)
Subject:	FW: Sunshine Ordinance Request \$5.6 Million Bayview Opera House Ruth Williams Memorial Theater
Attachments:	Sunshine requirements from Robynn 2-16-14.pdf; Untitled attachment 00018.htm

Attachments:

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Barbara Ockel **Executive Director** 

**BAYVIEW OPERA HOUSE** 4705 3rd St, San Francisco, CA 94124 www.bvoh.org | Facebook Tel: 415.824.0386 | Cell: 415.640.6626

From:Lauren.Curry@sfgov.orgSent:Thursday, August 17, 2017 1:29 PMTo:Patterson, Kate (ART)Subject:RE: FW: Sunshine Ordinance Request -- \$5.6 Million Bayview Opera House Ruth<br/>Williams Memorial Theater

Great. Thanks, Kate. Can you send me the email?

Lauren Curry, Deputy City Attorney Office of the City Attorney, General Government Team City and County of San Francisco City Hall, Room 234 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4682 Telephone 415-554-4670 Facsimile 415-554-4699 Lauren.Curry@sfgov.org

This message is subject to attorney-client privilege and/or attorney work product privilege and must not be disclosed.

From: "Patterson, Kate (ART)" <kate.patterson@sfgov.org> To: "Curry, Lauren (CAT)" <lauren.curry@sfgov.org>, Date: 08/17/2017 11:47 AM Subject: RE: FW: Sunshine Ordinance Request – \$5.6 Million Bayview Opera House Ruth Williams Memorial Theater

Hi Lauren – Actually, a colleague dug up an email that was sent to Barbara clarifying what they need to turn over, so for now we have an answer.

Kate Patterson-Murphy Director of Communications

San Francisco Arts Commission 401 Van Ness Avenue, Suite 325 San Francisco, CA 94102 T: 415-252-2229 Startscommission.org

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**NOTICE:** Please be mindful that all correspondence and documents submitted to the San Francisco Arts Commission are public records and as such, are subject to the <u>Sunshine Ordinance</u> and can be requested by the public. If this happens, all sensitive personal information, such as Social Security numbers and phone numbers, will be redacted.

From: Lauren.Curry@sfgov.org [mailto:Lauren.Curry@sfgov.org] Sent: Thursday, August 17, 2017 11:28 AM To: Patterson, Kate (ART) <kate.patterson@sfgov.org> Subject: Re: FW: Sunshine Ordinance Request -- \$5.6 Million Bayview Opera House Ruth Williams Memorial Theater

Kate, how much grant funding does the city provide annually?

Lauren Curry, Deputy City Attorney Office of the City Attorney, General Government Team City and County of San Francisco City Hall, Room 234 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4682 Telephone 415-554-4670 Facsimile 415-554-4699 Lauren.Curry@sfgov.org

This message is subject to attorney-client privilege and/or attorney work product privilege and must not be disclosed.

From; "Patterson, Kate (ART)" <<u>kate.patterson@sfgov.org</u>> To: "Curry, Lauren (CAT)" <<u>lauren.curry@sfgov.org</u>>, Date: 08/17/2017 09:05 AM Subject; FW; Sunshine Ordinance Request -- \$5.6 Million Bayview Opera House Ruth Williams Memorial Theater

Hi Lauren – Quick question...is the Bayview Opera House subject to Sunshine requests? As you know the building is owned by the SFAC and they receive a large grant from us every year. My guess is that we would need to turn over docs because it is city funded. Can you please verify?

Thanks,

Kate Patterson-Murphy Director of Communications

San Francisco Arts Commission 401 Van Ness Avenue, Suite 325 San Francisco, CA 94102 T: 415-252-2229 sfartscommission.org

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From: DeCaigny, Tom (ART) Sent: Thursday, August 17, 2017 7:48 AM To: Patterson, Kate (ART) <<u>kate.patterson@sfgov.org</u>>; <u>barbara@bvoh.org</u> Cc: Takayama, Robynn (ART) <<u>robynn.takayama@sfgov.org</u>>; Mumby, Barbara (ART) <<u>barbara.mumby@sfgov.org</u>> Subject: Fwd: Sunshine Ordinance Request -- \$5.6 Million Bayview Opera House Ruth Williams Memorial Theater

Hi Barbara,

Thank you for forwarding. I don't believe that the nonprofit BVOH is subject to the Sunshine Ordinance. It is my understanding that the Ordinance only pertains to public agencies in which case the request would need be addressed to the SFAC, Public Works, etc. I'm copying our Public Information Officer, Kate Patterson-Murphy to clarify and advise on next steps.

Kate, how should Barbara respond to this request? I imagine she would inform him that the request needs to be addressed and submitted to the appropriate City agencies. When received, we'll like need to invoke a voluminous records extension as it's a pretty extensive request.

Thanks, Tom

Sent from my iPhone. Please excuse brevity and typos.

Begin forwarded message: From: Barbara Ockel <<u>barbara@bvoh.org</u>> Date: August 16, 2017 at 11:12:34 PM PDT To: "Takayama, Robynn (ART)" <<u>robynn.takayama@sfgov.org</u>> Cc: "DeCaigny, Tom (ART)" <<u>tom.decaigny@sfgov.org</u>> Subject: Fwd: Sunshine Ordinance Request -- \$5.6 Million Bayview Opera House Ruth Williams Memorial Theater Hi Robynn,

Just received this letter from Kevin Williams. Can we have a call about this tomorrow, Thursday? He's demanding a response within 24 hours.

Barbara

Barbara Ockel Executive Director

BAYVIEW OPERA HOUSE 4705 3rd St, San Francisco, CA 94124 www.bvoh.org | Facebook Tel: 415.824.0386 | Cell: 415.640.6626

Begin forwarded message:

From: kevin williams <<u>williams532001@yahoo.com</u>> Subject: Sunshine Ordinance Request -- \$5.6 Million Bayview Opera House Ruth Williams Memorial Theater Date: August 16, 2017 at 8:10:41 PM PDT To: Barbara Ockel <<u>barbara@bvoh.org</u>> Reply-To: kevin williams <<u>williams532001@yahoo.com</u>>

Dear Ms. Ockel:

The number and frequency of complaints about the BVOH Ruth Williams Memorial Theater now requires a

serious lock at its financial accountability in tandem with programmatic and land use transparency for which the Bayview Hunters Point community has come to look in large measure to its namesake and progeny to obtain appropriate answers. Accordingly, in behalf of the community AT-large and as the son of Ruth Williams, the foregoing Sunshine Ordinance Request is hereby attached and submitted to you as Executive Director and Custodian of Records for formal response and disclosure of public records.

Please note that no unreasonable delays will be deemed acceptable or tolerated in releasing the information heretofore demanded. Thereon, I strongly urge you to immediately seek legal counsel to review the attached Sunshine Ordinance Request. Accordingly, if you need additional time to respond to this request, please review the statutory deadlines established by the City and County of San Francisco. You may also contact me directly at (415) 424-8221.

Thank you,

/s/Kevin B. Williams[attachment "Sunshine Ordinance Request for Public Records.docx.pdf" deleted by Lauren Curry/CTYATT] [attachment "ATT00001.htm" deleted by Lauren Curry/CTYATT]



#### San Francisco Arts Commission

February 2, 2018

Edwin M. Lee Mayor

Tom DeCaigny Director of Cultural Affairs

401 Van Ness Avenue, Suite 325 San Francisco, CA 94102

SFAC Galleries 401 Van Ness Avenue, Suite 126 San Francisco, CA 94102

Street Artists Licensing 401 Van Ness Ävenue, Suite 124B San Francisco, CA 94102

tel 415-252-2100 fax 415-934-1022 sfartscommission.org facebook.com/sfartscommission twitter.com/SFAC



City and County of San Francisco

Re: Sunshine Ordinance Task Force Complaint 17096 Kevin Williams against the Arts Commission

Dear Mr. Young:

In File No. 17096, the complaint alleges that the Arts Commission violated Section 67.25 of the Sunshine Ordinance for failing to respond to an Immediate Disclosure Request in a timely fashion.

Per the Sunshine Task Force's request, the following is a comprehensive summary of the Arts Commission's (SFAC) actions to date with regard to this request.

On August 16, an Immediate Disclosure Request was sent to Barbara Ockel, executive director of the Bayview Opera House Ruth Williams Memorial Theater (BVOH). The Bayview Opera House, Inc. is an independent 501 C3 and a grantee of the Arts Commission. The Agency also owns the Opera House building. As such, the BVOH is subject to the City's Admin Code, Sect. 12L.

# According to the City's Admin Code, Sec. 12L.1:

(a) The intent of this Chapter is to establish a policy wherein the City ensures that nonprofit organizations with which the City chooses to do business operate with the greatest possible openness and maintain the closest possible ties to communities they intend to serve. Nothing in this Chapter shall be construed to limit the level of openness and democracy in nonprofit organizations and any contracting nonprofit organization may establish policies that guarantee additional openness to stakeholders.

> (b) This Chapter is intended to be cost-neutral in its effects upon nonprofit organizations, and the requirements imposed by this Chapter shall be subject to that intent. This Chapter is not intended to impose obligations equal to those of governmental agencies upon nonprofit organizations doing business with the City.

When it comes to public access to records, Sec.L.5 states:

(a) **Disclosure of Financial Information.** Subject to Section 12L.5.(c), each nonprofit organization shall maintain and make available for public inspection and copying a packet of financial information concerning the nonprofit organization. The packet shall include, at a minimum, (1) the nonprofit organization's most recent budget as already provided to the City in connection with the nonprofit organization's application for, or in connection with the review and/or renewal of, the nonprofit organization's contract, (2) its most recently filed State and federal tax returns except to the extent those returns are privileged, and (3) any financial audits of such organization performed by or for the City and any performance evaluations of such organization performed by or for the City pursuant to a contract between the City and the nonprofit organization, to the extent that such financial audits and performance evaluations (i) are in the nonprofit organization's possession, (ii) may be publicly disclosed under the terms of the contract between the City and the nonprofit organization, and (iii) relate to the nonprofit corporation's performance under its contract with the City within the last two years. A member of the public may request additional financial information other than that described above, pursuant to Section 12L.5(b) herein; however, the provision of such additional financial information by a nonprofit organization shall be voluntary, not compulsory. Members of the public, upon giving ten days' notice to the nonprofit organization, shall be entitled to inspect the packet of financial information during the nonprofit organization's regular business hours or to receive a copy of the packet of information for which the nonprofit organization may

> recover from the member of the public the organization's direct costs of duplication. Notwithstanding the foregoing, a nonprofit organization described within Sections 12L.4(a)(3) herein may comply with Section 12L.5(a) herein by sending a copy of its financial information packet, by first class mail, with the costs of such mailing prepaid by the member of the public, to a member of the public who has requested such information.

(b) **Dispute Resolution.** A member of the public who requests additional financial information other than that described in Section 12L.5(a), above, or who has a complaint concerning a nonprofit organization's compliance or noncompliance with this Chapter, may submit that request or complaint to the City agency or department which is a party to and/or which administers the nonprofit organization's contract. That City agency or department shall consider the request or complaint and shall recommend a resolution thereof in accordance with procedures established by that City agency or department. Following such consideration and recommendation, the member of the public or the nonprofit organization may seek an advisory opinion concerning the request or complaint from the Sunshine Ordinance Task Force, which that Task Force shall be authorized to provide; provided, however, that failure to seek such an advisory opinion from the Sunshine Ordinance Task Force shall not prejudice the right of the member of the public and/or the nonprofit organization to obtain a review of the City agency or department's recommendation by the Board of Supervisors as provided herein. The member of the public or the nonprofit organization may request that the Board of Supervisors review the recommendation of the City agency or department, which review shall be conducted in accordance with procedures established by the Board of Supervisors, provided that such request is made in writing to the Clerk of the Board of Supervisors within ten days of the issuance of the City agency or department's recommendation or the Sunshine Ordinance Task Force's advisory opinion, whichever is later. Subject to Section 12L.7. herein, the recommendation of the City agency or department, or the determination of the Board of Supervisors, with

> respect to any request or complaint by a member of the public shall be nonbinding upon the nonprofit organization.

(c) **Donor Confidentiality.** No nonprofit organization shall be required to make available to the public any document which would reveal the identity of any of that nonprofit organization's donors or the amount or nature of any individual donations to that nonprofit organization.

16.15 Public Access to Meetings and Records. If the Grantee receives a cumulative total per year of at least \$250,000 in City funds or City-administered funds and is a non-profit organization as defined in Chapter 12L of the San Francisco Administrative Code, the Grantee shall comply with and be bound by all the applicable provisions of that Chapter. By executing this Agreement, the Grantee agrees to open its meetings and records to the public in the manner set forth in Sections 12L.4 and 12L.5 of the Administrative Code. The Grantee further agrees to make good-faith efforts to promote community membership on its Board of Directors in the manner set forth in Section 12L.6 of the Administrative Code. The Grantee acknowledges that its material failure to comply with any of the provisions of this paragraph shall constitute a material breach of this Agreement. The Grantee further acknowledges that such material breach of the Agreement shall be grounds for the City to terminate and/or not renew the Agreement, partially or in its entirety.

The above Admin Code is addressed in Section 16.5 of the Arts Commission's Cultural Center Grant Agreement. Records belonging to the nonprofit Bayview Opera House, Inc. (BVOH) that fall under this Code will hereto be referred to as "12.L." for brevity's sake.

On August 17, 2017, in an email exchange, see original attachments already provided to the SOTF, Mr. Williams clarified that the request was also intended for the Arts Commission. In a subsequent email sent on the same day, I invoked a 14-day extension pursuant to the

California Government Code Section 6253(c) and included the following clause:

Under the Public Records Act, the deadline can be extended for up to 14 days due to "the need to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request" and "the need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein." (See Cal. Gov't Code  $\int 6253(c)(2)$  and (3)).

With the 14-day extension, the deadline to fulfill this request was August 30, 2017.

On August 17, I sent an email to my colleagues at the San Francisco Municipal Transportation Agency, SF Public Works and the Mayor's Office on Disability alerting them to this IDR. I provided a copy of the letter and asked who from each office would be the designated respondent.

After ascertaining that many of the records Mr. Williams requested were in fact not in the Arts Commission's possession and as promised to Mr. Williams, on Monday, August 21, 2017, I sent an email introducing him to the Custodians of Records at the aforementioned agencies, which were lead agencies on the Bayview Opera House's construction project during various phases.

The Custodian of Records at SF Public Works explicitly informed me that Mr. Williams would have to reach out to him separately to register a request. I informed Mr. Williams of this, and also reminded him that I was not required to gather documents on his behalf but only to help facilitate a connection with the appropriate record keeper at each department, which I did. During this period, I also had a conversation

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with our City Attorney Lauren Curry who confirmed that that was the extent of my role.

After making the introductions to the other departments, I received an email from Mr. Williams on August 21 in which he stated that he would not reach out to the other departments and accused me of creating "unnecessary machinations as being orchestrated purely for the sake of delay."

I responded as follows and cc'd the other custodians of records at DPW and SFMTA.

Dear Mr. Williams,

I am in the process of responding fully to your records request and I am confident that we will meet the deadline of August 30 (the deadline after the 14 day extension, which was invoked on August 17, 2017).

The Arts Commission does not have many of the documents requested in the section "Contracts & Procurement". I did in fact speak with the City Attorney who confirmed that I should help assist you in getting the requested records from other City departments, namely the SFMTA and DPW. I fulfilled my responsibility in helping facilitate the transfer of records responsive to this request in an email introduction to both Custodians of Records for DPW and SFMTA in which I included your original letter.

The SFMTA and DPW asked that you please submit a separate request so that they could assist you – that is their process. I believe everyone is doing their best to comply with your request, which is voluminous in nature. We would appreciate your patience as we gather these records.

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Mr. Williams' has cited this email repeatedly during the SOTF hearings, claiming that I "promised" that I would get him all of the documents from the other departments. I want to clarify the public record definitively. I did not make any such promise. I said that "I was confident that we will meet the deadline," and at the time of the writing I felt that we would. I also reiterated in the SAME email that "the SFMTA and DPW asked that you (Mr. Williams) please submit a separate request so that they could assist you." If I had, as Mr. Williams' claims, made a promise, why would I then direct him to reach out to the other departments? Mr. Williams' accusation is patently false, and I wish the SOTF to acknowledge this fact.

Mr. Williams sent an Immediate Disclosure Request and obtained all internal correspondence related to his request, including emails between our office and Ms. Curry. This correspondence reveals that the SFAC and BVOH staff had questions about our specific responsibilities with regard to this request and sought advice from Ms. Curry. While many of the items in the letter fall under the requirements outlined in Admin Code Sec.L.5, some did not. The Director of Cultural Affairs Tom DeCaigny also had similar questions and directed me to seek clarity about the SFAC's authority in compelling the BVOH to turn over certain records since they are not a City Agency and not subject to "obligations equal to those of governmental agencies", Admin Code, Sec 12.L.1(b).

These steps have been grossly mischaracterized in Mr. Williams' October 2, 2017 letter to the Sunshine Task Force Complaint Committee. He accuses the SFAC of "willfully" stonewalling "full disclosure and compliance with the Sunshine Ordinance". He states that Mr. DeCaigny "instructs Patterson to invoke an improper and patently illegal extension under an alternate pretext that the request is voluminous in nature."

Mr. Williams initial Immediate Disclosure Request contained 26 separate requests, many of which were not "simple, routine, or

otherwise readily answerable," as is required by San Francisco Administrative Code Section 67.25(a). We acted appropriately and lawfully by invoking an extension, and we provided the proper legal basis.

On August 22, I received an email from SFMTA's custodian of records Caroline Celaya informing me that she had acknowledged receipt of the request in an email to Mr. Williams.

In the interim, the Arts Commission undertook an extensive search through staff email records, accounting records and project folders related to the Bayview Opera House.

On August 30, the Arts Commission sent Mr. Williams our detailed response to each item enumerated in his letter for which we had records, thus meeting the deadline. I created a dropbox file for easy access of said documents. Mr. Young has a copy of our response.

On August 31, I received a series of emails from my colleague at SF Public Works, which had yet to receive a direct request from Mr. Williams, for records in response to the IDR. I forwarded those emails to Mr. Williams and, fearing that some of the files were too large for his inbox, I also uploaded them to a separate folder in the same dropbox file to help facilitate easy access.

To date, the SFAC does not have any records from the SFMTA. Ms. Celaya did email me to say that she had been in touch with Mr. Williams.

On August 25, BVOH Executive Director provided Mr. Williams with the following records:

- 1. City Monitoring Letters
- 2. Current Budget
- 3. Tax Returns

# 4. Financial Audit

Please note that as part of my December 12, 2017 letter, I also included proof that these records were provided to Mr. Williams.

Following is a recapitulation of our responses to Mr. Williams' initial request. Per the Task Force's request, following each item, we will provide our response to Mr. Williams' rebuttals from his October 2, 2017 letter.

I would like to reiterate again, for Mr. Williams' edification, that a department need not create a record that does not already exist. In several of his requests, he asked us to delineate the information by "race, gender, and sex." We do not have records that are organized in this fashion and we are not required to manufacture records to fit these criteria.

Again, the records we have provided are those, which are solely in the Arts Commission's possession. There are many records that are held outside of this agency or at the BVOH. The Arts Commission cannot be responsible for records that it does not already have in its possession. Nor are we responsible for providing further information on the records, which DPW has provided to Mr. Williams. If Mr. Williams wishes for clarity around any of the documents provided by DPW, he will need to do so directly with their custodian of records.

# Under "Contracts & Procurement"

# Original Request:

 Provide for public disclosure, a conformed copy of ANY and ALL contracts, grants, loans, bids, and any purchase orders of whatever kind that are directly related to or indirectly pertain to the \$5.6 million dollar historic renovation of the Bayview Opera House Ruth Williams Memorial Theater. Please also include, where and in what trade publication(s) the contract was advertised;

In response, the SFAC provided the following records on 8/30/2017:

- August 24, 2011 San Francisco Redevelopment Agency (SFRA) Grant Agreement
- October 4, 2011, Personal Services Contract for cultural capital and historic preservation consulting and advising service Mayor's Office on Disability
- January 1, 2012 Deborah Frieden Services Agreement Contract
- March 29, 2012 Deborah Frieden Sole Source MCO HCAO
- March 2012 DPW MOU
- June 6, 2012 Review of Request for Approval of Proposed Personal Service Contract Numbers 4126-11/12 Through 4132-11/12; 4086-08/09; 3036-11/12; AND 4115-07/08
- May 9, 2012 Personal Services Contract Summary Capital and Mayor's Office on Disability (#3036-1112)
- June 25, 2012 Transfer Funds Request for Disabled Access, San Francisco Arts Commission, Bayview Opera House
- December 2, 2012 Tom Eliot Fisch / KnappArchitects Proposal
- Receipt for Filing Fees Paid
- May, 8 2015 Purchase Order Deborah Frieden & Associates
- May 8, 2015 Purchase Order Rollo & Ridley Inc
- March 2013 Community Challenge Grant MOU
- July 1, 2013 Deborah Friedan Contract, Amendment 2
- July 1, 2013 PSC CSC approval
- June 3, 2013 Personal Services Contract Summary Capital and Mayor's Office on Disability (#3036-1112)
- July 10, 2014 KQ copy of Fund Summary Snapshot
- July 25, 2013 Transfer Funds Request Disabled Access, San Francisco Arts Commission, Bayview Opera House-Restoration of final funding
- September 16, 2015 COSCO Contract for Inspection and Test of Fire Protection Equipment

- June 5, 2012 Deborah Friedan Contract, Amendment 1
- Project Estimate Summary
- Bid Document Alternates List

Please note that in our 8/30/2017 letter we reminded Mr. Williams upfront that the Department of Public Works (DPW) and the San Francisco Municipal Transportation Agency (SFMTA) would also have records responsive to this request.

# Mr. Williams' 10/2/2017 Rebuttal:

Respondent produced only \$2.5 million dollars representing the prime contractor M H Construction therewith nine (9) change orders of approximately 800k. thus, \$3.1 million dollars does not appear to be accounted for as no explanation accompanied the response.

### SFAC's Response to this Rebuttal:

The SFAC provided all of the records in our possession. As we have explained on numerous occasions, the DPW and the SFMTA had full site control during different phases of the project. They managed all aspects of the construction from bidding to hiring, etc. The SFAC does not have a master budget document that provides details on every line item that equates to \$5.6 million.

#### Original Request:

2. Produce copies of all notices soliciting public comment or public participation prior to the design and rebuild phase of the renovation project, including sign-in sheets;

In response to No. 2, the SFAC had no responsive documents.

For item No. 2, Mr. Williams' rebuttal was the same as item No. 1, and accordingly, the SFAC's response is also the same as above.

# **Original Request:**

3. Produce copies of all notices soliciting public comment or public participation prior to the design and rebuild phase of the renovation project, including sign-in sheets.

# The SFAC's 8/30/2017 response:

In response to this request please find two documents: "Meeting 1 Comment Cards" and "Meeting 1 Notes". Please note that personal contact information has been redacted in order to protect the individuals' right to privacy under Article 1, Section 1 of the California Constitution.

# Mr. Williams' 10/2/2017 Rebuttal:

Respondent has failed to disclose public records responsive to the request, to date.

# SFAC's Response to this Rebuttal:

The SFAC has provided all responsive records in its possession. Please contact DPW or the SFMTA for further records.

# **Original Request:**

4. Provide conformed copies of the bid documents, list of bidders, competitive bid amount and ALL documents, which reflect the selection of the lowest, responsive, responsible bidder chose for the work. Include a list of the subcontractors and any change orders submitted, which might have increased the contract base bid amount;

# SFAC's 8/30/2017 response:

In response to this request, please find the following records:

- March 26, 2015 MHC Engineers Proposal
- October 23, 2015 Order for Additional Services (DPW)
- BVOH Construction Bid Cost
- Ordinance 85-13 Waiving the as-needed contract modification for Tom Eliot Fisch/Knapp Architects

# Mr. Williams' 10/2/2017 Rebuttal:

Bid documents and related bidder lists were produced reflecting award of the renovation prime contract with subcontractors. However, the contract award does not account for the balance of \$3.1 million dollars of the total published expenditure of \$5.6 million dollars.

# SFAC's Response to this Rebuttal:

The SFAC has provided all responsive records in its possession. Please contact DPW or the SFMTA for further records.

#### Original Request:

5. Submit a copy of ALL bids for the commercial painting, including pre-renovation signage advertisement of public notice of temporary closure of the building followed by the grand opening, broken down by race, gender or sex approved either by the BVOH Board and/or the Arts Commission between 2013-2017;

### SFAC's 8/30/2017 response:

The exterior painting was funded and executed by Local Initiative Support Corporation (<u>http://www.lisc.org/</u>), an independent nonprofit, directly with BVOH. Therefore, the Arts Commission does not have "bids" and/or "public notices". The Arts Commission only approved the exterior paint colors. Please find attached the schematic that was presented to the Arts Commission and please also refer to the public record links below:

http://sfgov.org/arts/meeting/full-commission-june-5-2017-agenda

http://sfgov.org/arts/meeting/full-commission-june-5-2017-minutes

# Mr. Williams' 10/2/2017 Rebuttal:

Respondent has failed to produce disclosure of public records responsive to the request, to date with respect to pre-renovation advertisement of public notice of temporary closure.

# SFAC's Response to this Rebuttal:

The SFAC has provided all responsive records in its possession. The Bayview Opera House <u>may</u> have the outstanding records if they exist. These records may fall under the City's Admin Code, Sect. 12L.

# Original Request:

6. Provide for public disclosure, a conformed copy of ANY and ALL proposals received by the BVOH pertaining to any selection panel comprised either of a "Committee" and/or, Commission person with respect to construction, architectural/engineering, personal, professional services, and consulting contracts awarded by the BVOH Board of Arts Commission between 2013 and 2017;

# SFAC's 8/30/2017 response:

In response to this request, please find the following records:

- January 5, 2012 Final Combined Proposal Tom Eliot Fisch/KnappArchitects
- September 3, 2013 Hood Design Proposal
- May 1, 2015 Proposal Deborah G. Frieden

# Mr. Williams' 10/2/2017 Rebuttal:

Respondent refused disclosure of public records responsive to the request has been produced to date with respect to any proposals received pertaining to any selection panel or committee and/or Commission person with respect to consulting contracts awarded between 2013 and 2017.

# SFAC's Response to this Rebuttal:

The SFAC has provided all responsive records in its possession. Please note that a "BVOH Board of Arts Commission" does not exist. There is the Arts Commission and the Board of the Bayview Opera House – they are separate entities. Any records that fit the description above that were executed by the Bayview Opera House Board would fall under Admin code, Sect. 12L. Any further City contracts related to

architecture, construction or engineering <u>may</u> be held with DPW or SFMTA.

# Under "Events Revenue"

# Original Request:

7. Produce for public disclosure, a conformed copy of ANY and ALL contracts, purchase orders or vendor agreements obtained via competitive bid and/or Request for Proposal ("RFP"), and revenue therefrom, broken down by race, gender, and sex, and approved by the BVOH Board and/or Art Commission or in any instance where there was no competitive bidding between 2013 and 2017;

# SFAC's 8/30/2017 response:

In response to this request, please find the following records:

- May 5, 2014 3rd on Third Grant Amendment
- July 1, 2014 3rd on Third Grant Agreement
- September 5, 2014 3rd on Third Purchase Order
- September 5, 2014 3rd on Third Purchase Order
- June 13, 2014 3rd on Third Purchase Order
- January 4, 2016 BVOH Grant Agreement
- September 12, 2016 BVOH Grant Agreement Amendment

# Mr. Williams' 10/2/2017 Rebuttal:

Respondent has refused to produce but two purchase orders covering the entire period requested without identification of any signed and executed contracts.

# SFAC's Response to this Rebuttal:

With the exception of the 3<sup>rd</sup> on Third community event, the SFAC does not program the Bayview Opera House. The nonprofit that runs it does; therefore, these records would fall under 12.L. The SFAC has provided all of the records in its possession.

# Original Request:

8. Submit for public disclosure ALL "Public" as well as "Private" events and ANY corresponding signed and executed contracts with corresponding dollar amount for each space rental paid and revenue generated therefrom, broken down by race, gender, and sex between 2013 and 2017;

# SFAC's 8/30/2017 response:

The Arts Commission has no responsive records.

# Mr. Williams' 10/2/2017 Rebuttal:

Respondent refused disclosure of public records responsive to the request to identifying the renter for each "public" or "private" event and dates pertaining to payments for space and revenue generated therefrom between 2013 and 2017.

# SFAC's Response to this Rebuttal:

The SFAC does not program the Bayview Opera House building nor does it require the grantee that operates it to provide these records to the Agency. We have no responsive records. These records would fall under 12.L.

### Original Request:

9. Provide for public disclosure, ANY and ALL contracts, including but not limited to ANY short term or long term agreements, purchase orders, or contract modifications of ANY dollar amount awarded, broken down by race, gender, or sex and approved by the BVOH board or Arts Commission between 2013 and 2017;

# SFAC's 8/30/2017 response:

In response to this request, please find attached the Cultural Center's Grant Agreements for 2013 to 2017:

- July 1, 2013 BVOH Grant Agreement
- July 1, 2013 BVOH Amendment to Grant Agreement
- July 1, 2014 BVOH Grant Agreement

- July 1, 2014 BVOH Amendment to Grant Agreement
- July 1, 2015 BVOH Grant Agreement
- July 1, 2016 BVOH Grant Agreement
- April 19, 2016 BVOH Grant Agreement
- April 28, 2017 BVOH Amendment to Grant Agreement

Please note that, in some cases, we have provided you with the final documents but not the signed versions, which are in off-site storage. The documents included here reflect what was actually signed and were not modified. We are providing this version for reasons of expediency.

# Mr. Williams' 10/2/2017 Rebuttal:

- Following the Sunshine Taskforce Complaint Committee meeting on September 26<sup>th</sup> effective as of this writing on September 28, 2017, Ms. Kate Patterson has forwarded a limited number of BVOH Board minutes following Taskforce member Wolfe's public admonition, citing that nonprofits as recipients of public funds require public disclosure of such minutes. It is noted that the minutes do not cover inter alia the subject years requested.
- In addition thereto, Ms. Patterson included unsigned and unexecuted leasehold agreements between the Arts Commission and Bayview Opera House Ruth Williams Memorial Theater, but is nonresponsive on that same ground.
- Ms. Patterson will not produce the lease covering the BVOH satellite office directly across the street because the landlord is not a city property.

# SFAC's Response to this Rebuttal:

Regarding point 1, as I have stated on the public record, following the September 26 Sunshine Task Force meeting, I went back to my colleagues at the Arts Commission and asked them to go through each request and make sure that we had disclosed all records. It turned out that we in fact did have some BVOH Board minutes on file, which I immediately disclosed. The SFAC only requires the BVOH to provide

board meeting minutes for their required public meetings. We do not keep records of minutes for all of their board meetings. We turned over all of the minutes in our possession. All other minutes would fall under 12.L.

Regarding point 2, as I stated in our original response, we provided the final, yet unsigned, copies of the documents Mr. Williams requested for reasons of "expediency". The signed copies are in offsite storage and will take additional time to procure. We are happy to furnish him with these versions, but as we noted, the version he has represents the final document without the signature.

Regarding the last point, the lease for the space in question was executed by the Bayview Opera House, Inc. The Arts Commission does not require them to furnish us with a copy; therefore, this record falls under 12.L.

#### Original Request:

10. Produce for public disclosure, the total revenue of ANY and ALL sources of income within each fiscal year beginning 2013 through 2017;

### SFAC's 8/30/2017 response:

Please see our response to 14d, which includes the BVOH's final budget reports for the years requested.

### Mr. Williams' 10/2/2017 Rebuttal:

(Same as No. 8) Respondent refused disclosure of public records responsive to the request to identifying the renter for each "public" or "private" event and dates pertaining to payments for space and revenue generated therefrom between 2013 and 2017.

# SFAC's Response to the Rebuttal:

Grantees are not required to submit detailed reports for their earned revenue. The Arts Commission requires the final budget reports each

year to account for revenue and expenses. Therefore, this record falls under 12.L.

# Original Request:

11. Submit for public disclosure, copies of ANY and ALL consultant contracts, including but not limited to professional, personal, legal, office equipment, furniture, maintenance, and accounting contracts or vendor agreements of any kind issued between 2013 and 2017, and total payments related thereto, broken down by race, gender, and sex;

# SFAC's 8/30/2017 Response:

In response to this request, please find the following records:

- April 22, 2016 Estimate for Services Ted Russell Consulting Services
- May 5, 2016 Purchase Order Ted Russell Consulting Services
- August 8, 2016 Invoice for Ted Russell Consulting Services
- July 20, 2016 Purchase Order for Tyra Fennell Consulting

# Mr. Williams' 10/2/2017 Rebuttal:

No disclosure of public records responsive to the request has been produced to date professional, personal, legal, office equipment, furniture, maintenance, and accounting contracts or vendor agreements of any kind issued between 2013 and 2017, and payments related thereto, broken down by race, gender, and sex.

#### SFAC's Response to the Rebuttal:

The SFAC has turned over all records in its possession. The remaining records <u>may</u> be in the possession of the BVOH, which would fall under 12. L.

### Original Request:

12. Provide federal and state tax returns filed for tax years 2013 through 2017;

# SFAC's 8/30/2013 Response:

The BVOH possesses these records and will provide them accordingly.

# Mr. Williams' 10/2/2017 Rebuttal

The submissions of 990 federal tax returns were responsive to the SOR.

SFAC has no response to this rebuttal, except that under 12.L. the BVOH would be responsible for turning these documents over.

# Original Request:

13. Produce conformed copies of ANY and ALL documents, reflecting donations of food, liquor, and wine, including but not limited to ANY other source of donations for anything else properly related to BVOH goals and objectives;

# The SFAC's 8/30/2017 Response:

The Arts Commission has no records responsive to this request.

### Mr. Williams' 10/2/2017 Rebuttal:

Respondent refused disclosure of public records responsive to the request reflecting dates of in-kind donations of food, liquor, and wine from any source.

# The SFAC's Response to the Rebuttal:

These documents are not in the possession of the SFAC, nor do we require the grantee (BVOH) to provide us with these records. These records would fall under 12.L.

#### Original Request:

14. Submit for public disclosure, the resumes of each BVOH Board member from 2009 through 2017. Identify by name whether any former member of the Board subsequently became an employee during any calendar year(s);

# The SFAC's 8/30/2017 Response:

In response to this request, please find a resume for the BVOH's Executive Director Barbara Ockel. Please note that we have redacted her personal contact information in order to protect her right to privacy under Article 1, Section 1 of the California Constitution.

# Mr. Williams' 10/2/2017 Rebuttal:

Effective on September 28, 2017, Ms. Patterson via email informed Complainant that the only resume to be disclosed will be the resume of the Executive Director Barbara Ockel because she (Patterson) does not have a copy of it.

# The SFAC's Response to the Rebuttal:

The SFAC provided all of the records it had it its possession.

#### Original Request:

a. Provide conformed copies of unredacted Board Minutes, therewith related correspondence reflecting the location where each meeting was held, if other than at 4705 Street, covering the period between 2013 through 2017. In addition, identify rents paid at both the main Opera House facility and the new Third Street San Francisco BVOH satellite office with a copy of the rental agreement;

# SFAC's 8/30/2017 response:

The Arts Commission has no records responsive to this request.

#### Mr. Williams' 10/2/2017 Rebuttal:

(See SOR Nos. 9 and 14)

# SFAC's Response to the Rebuttal:

After the September 26 Complaint Committee hearing, I was concerned that, despite our exhaustive efforts, we may have unintentionally omitted documents. I felt that we had left "no stone unturned", and I was troubled by Mr. Williams' accusations that we

were willfully withholding records because I felt that we had turned over everything in our possession. I asked my colleagues to review every line item. I was dismayed to learn that there were indeed records in our possession, which we had failed to turn over with the first installment.

On September 28, I emailed Mr. Williams the remaining records in our possession. In my email, which I have already presented to Mr. Williams and the Sunshine Task Force, I stated the following in response to 14. a:

Attached are the Board Minutes that the Arts Commission has on record. Barbara Ockel can provide minutes for the BVOH's public meetings that go further back if she has them in her archives. With regard to rents paid, please find attached our lease agreements between the SFAC and the BVOH from 2009, 2012 and 2016. Please let us know if you would like the "executed" copies. If so, we will request them from offsite storage. Please also refer to the revised budget, which is attached. The SFAC does not have a copy of the rental agreement between the BVOH and the landlord of the Third Street property.

To date, we have turned over all of the records in our possessions. The BVOH <u>may</u> have the additional records Mr. Williams seeks. These records would fall under 12.L.

#### Original Request:

b. Produce a conformed copy of the BVOH Articles of Incorporation;

# SFAC's 8/30/2017 Response:

The Arts Commission has no records responsive to this request.

# Mr. Williams' 10/2/2017 Rebuttal:

Respondent produced a conformed copy of the BVOH Articles of Incorporation only after appearing before the Sunshine Task Force.

Respondent provided documents following Sunshine Taskforce Complaint Committee hearing on September 28, 2017 and is responsive to August 16, 2017.

# SFAC's Response to the Rebuttal:

As was mentioned in the previous rebuttal, I was unaware that the SFAC had these records at the time of our initial response. On September 28, 2017 in the email to Mr. Williams mentioned above, I provided BVOH's Articles of Incorporation.

#### Original Request:

c. Submit a copy of ALL Board and Staff reports covering the period between 2013 and 2017;

# SFAC's 8/30/2017 Response:

The Arts Commission has no records responsive to this request.

# Mr. Williams' 10/2/2017 Rebuttal:

Staff and Board reports shown in minutes having been discussed, but to date not produced for public consumption.

#### SFAC's Response to the Rebuttal:

The SFAC's has no responsive documents. The BVOH <u>may</u> have responsive records. These records would fall under 12.L.

# Original Request:

d. Provide ANY and ALL BVOH funding sources between 2013 and 2017;

# SFAC's 8/30/2017 Response:

In response to this request, please find the following records:

• FY 2013-2014 - BVOH Final Budget Report

- FY 2014-2015 BVOH Final Budget Report
- FY 2015-2016 BVOH Final Budget Report
- FY 2016-2017 BVOH Final Budget Report

# Mr. Williams' 10/2/2017 Rebuttal:

On information and belief, BVOH has served as fiscal agent for other nonprofits and received income therefrom, but either fails to disclose or refuses to produce fiscal documents of such revenue. Thus, respondent is nonresponsive in that complete disclosure has been requested, but denied by unreasonable delay.

# SFAC's Response to the Rebuttal:

The SFAC provided all of the documents its possession in its initial response, and followed up with the most recent budget in our subsequent exchange on September 28, 2017. The BVOH <u>may</u> have responsive records but these would fall under 12.L.

# Under "BVOH Staff"

# Original Request:

15. Produce a copy of ALL job descriptions and methods of advertisement, recruitment, and retention of employees, therewith Equal Employment Opportunity Policy and Procedures Handbook;

# SFAC's 8/30/2017 Response:

In response to this request, please find the BVOH's Staff Handbook.

# Mr. Williams' 10/20/2017 Rebuttal:

Respondent refuses to produce job descriptions for any position, except for the BVOH Executive Director.

# SFAC's Response to the Rebuttal:

The SFAC provided all of the records in its possession at the time of our initial response. The BVOH <u>may</u> have responsive documents. These would fall under 12. L.

#### Original Request:

16. Submit for public disclosure, the total number and respective salaries of ALL BVOH employees, identify each job classification up to and including administrative, management, and supervisorial occupations with respective dates of hire, delineated by race, gender, and sex employed between 2013 and 2017.

# SFAC's 8/30/2017 Response:

Please see our response to 14d and review the expense line items in the BVOH's budgets.

# Mr. Williams 10/20/2017 Rebuttal:

Respondent refuses to produce public documents responsive to the request for staff salaries, delineated by job classification; therewith dates of hire have been produced as a public record for disclosure.

# SFAC's Response to the Rebuttal:

The SFAC turned over all records in its possession in its initial response. The BVOH <u>may</u> have responsive records. These would fall under 12.L.

#### **Original Request:**

 Provide documents or records, which clearly identifies the exact Board/Management person(s) authorized to make hiring and firing decisions;

# SFAC's 8/30/2017 Response:

The Arts Commission has no records responsive to this request.

# Mr. Williams 10/2/2017 Rebuttal:

Respondent refused to identify whether the board or management is authorized to make hiring and firing decisions.

# SFAC's Response to the Rebuttal:

The SFAC did not "refuse to identify" whether the board or management is authorized to make hiring and firing decisions. Mr. Williams asked for "documents or records, which clearly identifies the exact Board/Management person(s) authorized to make hiring and firing decisions." The SFAC has no documents responsive to this request. The BVOH <u>may</u> have responsive records. These would fall under 12.L.

#### **Original Request:**

18. Produce the NUMBER (only without names) of staff, including interns fired or discharged for cause delineated by race, gender, and sex between 2013 and 2017.

# SFAC's 8/30/2017 Response:

The Arts Commission has no records responsive to this request.

# Mr. Williams 10/2/2017 Rebuttal:

Respondent refuses to produce the EEO statistical data (only without names) of staff, including interns fired or discharged for cause delineated by race, gender, and sex between 2013 and 2017.

Request for statistical information on BVOH hiring and retention of women and minorities denied, and as such is deemed nonresponsive to the SOR.

# SFAC's Response to the Rebuttal:

The SFAC does not have any records responsive to this request. The BVOH <u>may</u> have these records, and if they did they would fall under 12. L.

### Original Request:

19. Submit a list of paid staff presently employed with the BVOH, whether part-time or full time delineated by race, gender, sex, including residency status or domicile, either within or outside the City and County of San Francisco.

# SFAC's 8/30/2017 Response:

Please find attached the organizational chart for the Bayview Opera House.

### Mr. Williams Rebuttal:

Request for statistical information on BVOH full-time and part-time hiring and retention of women and minorities was denied for both employees domiciled within and outside the City and County of San Francisco, and as such is deemed nonresponsive to the SOR.

# SFAC's Response to the Rebuttal:

The SFAC provided all of the records responsive to this request. As we mentioned in our initial response and again in this letter, we are not required to confirm extant records to a specific requested format. We do not have any data or statistics "delineated by race, gender, sex, including residency status or domicile, either within or outside the City and County of San Francisco." Just because the SFAC does not have a record, does not mean we are being unresponsive.

# **Original Request:**

20. Produce ANY and ALL documents, records, or correspondence of any kind relating to authorization granted by the BVOH Board and/or Arts Commission to solicit funds under the name of the late Karla Johnson of the Mayor's Office on Disability. In addition thereto, please produce an accounting as to the total use of these funds.

# SFAC's 8/30/2017 Request:

In response to this request, please find the following records:

- Email from Judy Nemzoff to Supervisor Malia Cohen
- Email correspondence between Anna Kuperberg (Carla Johnson's widow) and Judy Nemzoff
- Email from the Mayor's Office on Disability
- Email from the Mayor's Office on Disability in response to this IDR request

> • Email correspondence between Anna Kuperberg (Carla Johnson's widow) and Judy Nemzoff regarding the donation funds for the plaza

The BVOH is the beneficiary of the Carla Johnson memorial fund. The Arts Commission does not oversee this account; therefore, we do not have "an accounting as to the total use of these funds."

Please note that personal contact information has been redacted in order to protect individuals" right to privacy under Article 1, Section 1 of the California Constitution.

# Mr. Williams' 10/2/2017 Rebuttal:

Respondent disclosed only the balance of unused funds solicited under the name of the late Karla Johnson through the BVOH Ruth Williams Memorial Theater, without either identifying any person(s) that authorized the public solicitation for private funding or producing an accounting of monies heretofore expended.

# SFAC's Response to the Rebuttal:

The SFAC turned over all records in its possession. As we stated in our original letter, the fund was created by Ms. Johnson's widow and the BVOH is the beneficiary NOT the SFAC. As such, the BVOH controls the account and <u>may</u> have additional responsive records. These would fall under 12.L.

# Original Request:

21. Submit ANY and ALL documents records, or correspondence of any kind relating to authorization granted by the BVOH Board and/or Arts Commission to solicit funds or authorize any grants towards education related to contributions to San Francisco theater arts the late Ruth Williams made following the September 1995 renaming of the historic landmark honoring her name.

# SFAC's 8/30/2017 Response:

The Arts Commission found two records regarding the BVOH from the Board of Supervisors minutes from 1995. The first record, file 197-95-009 from November 20, 1995, is a referral to the Full Board to change the name of the BVOH to include "Ruth Williams Memorial Theater". The second record, file 197-95-9, resolution # 1027-95 from December 4, 1995, is the official approval of the name change.

We did not see anything in the legislation or a directive from the Board during that time period to "solicit funds or authorize any grants towards education related to contributions to San Francisco theater arts the late Ruth Williams made." In short, the records pertain to the name change only. Please let us know if we've misunderstood this request and we will conduct the search again. Otherwise, we have no records responsive to this request.

# Mr. Williams' 10/2/2017 Rebuttal:

Respondent has refused disclosure of public records relating to any authorization by the BVOH Board and/or Arts Commission to solicit funds or any grants towards education related to contributions to San Francisco theater arts by the late Ruth Williams following the September 1995 renaming of the historic landmark honoring her memory responsive to the SOR.

#### SFAC's Response to the Rebuttal:

As demonstrated, the SFAC researched this request in an effort to provide responsive documents. Based on our interpretation of the question, we feel we have provided all of the information we could find on this topic that was in our possession. We in no way "refused disclosure of public records," and we even asked Mr. Williams to clarify his request in the event that it was misinterpreted. Mr. Williams did not. Therefore, we have no further records. The BVOH <u>may</u> have additional responsive records, but those would fall under 12. L.

# Under "E-mail, Letter, Community/Event Notices, Correspondence"

# Original Request:

22. Provide ANY and ALL email, community, or event notices and incoming and outgoing correspondence between 2013 and 2017;

This request was amended on 8/28/2017 to the following: Pertains to the planning phases of BVOH activities, including but not limited to "special events" such as: "Juneteenth", "Black History Month", pre-renovation "Ground Breaking", post-renovation "Grand Opening" celebrations, "Dare 2 Dream", "3rd on Third Street" ...ect. and ALL related correspondence between the Arts Commission staff and Bayview Opera House Ruth Williams Memorial Theater staff and/or board members and any other city department or public official, including those representing the BVHP community, which specifically identities individuals, politicians, planning committees, organizations, and/or businesses that the city recruited to participate in its overall success.. 'Notices' is defined as ALL methods and modes of advertisement and recruitment for said events.

#### SFAC's 8/30/2017 Response:

In response to this request, please find the following records:

- File "3rd on Third" Various e-newsletters advertising the event as well as press releases
- File "BVOH Opening" Draft of Media Plan and five drafts of the Americans with Disabilities Act 25th Anniversary Release
- File "BVOH Ribbon Cutting" Press release drafts, press list, planning notes, RSVPs, talking points and draft run of show
- File "Correspondence"- includes event related emails
- Two Word.doc drafts of Kevin Epp's Event

Please note that the Arts Commission has redacted personal contact information to protect individuals' right to privacy under Article 1, Section 1 of the California Constitution.

# Mr. Williams 10/2/2017 Rebuttal:

Respondent refused to produce any email, community, or event notices and incoming and outgoing correspondence between 2013 and 2017 responsive to the SOR.

# SFAC's Response to the Rebuttal:

The SFAC did a thorough search and provided all records responsive to this request. With the exception of 3<sup>rd</sup> on Third, the Kevin Epp's event and the Ribbon Cutting, the SFAC does not program the building. The BVOH operates and programs the building. Accordingly, they <u>may</u> have additional responsive records. These would fall under 12. L.

# **Original Request:**

23. Produce names, fliers, posters, and related notices of ALL plays or theatrical productions performed at the Ruth Williams Theater;

# SFAC's 8/30/2017 Response:

Please see our response to 22, which includes some examples of e-mail notifications disseminated by the BVOH for its events. In general, the Arts Commission does not archive "fliers, posters and other related notices" issued by the BVOH.

# Mr. Williams' 10/2/2017 Rebuttal:

Respondent refused to produce any email, community, or event notices and incoming and outgoing correspondence between 2013 and 2017 responsive to this request.

# SFAC's Response to the Rebuttal:

As previously stated, the SFAC does not program the building. As such, we do not keep records on every event held there. The BVOH would likely have these records, but these would fall under 12.L.

#### Original Request:

24. Submit ANY and ALL payments made to musicians, dancers, bands, music or dance instructors related to the performing arts occurring between 2013 and 2017.

#### SFAC's 8/30/2017 Response:

Please see the records in response to 14d, specifically the expense lines of the budget reports.

Mr. Williams' 10/2/2017 Rebuttal:

Respondent produced no proof of payments made to musicians, dancers, bands, music or dance instructors related to performing arts occurring between 2013 and 2017 responsive to the SOR.

#### SFAC's Response to the Rebuttal:

The SFAC does not program the building. Nor do we require the grantee to provide these records; therefore, we have limited responsive documents. The BVOH <u>may</u> have additional records. These would fall under 12.L.

#### Original Request:

25. Provide ALL other sources of income, including public grants and private grants;

# SFAC's 8/30/2017 Response:

Please see the Final Budget reports provided in our response to 14d.

# Mr. Williams' 10/2/2017 Rebuttal:

Respondent produced no records of all sources of income from private and public rentals of the facility, including other income as a fiscal agent to other non-profits and unreported economic development related activities.

### SFAC's Response to the Rebuttal:

The SFAC provided all of the records in its possession. We do not require our grantee to provide this level of detail in their final budgets.

Therefore, the BVOH probably has additional records, but these would fall under 12. L.

# Original Request:

26. Submit ALL contact lists covering each organization, business, and individuals utilized for notifying the public of special events, meetings and conferences.

# SFAC's 8/30/2017 Response:

Please find attached an outreach list with the names of individuals and businesses the Arts Commission has used to conduct outreach in the Bayview neighborhood.

# Mr. Williams' 10/2/2017 Rebuttal:

Respondent refused to produce email and physical addresses of contact lists of organizations, businesses, and individuals submitted for which the BVOH interacts with appertaining to the arts, culture, and community educational activities. Respondent lists only names of individuals, businesses and organization while completely omitting the contact information.

#### SFAC's Response to the Rebuttal:

The SFAC provided a list of names from its Bayview outreach list. The list was generated from the Agency's Constant Contact account, which is used to send out emails only. We do not have a database of Bayview contacts with addresses on file that we have used for outreach purposes. The SFAC has a policy of not providing personal contact information in order to protect an individuals' right to privacy under California Constitution, Art. I, Sec. 1. Our interpretation of this request was that Mr. Williams wanted to see who from the community we reached out to so we felt that names of individuals and businesses would suffice. We did not know that Mr. Williams also wanted contact information (addresses, emails, etc) for these individuals, which we would have not provided based on the aforementioned legal premises. The BVOH has and manages its on list of contacts. Those records would fall under 12.L.

At no point throughout this process did the SFAC withhold or refuse to provide information to Mr. Williams. We have provided all of the pertinent records in our possession and we have provided assistance to Mr. Williams to procure certain records from DPW, SFMTA and the BVOH.

We hope the SOTF and Mr. Williams will see that we have acted in good faith in our response efforts.

Sincerely,

Kate Patterson Director of Communications

CC: Tom DeCaigny, director of Cultural Affairs Barbara Mumby, director of community investments Barbara Ockel, executive director, Bayview Opera House

## Patterson, Kate (ART)

From:	Taylor, Rommel (DPW)
Sent:	Thursday, August 31, 2017 4:52 PM
То:	Steinberg, David (DPW)
Cc:	Patterson, Kate (ART)
Subject:	Part 6 FW: Memorial to Ruth Williams and Mary Booker LAST
Attachments:	FCA14116 7371A- Award Letter.pdf; 7371A PMT 20.pdf; 7371A PMT 01.pdf; 7371A
	PMT 02.pdf; 7371A PMT 03.pdf; 7371A PMT 04.pdf; 7371A PMT 05.pdf; 7371A PMT
	06.pdf; 7371A PMT 07.pdf; 7371A PMT 08.pdf; 7371A PMT 09.pdf; 7371A PMT 10.pdf;
	7371A PMT 11.pdf; 7371A PMT 12.pdf; 7371A PMT 13.pdf; 7371A PMT 14.pdf; 7371A
	PMT 15.pdf; 7371A PMT 16.pdf; 7371A PMT 17.pdf; 7371A PMT 18.pdf; 7371A PMT
	19 pdf

### **Rommel Taylor**

Building Design and Construction | San Francisco Public Works | City and County of San Francisco 30 Van Ness Suite 4100 | San Francisco, CA 94612 | (415) 557-4615 | rommel.taylor@sfdpw.org sfpublicworks.org

#### From: Patterson, Kate (ART)

Sent: Thursday, August 17, 2017 5:20 PM

To: Gordon, Rachel (DPW) <Rachel.Gordon@sfdpw.org>; Sue, Candace (MTA) <Candace.Sue@sfmta.com>; Khambatta, Arfaraz (ADM) <arfaraz.khambatta@sfgov.org>; Taylor, Rommel (DPW) <Rommel.Taylor@sfdpw.org>
 Cc: Mumby, Barbara (ART) <br/>barbara.mumby@sfgov.org>; Takayama, Robynn (ART) <robynn.takayama@sfgov.org>
 Subject: FW: Memorial to Ruth Williams and Mary Booker

Hi Everyone,

Please see the email below and the attachment, which is a Sunshine request from a Mr. Kevin Williams, a resident of the Bayview.

I'm heading out for a long weekend, so I will be in touch again on Monday, but I just wanted to give you a heads up about this. He is interested in every detail related to the Bayview Opera House construction project from 2013-2017. Look at the first section of his letter under "Contracts and Procurement".

Your respective agencies, I believe, have the lion's share of these documents – especially Public Works, which oversaw the construction, bidding, etc.

Please let me know who from your office you would like to designate as the respondent and I will make a formal introduction to Mr. Williams on Monday to let him know where he can find specific information.

I have already invoked a 14-day extension – fyi.

Thanks!

Kate Patterson-Murphy Director of Communications San Francisco Arts Commission 401 Van Ness Avenue, Suite 325 San Francisco, CA 94102 T: 415-252-2229 sfartscommission.org

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**NOTICE:** Please be mindful that all correspondence and documents submitted to the San Francisco Arts Commission are public records and as such, are subject to the <u>Sunshine Ordinance</u> and can be requested by the public. If this happens, all sensitive personal information, such as Social Security numbers and phone numbers, will be redacted.

From: kevin williams [mailto:williams532001@yahoo.com] Sent: Thursday, August 17, 2017 12:38 PM To: Patterson, Kate (ART) <<u>kate.patterson@sfgov.org</u>> Cc: Mumby, Barbara (ART) <<u>barbara.mumby@sfgov.org</u>> Subject: Re: Memorial to Ruth Williams and Mary Booker

the second second second second second

Hello Ms. Patterson:

I will be providing a detailed complaint once I obtain all of responses to my Sunshine Ordinance Request, which is attached below. Quite frankly, a great deal of tension exists in the community over the widely held perception that the residents don't have proper access to the facility. More importantly, a rash of complaints that I have verified indicates the BVOH Board of Directors and Barbara Ockel are not in sync with the people there. I personally attended its last months Board meeting in an attempt to explain the need for cooperation, but unfortunately I was completely ignored. No follow-up on any of my suggestions made. I find shocking that my personal presence and desire to share legitimate concerns expressed from the community appear to have been brushed off so cavalierly. Director Barbara Ockel and the Board have refused to inform, even other members of my family when their next meeting will take place. This is unacceptable. Many complaints center on the prohibitive costs for rental of the theater for private events, some of which are arbitrary and based solely on her discretion. I have copiously documented these facts and know they found are grounded in truth. Recently, I received a report that she called the police on a Black community-based labor organization named ABU (Aboriginal Black Unity) who demanded to participate in painting the building. I am committed to ending this totally adversarial relationship through potent community action. Whenever, these highly questionable incidents occur Ms. Ockel remarks that she is following the direction of the Arts Commission.

Accordingly, please let me know when the next BVOH Board meeting will be held and consider having someone in authority for the Arts Commission present to hear from the community.

Thank you,

Kevin Williams Tel.: (415) 424-8221 On Tuesday, July 18, 2017 4:01 PM, "Patterson, Kate (ART)" <<u>kate.patterson@sfgov.org</u>> wrote:

Dear Mr. Williams,

Nice speaking to you. Please find below the email chain related to the mural petition.

Thank you for your candor and for sharing some of the community's concerns about how the center is being run and the types of programs being offered. When you have some time, please rearticulate your thoughts and concerns in writing so that we have them documented accurately and so that we can discuss potential next steps internally.

Sincerely,

Kate Patterson-Murphy Director of Communications

San Francisco Arts Commission 401 Van Ness Avenue, Suite 325 San Francisco, CA 94102 T: 415-252-2229 sfartscommission.org

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**NOTICE:** Please be mindful that all correspondence and documents submitted to the San Francisco Arts Commission are public records and as such, are subject to the <u>Sunshine Ordinance</u> and can be requested by the public. If this happens, all sensitive personal information, such as Social Security numbers and phone numbers, will be redacted.

From: Barbara Ockel [mailto:barbara@bvoh.org] Sent: Monday, July 17, 2017 5:19 PM To: Patterson, Kate (ART) <<u>kate.patterson@sfgov.org</u>>; Cc: Mumby, Barbara (ART) <<u>barbara.mumby@sfgov.org</u>> Subject: Re: Memorial to Ruth Williams and Mary Booker

Hi Kate,

Thanks so much for including me in the conversation, we are always looking to connect with the community for input and new ideas.

### Hi Leela,

I found the stack of signatures you collected on my desk, but was unable to find any contact information, so that I glad you got in touch with the SFAC. Would love to connect with you and hear about your hopes and visions for the Bayview Opera House Ruth Williams Memorial Theatre. As Kate mentioned, I already had applied for one grant to place a large memorial plaque with the proper building name into the side walk, but unfortunately that particular grant was not successful. We will try again.

I would also be very interested in chatting with you about how we can better serve you and others who care deeply about preserving the cultural history of the building and the community. There may be many ways in which the story of Ruth Williams and Mary Booker can be honored and celebrated hat we haven't thought of yet.

Barbara

Barbara Ockel Executive Director

BAYVIEW OPERA HOUSE 4705 3rd St, San Francisco, CA 94124 www.bvoh.org | Facebook Tel: 415.824.0386 | Cell: 415.640.6626

On Jul 17, 2017, at 4:52 PM, Patterson, Kate (ART) <<u>kate.patterson@sfgov.org</u>> wrote:

Hi Leela,

It was lovely speaking to you this afternoon. Per our conversation, I'm writing to memorialize our discussion regarding the petition to create a mural in honor of Ruth Williams and Mary Booker on the Bayview Opera House. First let me say that the Arts Commission agrees these women need to be honored in a way that adequately celebrates their contributions to the community and the arts.

As I mentioned, because the building is a registered historic landmark, we would not be able to place a mural on the exterior of the building. Instead, we have proposed the following ideas for you and the community to consider. Please note, that there isn't funding through the city's budget for this project and that the community would need to fundraise for this artwork.

1. Commemorative plaque – Barbara Ockel is currently seeking funding opportunities for a memorial plaque, which will be placed where it can be seen by the public. It can also feature images of the two women, so that, as you said, generations will know what these women looked like.

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Barbara – if you have answers to these questions, please chime in.

Thanks again, and let me know if you have any questions.

Best,

Kate Patterson-Murphy Director of Communications

San Francisco Arts Commission 401 Van Ness Avenue, Suite 325 San Francisco, CA 94102 T: 415-252-2229 <u>sfartscommission.org</u>

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# Patterson, Kate (ART)

From:Taylor, Rommel (DPW)Sent:Thursday, August 31, 2017 4:52 PMTo:Steinberg, David (DPW)Cc:Patterson, Kate (ART)Subject:FW: Memorial to Ruth Williams and Mary BookerAttachments:GY Form 6 & Quote.pdf; M H Construction Co.pdf; M H Construction<br/>Co\_SubContractor List.pdf; Pilot Form 6 & Quote.pdf; Pre-bid Agenda.pdf; Prebid<br/>Conference Sign In Sheet.pdf; Ranis Form 6 & Quote.pdf; RE: APOLLO THEATRE photos<br/>and work scope for bid for 7371A (Ruth Williams Memorial Bay View Opera House) by

SFDPW; Re- APOLLO THEATRE photos and work scope.pdf; Response to DPW letter.pdf; Roebuck Construction Inc.pdf; SCI Form 3.pdf; Svala Construction Inc.pdf; Svala Construction-Subcontractors listing submitted within 24Hrs..pdf; Wickman Development and Construction.pdf

### Rommel Taylor

Building Design and Construction | San Francisco Public Works | City and County of San Francisco 30 Van Ness Suite 4100 | San Francisco, CA 94612 | (415) 557-4615 | rommel.taylor@sfdpw.org · sfpublicworks.org

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# Barbara

Barbara Ockel Executive Director

# BAYVIEW OPERA HOUSE 4705 3rd St, San Francisco, CA 94124 www.bvoh.org | Facebook

Tel: 415.824.0386 | Cell: 415.640.6626

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Cc:

From: Taylor, Rommel (DPW) Sent: Thursday, August 31, 2017 4:51 PM Steinberg, David (DPW) Patterson, Kate (ART) Subject: Part 4 FW: Memorial to Ruth Williams and Mary Booker **Attachments:** Sunshine Ordinance Request for Public Records.docx.pdf; FCP14116-7371ATabulation of Bids October 1, 2014.pdf; 7371A-Addendum-4.pdf; 7371A-Addendum-5.pdf; 7371A-Legal Notice.pdf; 7371A-QBD-FORM question\_Alex Svidler Question.pdf; 7371A-QBD-Form question\_Wickman Development and Construction.pdf; Anvil Builders Inc.pdf; CLW Builders Inc.pdf; CLW-Subcontractors listing submitted within 24Hrs..pdf; DPW Order#182808\_Advertisement.pdf; Ecobay Form 6.pdf; Ecobay Qoute.pdf; FCA14116 7371A- Award Letter.pdf; FCA14116- 7371A CMD Recommendation for Award Form.pdf; FCA14116 7371A- DPW Contract Administration Bid Review Notes.pdf; FCA14116 7371A- DPW Order 183136 -Award of Formal Construction Contract.pdf; FCA14116 7371A- Ruth Williams Memorial Theatre Bayview Opera House.pdf; FCE14028 2143J(R)-NTP Distribution.pdf; FCE14116-7371A- Worksheet to Determine Preliminary Apparent Low Bidder.pdf; FCP14116-7371A-Bidder's Reminder.pdf

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Sent:	Thursday, August 3
To:	Steinberg, David (D
Cc:	Patterson, Kate (AR
Subject:	FW: Memorial to Ru
Attachments:	7371A-Addendum-

aylor, Rommel (DPW) hursday, August 31, 2017 4:50 PM teinberg, David (DPW) atterson, Kate (ART) W: Memorial to Ruth Williams and Mary Booker 371A-Addendum-3-3of3-Drawings.pdf

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Barbara – if you have answers to these questions, please chime in.

Thanks again, and let me know if you have any questions.

Best,

#### Kate Patterson-Murphy Director of Communications

San Francisco Arts Commission 401 Van Ness Avenue, Suite 325 San Francisco, CA 94102 T: 415-252-2229 <u>sfartscommission.org</u>

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# Patterson, Kate (ART)

From:	Taylor, Rommel (DPW)
Sent:	Thursday, August 31, 2017 4:47 PM
То:	Steinberg, David (DPW)
Cc:	Patterson, Kate (ART)
Subject:	Part 2 FW: Memorial to Ruth Williams and Mary Booker
Attachments:	7371A-Addendum-3-2of3-Hazmat-Report.pdf; 7371A-Addendum-3-1of3.pdf

Rommel Taylor

Building Design and Construction | San Francisco Public Works | City and County of San Francisco 30 Van Ness Suite 4100 | San Francisco, CA 94612 | (415) 557-4615 | <u>rommel.taylor@sfdpw.org</u> · <u>sfpublicworks.org</u>

From: Patterson, Kate (ART)

Sent: Thursday, August 17, 2017 5:20 PM

To: Gordon, Rachel (DPW) <Rachel.Gordon@sfdpw.org>; Sue, Candace (MTA) <Candace.Sue@sfmta.com>; Khambatta, Arfaraz (ADM) <arfaraz.khambatta@sfgov.org>; Taylor, Rommel (DPW) <Rommel.Taylor@sfdpw.org>
Cc: Mumby, Barbara (ART) <br/>barbara.mumby@sfgov.org>; Takayama, Robynn (ART) <robynn.takayama@sfgov.org>
Subject: FW: Memorial to Ruth Williams and Mary Booker

Hi Everyone,

Please see the email below and the attachment, which is a Sunshine request from a Mr. Kevin Williams, a resident of the Bayview.

I'm heading out for a long weekend, so I will be in touch again on Monday, but I just wanted to give you a heads up about this. He is interested in every detail related to the Bayview Opera House construction project from 2013-2017. Look at the first section of his letter under "Contracts and Procurement".

Your respective agencies, I believe, have the lion's share of these documents – especially Public Works, which oversaw the construction, bidding, etc.

Please let me know who from your office you would like to designate as the respondent and I will make a formal introduction to Mr. Williams on Monday to let him know where he can find specific information.

I have already invoked a 14-day extension – fyi.

Thanks!

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From: kevin williams [mailto:williams532001@yahoo.com] Sent: Thursday, August 17, 2017 12:38 PM To: Patterson, Kate (ART) <<u>kate.patterson@sfgov.org</u>> Cc: Mumby, Barbara (ART) <<u>barbara.mumby@sfgov.org</u>> Subject: Re: Memorial to Ruth Williams and Mary Booker

Hello Ms. Patterson:

I will be providing a detailed complaint once I obtain all of responses to my Sunshine Ordinance Request, which is attached below. Quite frankly, a great deal of tension exists in the community over the widely held perception that the residents don't have proper access to the facility. More importantly, a rash of complaints that I have verified indicates the BVOH Board of Directors and Barbara Ockel are not in sync with the people there. I personally attended its last months Board meeting in an attempt to explain the need for cooperation, but unfortunately I was completely ignored. No follow-up on any of my suggestions made. I find shocking that my personal presence and desire to share legitimate concerns expressed from the community appear to have been brushed off so cavalierly. Director Barbara Ockel and the Board have refused to inform, even other members of my family when their next meeting will take place. This is unacceptable. Many complaints center on the prohibitive costs for rental of the theater for private events, some of which are arbitrary and based solely on her discretion. I have copiously documented these facts and know they found are grounded in truth. Recently, I received a report that she called the police on a Black community-based labor organization named ABU (Aboriginal Black Unity) who demanded to participate in painting the building. I am committed to ending this totally adversarial relationship through potent community action. Whenever, these highly questionable incidents occur Ms. Ockel remarks that she is following the direction of the Arts Commission.

Accordingly, please let me know when the next BVOH Board meeting will be held and consider having someone in authority for the Arts Commission present to hear from the community.

Thank you,

Kevin Williams Tel.: (415) 424-8221

On Tuesday, July 18, 2017 4:01 PM, "Patterson, Kate (ART)" <<u>kate.patterson@sfgov.org</u>> wrote:

Dear Mr. Williams,

Nice speaking to you. Please find below the email chain related to the mural petition.

Thank you for your candor and for sharing some of the community's concerns about how the center is being run and the types of programs being offered. When you have some time, please rearticulate your thoughts and concerns in writing so that we have them documented accurately and so that we can discuss potential next steps internally.

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. . . . . . . . . . . .

From: Barbara Ockel [mailto:barbara@bvoh.org]

Sent: Monday, July 17, 2017 5:19 PM To: Patterson, Kate (ART) <<u>kate.patterson@sfgov.org</u>>; Cc: Mumby, Barbara (ART) <<u>barbara.mumby@sfgov.org</u>> Subject: Re: Memorial to Ruth Williams and Mary Booker

Hi Kate,

Thanks so much for including me in the conversation, we are always looking to connect with the community for input and new ideas.

#### Hi Leela,

I found the stack of signatures you collected on my desk, but was unable to find any contact information, so that I glad you got in touch with the SFAC. Would love to connect with you and hear about your hopes and visions for the Bayview Opera House Ruth Williams Memorial Theatre. As Kate mentioned, I already had applied for one grant to place a large memorial plaque with the proper building name into the side walk, but unfortunately that particular grant was not successful. We will try again.

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### Barbara

Barbara Ockel Executive Director

# **BAYVIEW OPERA HOUSE** 4705 3rd St, San Francisco, CA 94124 **www.bvoh.org** | **Facebook** Tel: 415.824.0386 | Cell: 415.640.6626

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From:	Taylor, Rommel (DPW)
Sent:	Thursday, August 31, 2017 4:46 PM
То:	Steinberg, David (DPW)
Cc:	Patterson, Kate (ART)
Subject:	Part 1-FW: Memorial to Ruth Williams and Mary Booker
Attachments:	Sunshine Ordinance Request for Public Records.docx.pdf; 7371A-Addendum-2.pdf;
	7371A - Notice of Bid Protest - Roebuck against M H Construction .pdf; 7371A - Notice
	of non-responsive bid.pdf; 7371A - NTP.pdf; 7371A - Protest Decision Letter - Roebuck
	against M H Construction.pdf; 7371A - Protest Decision Letter - Roebuck against M H
	Construction_OG Comments.pdf; 7371A Bayview Opera House Svala Determined
	Nonresponsive by CMD.pdf; 7371A OFFMA81 Award Summary.pdf; 7371A Ruth

Please find attached documents related to the Sunshine Ordinance Request for Public Records from Mr. Kevin B. Williams submitted to the SFAC. The documents attached only related to items 1, 2 and 4 from the Contracts & Procurement section of the request. All other items listed in the request are not applicable to Public Work's involvement in the Phase II renovation project.

14.pdf; 7371A-Addendum-1.pdf

Williams Memorial Theatre Bayview Opera House CMD Award Recommendation 11 13

Because of the quantity and size, the information will be submitted in multiple emails titled Part 1, Part 2, Part 3 etc.

Let me know if I can be of additional assistance. RT

Rommel Taylor

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# P426

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### San Francisco Arts Commission

Edwin M. Lee Mayor

Tom DeCaigny Director of Cultural Affairs

401 Van Ness Avenue, Suite 325 San Francisco, CA 94102

SFAC Galleries 401 Van Ness Avenue, Suite 126 San Francisco, CA 94102

Street Artists Licensing 401 Van Ness Avenue, Suite 124B San Francisco, CA 94102

tel 415-252-2100 fax 415-934-1022 sfartscommission.org fäcebook.com/sfartscommission twitter.com/SFAC



City and County of San Francisco

December 12, 2017

Mr. Victor Young, Administrator Sunshine Ordinance Task Force 1 Dr. Carlton B. Goodlett Place City Hall Room 244 San Francisco, CA 94102

Re: Sunshine Ordinance Task Force Complaint 17096 Kevin Williams against the Arts Commission

Dear Mr. Young:

In File No. 17096, the complaint alleges that the Arts Commission violated Section 67.25 of the Sunshine Ordinance for failing to respond to an Immediate Disclosure Request in a timely fashion.

On August 16, an Immediate Disclosure Request was sent to Barbara Ockel, executive director of the Bayview Opera House Ruth Williams Memorial Theater (BVOH). The Bayview Opera House, Inc. is an independent 501 C3 and a grantee of the Arts Commission. The Agency also owns the Opera House building. As such, the BVOH is subject to the City's Admin Code, Sect. 12L.

According to the City's Admin Code, Sec. 12L.1:

(a) The intent of this Chapter is to establish a policy wherein the City ensures that nonprofit organizations with which the City chooses to do business operate with the greatest possible openness and maintain the closest possible ties to communities they intend to serve. Nothing in this Chapter shall be construed to limit the level of openness and democracy in nonprofit organizations and any contracting nonprofit organization may establish policies that guarantee additional openness to stakeholders.

(b) This Chapter is intended to be cost-neutral in its effects upon nonprofit organizations, and the requirements imposed by this Chapter shall be subject to that intent. This Chapter is not intended to impose obligations equal to those of governmental agencies upon nonprofit organizations doing business with the City.

When it comes to public access to records, Sec.L.5 states:

(a) Disclosure of Financial Information. Subject to Section 12L.5.(c), each nonprofit organization shall maintain and make available for public inspection and copying a packet of financial information concerning the nonprofit organization. The packet shall include, at a minimum, (1) the nonprofit organization's most recent budget as already provided to the City in connection with the nonprofit organization's application for, or in connection with the *review* and/or renewal of, the nonprofit organization's contract, (2) its most recently filed State and federal tax returns except to the extent those returns are privileged, and (3) any financial audits of such organization performed by or for the City and any performance evaluations of such organization performed by or for the City pursuant to a contract between the City and the nonprofit organization, to the extent that such financial audits and performance evaluations (i) are in the nonprofit organization's possession, (ii) may be publicly disclosed under the terms of the contract between the City and the nonprofit organization, and (iii) relate to the nonprofit corporation's performance under its contract with the City within the last two years. A member of the public may request additional financial information other than that described above, pursuant to Section 12L.5(b) herein; however, the provision of such additional financial information by a nonprofit organization shall be voluntary, not compulsory. Members of the public, upon giving ten days' notice to the nonprofit organization, shall be entitled to inspect the packet of financial information during the nonprofit organization's regular business hours or to receive a copy of the packet of information for which the nonprofit organization may  $\mathbf{P432}$ 

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recover from the member of the public the organization's direct costs of duplication. Notwithstanding the foregoing, a nonprofit organization described within Sections 12L.4(a)(3) herein may comply with Section 12L.5(a) herein by sending a copy of its financial information packet, by first class mail, with the costs of such mailing prepaid by the member of the public, to a member of the public who has requested such information.

(b) **Dispute Resolution.** A member of the public who requests additional financial information other than that described in Section 12L.5(a), above, or who has a complaint concerning a nonprofit organization's compliance or noncompliance with this Chapter, may submit that request or complaint to the City agency or department which is a party to and/or which administers the nonprofit organization's contract. That City agency or department shall consider the request or complaint and shall recommend a resolution thereof in accordance with procedures established by that City agency or department. Following such consideration and recommendation, the member of the public or the nonprofit organization may seek an advisory opinion concerning the request or complaint from the Sunshine Ordinance Task Force, which that Task Force shall be authorized to provide; provided, however, that failure to seek such an advisory opinion from the Sunshine Ordinance Task Force shall not prejudice the right of the member of the public and/or the nonprofit organization to obtain a review of the City agency or department's recommendation by the Board of Supervisors as provided herein. The member of the public or the nonprofit organization may request that the Board of Supervisors review the recommendation of the City agency or department, which review shall be conducted in accordance with procedures established by the Board of Supervisors, provided that such request is made in writing to the Clerk of the Board of Supervisors within ten days of the issuance of the City agency or department's recommendation or the Sunshine Ordinance Task Force's advisory opinion, whichever is later. Subject to Section 12L.7. herein, the recommendation of the City agency or department, or the determination of the Board of Supervisors, with respect to any recall a complaint by a member of the public shall be

nonbinding upon the nonprofit organization.

(c) Donor Confidentiality. No nonprofit organization shall be required to make available to the public any document which would reveal the identity of any of that nonprofit organization's donors or the amount or nature of any individual donations to that nonprofit organization.

16.15 Public Access to Meetings and Records. If the Grantee receives a cumulative total per year of at least \$250,000 in City funds or City-administered funds and is a non-profit organization as defined in Chapter 12L of the San Francisco Administrative Code, the Grantee shall comply with and be bound by all the applicable provisions of that Chapter. By executing this Agreement, the Grantee agrees to open its meetings and records to the public in the manner set forth in Sections 12L.4 and 12L.5 of the Administrative Code. The Grantee further agrees to make good-faith efforts to promote community membership on its Board of Directors in the manner set forth in Section 12L.6 of the Administrative Code. The Grantee acknowledges that its material failure to comply with any of the provisions of this paragraph shall constitute a material breach of this Agreement. The Grantee further acknowledges that such material breach of the Agreement shall be grounds for the City to terminate and/or not renew the Agreement, partially or in its entiretu.

Chapter 12L is addressed in Section 16.5 of the Arts Commission's Cultural Center Grant Agreement.

On August 17, 2017, in an email exchange, see original attachments, Mr. Williams clarified that the request was also intended for the Arts Commission. In a subsequent email sent on the same day, I invoked a 14-day extension pursuant to the California Government Code and included the following clause:

Under the Public Records Act, the deadline can be extended for up to 14 days due to "the need to search for, collect and appropriately P434

examine a voluminous amount of separate and distinct records which are demanded in a single request" and "the need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein." (See Cal. Gov't Code  $\int 6253(c)(2)$  and (3)).

With the 14-day extension, the deadline to fulfill this request was August 30, 2017.

On August 17, I sent an email to my colleagues at the San Francisco Municipal Transportation Agency, SF Public Works and the Mayor's Office on Disability alerting them to this IDR. I provided a copy of the letter and asked who from each office would be the designated respondent.

After ascertaining that many of the records Mr. Williams requested were in fact not in the Arts Commission's possession and as promised to Mr. Williams, on Monday, August 21, 2017, I sent an email introducing him to the Custodians of Records at the aforementioned agencies, which were lead agencies on the Bayview Opera House's construction project during various phases.

The Custodian of Records at SF Public Works explicitly informed me that Mr. Williams would have to reach out to him separately to register a request. I informed Mr. Williams of this, and also reminded him that I was not required to gather documents on his behalf but only to help facilitate a connection with the appropriate record keeper at each department, which I did. During this period, I also had a conversation with our City Attorney Laruen Curry who confirmed that that was the extent of my role.

Mr. Williams sent an Immediate Disclosure Request and obtained all internal correspondence related to his request, including emails between our office and 435 Ms. Curry. This correspondence reveals that

the SFAC and BVOH staff had questions about our specific responsibilities with regard to this request and sought advice from the Ms. Curry. While many of the items in the letter fall under the requirements outlined in Admin Code Sec.L.5, some did not. The Director of Cultural Affairs Tom DeCaigny also had similar questions and directed me to seek clarity about the SFAC's authority in compelling the BVOH to turn over certain records since they are not a City Agency and not subject to "obligations equal to those of governmental agencies", Admin Code, Sec 12.L.1(b).

These steps have been grossly mischaracterized in Mr. Williams' October 2, 2017 letter to the Sunshine Task Force Complaint Committee. He accuses the SFAC of "willfully" stonewalling "full disclosure and compliance with the Sunshine Ordinance". He states that Mr. DeCaigny "instructs Patterson to invoke an improper and patently illegal extension under an alternate pretext that the request is voluminous in nature."

Mr. Williams initial Immediate Disclosure Request contained 26 separate requests, many of which were not "simple, routine, or otherwise readily answerable," as is required by San Francisco Administrative Code Section 67.25(a). We acted appropriately and lawfully by invoking an extension, and we provided the proper legal basis.

On August 22, I received an email from SFMTA's custodian of records Caroline Celaya informing me that she had acknowledged receipt of the request in an email to Mr. Williams.

In the interim, the Arts Commission undertook an extensive search through staff email records, accounting records and project folders related to the Bayview Opera House.

On August 30, the Arts Commission sent Mr. Williams our detailed response to each item enumerated in his letter for which we had

P436

December 12, 2017 Page 7

records, thus meeting the deadline. I created a dropbox file for easy access of said documents. Mr. Young has a copy of our response.

On August 31, I received a series of emails from my colleague at SF Public Works, which had yet to receive a direct request from Mr. Williams, with records in response to the IDR. I forwarded those emails to Mr. Williams and, fearing that some of the files were too large for his inbox, I also uploaded them to a separate folder in the same dropbox file to help facilitate easy access.

To date, the SFAC does not have any records from the SFMTA. I understand that Ms. Celaya did provide them to Mr. Williams.

On August 25, BVOH Executive Director provided Mr. Williams with the following records (also included as an attachment):

- 1. City Monitoring Letters
- 2. Current Budget
- 3. Tax Returns
- 4. Financial Audit

After the September 26 Complaint Committee hearing, I was concerned that, despite our exhaustive efforts, we may have unintentionally omitted documents. I felt that we had left "no stone unturned", and I was troubled by Mr. Williams' accusations that we were willfully withholding records because I felt that we had turned over everything in our possession. I asked my colleagues to review every line item. I was dismayed to learn that there were indeed records in our possession, which we had failed to turn over with the first installment.

On September 28, I emailed Mr. Williams the remaining records in our possession. In my email, which I'm also including along with the records I stated the following:

In your letter, under BVOH Board of Directors, you requested:

# December 12, 2017 Page 8

14. Submit for public disclosure the resumes of each BVOH Board member from 2009 through 2017. Identify by name whether any former member of the Board subsequently became an employee during any calendar year(s);

The SFAC has already provided you with a resume for Barbara Ockel, who became executive director in 2009 after serving on the Board. We do not have resumes for the other BVOH Board Members.

14.A Provide conformed copies of underacted Board Minutes, therewith related correspondence reflecting the location where each meeting was held if other than at 4705 Street, covering the period between 2013 through 2017. In addition, identify rents paid at both the main Opera House facility and the new Third Street, San Francisco BVOH satellite office with a copy of the rental agreement.

Attached are the Board Minutes that the Arts Commission has on record. Barbara Ockel can provide minutes for the BVOH's public meetings that go further back if she has them in her archives. With regard to rents paid, please find attached our lease agreements between the SFAC and the BVOH from 2009, 2012 and 2016. Please let us know if you would like the "executed" copies. If so, we will request them from offsite storage. Please also refer to the revised budget, which is attached. The SFAC does not have a copy of the rental agreement between the BVOH and the landlord of the Third Street property.

**14.B** Produce a conformed copy of the BVOH Articles of Incorporation.

Please find the BVOH's Articles of Incorporation attached.

# December 12, 2017 Page 9

**14.D** Provide ANY and ALL BVOH funding sources between 2013 and 2017.

We have already provided you with budgets in response to this request. Please find attached a revised BVOH budget for this fiscal year.

I deeply regret and acknowledge the fact that the records requested in this section were delivered late. We take full responsibility for this oversight and apologize to Mr. Williams for this inconvenience.

Regardless of this mistake, the Arts Commission has provided all records in our possession in response to this request. We have not willfully withheld any documents. Aside from being late in responding with the last remaining records, we believe there are no additional violations.

Sincerely,

Kate Patterson Director of Communications

# sfac

#### San Francisco Arts Commission

Edwin M, Lee Mayor

Tom DeCaigny Director of Cultural Affairs

401 Van Ness Avenue, Suite 325 San Francisco, CA 94102

SFAC Galleries 401 Van Ness Avenue, Suite 126 San Francisco, CA 94102

Street Artists Licensing 401 Van Ness Avenue, Suite 124B San Francisco, CA 94102

tel 415-252-2100 fax 415-934-1022 sfartscommission.org facebook.com/sfartscommission twitter.com/SFAC



City and County of San Francisco

September 5, 2017

Mr. Victor Young, Administrator Sunshine Ordinance Task Force 1 Dr. Carlton B. Goodlett Place City Hall Room 244 San Francisco, CA 94102

Re: Sunshine Ordinance Task Force Complaint 17096 Kevin Williams against the Arts Commission

Dear Mr. Young:

In File No. 17096, the complaint alleges that the Arts Commission violated Section 67.25 of the Sunshine Ordinance for failing to respond to an Immediate Disclosure Request in a timely fashion.

On August 16, an Immediate Disclosure Request was sent to Barbara Ockel, executive director of the Bayview Opera House Ruth Williams Memorial Theater (BVOH). The Bayview Opera House, Inc. is an independent 501 C3 and a grantee of the Arts Commission. The Agency also owns the Opera House building.

On August 17, 2017, in an email exchange, see attachments, Mr. Williams clarified that the request was also intended for the Arts Commission. In a subsequent email sent on the same day, I invoked a 14-day extension pursuant to the California Public Records Act and included the following clause:

Under the Public Records Act, the deadline can be extended for up to 14 days due to "the need to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request" and "the need for consultation, which shall be conducted with all practicable speed, with another

# September 5, 2017 Page 2

or among two or more components of the agency having substantial subject matter interest therein." (See Cal. Gov't Code  $\int 6253(c)(2)$  and (3)).

With the 14-day extension, the deadline to fulfill this request was August 30, 2017.

Also on August 17, I sent an email to my colleagues at the San Francisco Municipal Transportation Agency, SF Public Works and the Mayor's Office on Disability alerting them to this IDR. I provided a copy of the letter and asked who from each office would be the designated respondent.

After ascertaining that many of the records Mr. Williams requested were in fact not in the Arts Commission's possession and as promised to Mr. Williams, on Monday, August 21, 2017, I sent an email introducing him to the Custodians of Records at the aforementioned agencies, which were lead agencies on the Bayview Opera House's construction project during various phases.

The Custodian of Records at SF Public Works explicitly informed me that Mr. Williams would have to reach out to him separately to register a request. I informed Mr. Williams of this, and also reminded him that I was not required to gather documents on his behalf but only to help facilitate a connection with the appropriate record keeper at each department, which I did. During this period, I also had a conversation with our City Attorney Laruen Curry who confirmed that that was the extent of my role.

On August 22, I received an email from SFMTA's custodian of records Caroline Celaya informing me that she had acknowledged receipt of the request in an email to Mr. Williams.

In the interim, the Arts Commission undertook an extensive search through staff email records, accounting records and project folders related to the Bayview Opera House. P441 September 5, 2017 Page 3

On August 30, the Arts Commission sent Mr. Williams our detailed response to each item enumerated in his letter for which we had records, thus meeting the deadline. I created a dropbox file for easy access of said documents. Mr. Young has a copy of our response.

On August 31, I received a series of emails from my colleague at SF Public Works, which had yet to receive a direct request from Mr. Williams, with records in response to the IDR. I forwarded those emails to Mr. Williams and, fearing that some of the files were too large for his inbox, I also uploaded them to a separate folder in the same dropbox file to help facilitate easy access.

To date, I do not have any records from the SFMTA. If I did, I would share them in the same fashion as the aforementioned records from the SF Public Works. Since Ms. Celaya has confirmed that she has been in communication with Mr. Williams, which signifies to me that she will contact him directly when that agency's documents are ready.

I believe the Arts Commission has met all of the requirements to respond to this IDR in a timely fashion, and I see no violation.

Sincerely,

Kate Patterson Director of Communications

From:	ke	vin williams <williams532001@yahoo.com></williams532001@yahoo.com>
Sent:	Th	ursday, August 17, 2017 12:38 PM
То:	Pa	atterson, Kate (ART)
Cc:	· M	umby, Barbara (ART)
Subject:	Re	e: Memorial to Ruth Williams and Mary Booker
Attachments:	Su	Inshine Ordinance Request for Public Records.docx.pdf

Hello Ms. Patterson:

I will be providing a detailed complaint once I obtain all of responses to my Sunshine Ordinance Request, which is attached below. Quite frankly, a great deal of tension exists in the community over the widely held perception that the residents don't have proper access to the facility. More importantly, a rash of complaints that I have verified indicates the BVOH Board of Directors and Barbara Ockel are not in sync with the people there. I personally attended its last months Board meeting in an attempt to explain the need for cooperation, but unfortunately I was completely ignored. No follow-up on any of my suggestions made. I find shocking that my personal presence and desire to share legitimate concerns expressed from the community appear to have been brushed off so cavalierly. Director Barbara Ockel and the Board have refused to inform, even other members of my family when their next meeting will take place. This is unacceptable. Many complaints center on the prohibitive costs for rental of the theater for private events, some of which are arbitrary and based solely on her discretion. I have copiously documented these facts and know they found are grounded in truth. Recently, I received a report that she called the police on a Black community-based labor organization named ABU (Aboriginal Black Unity) who demanded to participate in painting the building. I am committed to ending this totally adversarial relationship through potent community action. Whenever, these highly questionable incidents occur Ms. Ockel remarks that she is following the direction of the Arts Commission.

Accordingly, please let me know when the next BVOH Board meeting will be held and consider having someone in authority for the Arts Commission present to hear from the community.

Thank you,

Kevin Williams Tel.: (415) 424-8221

On Tuesday, July 18, 2017 4:01 PM, "Patterson, Kate (ART)" <kate.patterson@sfgov.org> wrote:

Dear Mr. Williams,

Nice speaking to you. Please find below the email chain related to the mural petition.

Thank you for your candor and for sharing some of the community's concerns about how the center is being run and the types of programs being offered. When you have some time, please rearticulate your thoughts and concerns in writing so that we have them documented accurately and so that we can discuss potential next steps internally.

Sincerely,

Kate Patterson-Murphy Director of Communications

San Francisco Arts Commission 401 Van Ness Avenue, Suite 325 San Francisco, CA 94102 T: 415-252-2229 sfartscommission.org

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From: Barbara Ockel [mailto:barbara@bvoh.org]
Sent: Monday, July 17, 2017 5:19 PM
To: Patterson, Kate (ART) <kate.patterson@sfgov.org>;
Cc: Mumby, Barbara (ART) <barbara.mumby@sfgov.org>
Subject: Re: Memorial to Ruth Williams and Mary Booker

Hi Kate,

Thanks so much for including me in the conversation, we are always looking to connect with the community for input and new ideas.

Hi Leela,

I found the stack of signatures you collected on my desk, but was unable to find any contact information, so that I glad you got in touch with the SFAC. Would love to connect with you and hear about your hopes and visions for the Bayview Opera House Ruth Williams Memorial Theatre. As Kate mentioned, I already had applied for one grant to place a large memorial plaque with the proper building name into the side walk, but unfortunately that particular grant was not successful. We will try again.

I would also be very interested in chatting with you about how we can better serve you and others who care deeply about preserving the cultural history of the building and the community. There may be many ways in which the story of Ruth Williams and Mary Booker can be honored and celebrated hat we haven't thought of yet.

### Barbara

Barbara Ockel Executive Director

**BAYVIEW OPERA HOUSE** 4705 3rd St, San Francisco, CA 94124 Tel: 415.824.0386 | Cell: 415.640.6626

## On Jul 17, 2017, at 4:52 PM, Patterson, Kate (ART) <<u>kate.patterson@sfgov.org</u>> wrote:

### Hi Leela,

It was lovely speaking to you this afternoon. Per our conversation, I'm writing to memorialize our discussion regarding the petition to create a mural in honor of Ruth Williams and Mary Booker on the Bayview Opera House. First let me say that the Arts Commission agrees these women need to be honored in a way that adequately celebrates their contributions to the community and the arts.

As I mentioned, because the building is a registered historic landmark, we would not be able to place a mural on the exterior of the building. Instead, we have proposed the following ideas for you and the community to consider. Please note, that there isn't funding through the city's budget for this project and that the community would need to fundraise for this artwork.

1. Commemorative plaque – Barbara Ockel is currently seeking funding opportunities for a memorial plaque, which will be placed where it can be seen by the public. It can also feature images of the two women, so that, as you said, generations will know what these women looked like.

2. Portraits – You could commission a local artist to create two painted portraits of the women, which could be hung in a prominent place inside the Opera House.

3. Commemorative bust – like the ones at City Hall – these are very expensive, but a lasting tribute for sure.

4. Public Art/Sculpture for Oakdale and Third – As I mentioned, Carla Johnson, a city employee who was critical in securing city funds for the upgrades, established a fund for a public art project at the Opera House. The fund is approximately \$2,000. The community could use this as seed funding for a larger public art project commemorating Ms. Williams and Ms. Booker. Please note, that any significant public art project would be very costly and it would need to meet the Arts Commission's criteria, see section 5 of our guidelines: <u>http://www.sfartscommission.org/our-role-impact/about-commission/policies-guidelines/Public-ArtCivic-Art-Collection</u>. If you do decide to go this route, we can help guide you through the process and even give you a sense of what something like this would cost depending on what the community envisions.

I will look into your outstanding questions regarding the paint colors being considered for the exterior of the building, how the decision was made, etc. Also, I will inquire about the community's desire to see that "South" be taken off the building's name. Again, if the building historically said "South San Francisco" we would need to keep that.

Barbara - if you have answers to these questions, please chime in.

Thanks again, and let me know if you have any questions.

Best,

Kate Patterson-Murphy Director of Communications San Francisco Arts Commission 401 Van Ness Avenue, Suite 325 San Francisco, CA 94102 T: 415-252-2229 sfartscommission.org

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Subject:	Re: Memorial to Ruth Williams and Mary Booker

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Kevin B. Williams

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From: Sent: To: Cc: Subject: Patterson, Kate (ART) Thursday, August 17, 2017 5:14 PM 'kevin williams' Mumby, Barbara (ART) RE: Memorial to Ruth Williams and Mary Booker

Dear Mr. Williams,

Thank you for the clarification.

In order to fulfill this request, please be advised that we are hereby invoking an extension of not more than 14 days from August 17, 2017 (which is the day the Arts Commission Received your letter) to respond to your request pursuant to the California Public Records Act. Under the Public Records Act, the deadline can be extended for up to 14 days due to "the need to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request" and "the need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein." (See Cal. Gov't Code §6253(c)(2) and (3)).

We will provide records on a rolling basis or as they become available. Please note, that some of the records you requested will be held by other City Agencies, primarily San Francisco Public Works. I will forward your request to them now and then follow up with a more detailed introduction when I return on Monday.

Sincerely,

Kate Patterson-Murphy Director of Communications

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I will be providing a detailed complaint once I obtain all of responses to my Sunshine Ordinance Request, which is attached below. Quite frankly, a great deal of tension exists in the community over the widely held perception that the residents don't have proper access to the facility. More importantly, a rash of complaints that I have verified indicates the BVOH Board of Directors and Barbara Ockel are not in sync with the people there. I personally attended its last months Board meeting in an attempt to explain the need for cooperation, but unfortunately I was completely ignored. No follow-up on any of my suggestions made. I find shocking that my personal presence and desire to share legitimate concerns expressed from the community appear to have been brushed off so cavalierly. Director Barbara Ockel and the Board have refused to inform, even other members of my family when their next meeting will take place. This is unacceptable. Many complaints center on the prohibitive costs for rental of the theater for private events, some of which are arbitrary and based solely on her discretion. I have copiously documented these facts and know they found are grounded in truth. Recently, I received a report that she called the police on a Black community-based labor organization named ABU (Aboriginal Black Unity) who demanded to participate in painting the building. I am committed to ending this totally adversarial relationship through potent community action. Whenever, these highly questionable incidents occur Ms. Ockel remarks that she is following the direction of the Arts Commission.

Accordingly, please let me know when the next BVOH Board meeting will be held and consider having someone in authority for the Arts Commission present to hear from the community.

Thank you,

Kevin Williams Tel.: (415) 424-8221

On Tuesday, July 18, 2017 4:01 PM, "Patterson, Kate (ART)" < kate.patterson@sfgov.org> wrote:

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Thank you for your candor and for sharing some of the community's concerns about how the center is being run and the types of programs being offered. When you have some time, please rearticulate your thoughts and concerns in writing so that we have them documented accurately and so that we can discuss potential next steps internally.

Sincerely,

Kate Patterson-Murphy Director of Communications

San Francisco Arts Commission 401 Van Ness Avenue, Suite 325 San Francisco, CA 94102 T: 415-252-2229 sfartscommission.org

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Hi Kate,

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Barbara

Barbara Ockel Executive Director

BAYVIEW OPERA HOUSE 4705 3rd St, San Francisco, CA 94124 www.bvoh.org | Facebook Tel: 415.824.0386 | Cell: 415.640.6626

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Sent:	Thursday, August 17, 2017 5:20 PM
То:	Gordon, Rachel (DPW); Sue, Candace (MTA); Khambatta, Arfaraz (ADM); Taylor, Rommel (DPW)
Cc:	Mumby, Barbara (ART); Takayama, Robynn (ART)
Subject:	FW: Memorial to Ruth Williams and Mary Booker
Attachments:	Sunshine Ordinance Request for Public Records.docx.pdf

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Thanks again, and let me know if you have any questions.

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From:	Patterson, Kate (ART)
Sent:	Thursday, August 31, 2017 4:58 PM
То:	'kevin williams'
Cc:	SOTF (sotf@sfgov.org); Mumby, Barbara (ART); 'Barbara Ockel'
Subject:	FW: Part 1-FW: Memorial to Ruth Williams and Mary Booker
Attachments:	Sunshine Ordinance Request for Public Records.docx.pdf; 7371A-Addendum-2.pdf; 7371A - Notice of Bid Protest - Roebuck against M H Construction .pdf; 7371A - Notice of non-responsive bid.pdf; 7371A - NTP.pdf; 7371A - Protest Decision Letter - Roebuck against M H Construction.pdf; 7371A - Protest Decision Letter - Roebuck against M H Construction_OG Comments.pdf; 7371A Bayview Opera House Svala Determined Nonresponsive by CMD.pdf; 7371A OFFMA81 Award Summary.pdf; 7371A Ruth Williams Memorial Theatre Bayview Opera House CMD Award Recommendation 11 13

Dear Mr. Williams,

While DPW requested that you contact them directly to request records, these files were just made available to me so I am forwarding them to you in good faith. Please see the email below from Rommel Taylor for further explanation.

14.pdf; 7371A-Addendum-1.pdf

Sincerely,

Kate Patterson-Murphy Director of Communications

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From: Taylor, Rommel (DPW)
Sent: Thursday, August 31, 2017 4:46 PM
To: Steinberg, David (DPW) <david.steinberg@sfdpw.org>
Cc: Patterson, Kate (ART) <kate.patterson@sfgov.org>
Subject: Part 1-FW: Memorial to Ruth Williams and Mary Booker

Please find attached documents related to the Sunshine Ordinance Request for Public Records from Mr. Kevin B. Williams submitted to the SFAC. The documents attached only related to items 1, 2 and 4 from the Contracts & Procurement section of the request. All other items listed in the request are not applicable to Public Work's involvement in the Phase II renovation project.

Because of the quantity and size, the information will be submitted in multiple emails titled Part 1, Part 2, Part 3 etc.

Let me know if I can be of additional assistance. RT

# **Rommel Taylor**

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Building Design and Construction | San Francisco Public Works | City and County of San Francisco 30 Van Ness Suite 4100 | San Francisco, CA 94612 | (415) 557-4615 | <u>rommel.taylor@sfdpw.org</u> · <u>sfpublicworks.org</u>

From:	Patterson, Kate (ART)
Sent:	Thursday, August 31, 2017 5:00 PM
То:	'kevin williams'
Cc:	Mumby, Barbara (ART); 'Barbara Ockel'; SOTF (sotf@sfgov.org)
Subject:	FW: Memorial to Ruth Williams and Mary Booker
Attachments:	GY Form 6 & Quote.pdf; M H Construction Co.pdf; M H Construction
	Co_SubContractor List.pdf; Pilot Form 6 & Quote.pdf; Pre-bid Agenda.pdf; Prebid
	Conference Sign In Sheet.pdf; Ranis Form 6 & Quote.pdf; RE: APOLLO THEATRE photos
	and work scope for bid for 7371A (Ruth Williams Memorial Bay View Opera House) by

SFDPW; Re- APOLLO THEATRE photos and work scope.pdf; Response to DPW letter.pdf; Roebuck Construction Inc.pdf; SCI Form 3.pdf; Svala Construction Inc.pdf; Svala Construction-Subcontractors listing submitted within 24Hrs..pdf; Wickman Development and Construction.pdf

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From:	Patterson, Kate (ART)
Sent:	Thursday, August 31, 2017 4:59 PM
То:	'kevin williams'
Cc:	Mumby, Barbara (ART); SOTF (sotf@sfgov.org); 'Barbara Ockel'
Subject:	FW: Part 4 FW: Memorial to Ruth Williams and Mary Booker
Attachments:	Sunshine Ordinance Request for Public Records.docx.pdf; FCP14116-7371ATabulation
	of Bids October 1, 2014.pdf; 7371A-Addendum-4.pdf; 7371A-Addendum-5.pdf; 7371A-
	Legal Notice.pdf; 7371A-QBD-FORM question_Alex Svidler Question.pdf; 7371A-QBD-
	Form question_Wickman Development and Construction.pdf; Anvil Builders Inc.pdf;
	CLW Builders Inc.pdf; CLW-Subcontractors listing submitted within 24Hrspdf; DPW
	Order#182808_Advertisement.pdf; Ecobay Form 6.pdf; Ecobay Qoute.pdf; FCA14116
	7371A- Award Letter.pdf; FCA14116- 7371A CMD Recommendation for Award
	Form.pdf; FCA14116 7371A- DPW Contract Administration Bid Review Notes.pdf;
	FCA14116 7371A- DPW Order 183136 -Award of Formal Construction Contract.pdf;
	FCA14116 7371A- Ruth Williams Memorial Theatre Bayview Opera House.pdf;
	FCE14028 2143J(R)-NTP Distribution.pdf; FCE14116-7371A- Worksheet to Determine

Preliminary Apparent Low Bidder.pdf; FCP14116-7371A- Bidder's Reminder.pdf

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Rommel Taylor

Building Design and Construction | San Francisco Public Works | City and County of San Francisco 30 Van Ness Suite 4100 | San Francisco, CA 94612 | (415) 557-4615 | <u>rommel.taylor@sfdpw.org</u> sfpublicworks.org

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Subject:	FW: Memorial to Ruth Williams and Mary Booker	
Attachments:	7371A-Addendum-3-3of3-Drawings.pdf	

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Barbara

Barbara Ockel Executive Director

BAYVIEW OPERA HOUSE 4705 3rd St, San Francisco, CA 94124 www.bvoh.org | Facebook Tel: 415.824.0386 | Cell: 415.640.6626

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Barbara – if you have answers to these questions, please chime in.

Thanks again, and let me know if you have any questions.

Best,

Kate Patterson-Murphy Director of Communications

San Francisco Arts Commission 401 Van Ness Avenue, Suite 325 San Francisco, CA 94102 T: 415-252-2229 sfartscommission.org

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From:Patterson, Kate (ART)Sent:Thursday, August 31, 2017 4:58 PMTo:'kevin williams'Cc:SOTF (sotf@sfgov.org); Mumby, Barbara (ART); 'Barbara Ockel'Subject:FW: Part 2 FW: Memorial to Ruth Williams and Mary BookerAttachments:7371A-Addendum-3-2of3-Hazmat-Report.pdf; 7371A-Addendum-3-1of3.pdf

Kate Patterson-Murphy Director of Communications

San Francisco Arts Commission 401 Van Ness Avenue, Suite 325 San Francisco, CA 94102 **T:** 415-252-2229 sfartscommission.org

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From: Taylor, Rommel (DPW) Sent: Thursday, August 31, 2017 4:47 PM To: Steinberg, David (DPW) <david.steinberg@sfdpw.org> Cc: Patterson, Kate (ART) <kate.patterson@sfgov.org> Subject: Part 2 FW: Memorial to Ruth Williams and Mary Booker

Rommel Taylor

Building Design and Construction | San Francisco Public Works | City and County of San Francisco 30 Van Ness Suite 4100 | San Francisco, CA 94612 | (415) 557-4615 | <u>rommel.taylor@sfdpw.org</u> · <u>sfpublicworks.org</u>

From: Patterson, Kate (ART)

Sent: Thursday, August 17, 2017 5:20 PM

To: Gordon, Rachel (DPW) <<u>Rachel.Gordon@sfdpw.org</u>>; Sue, Candace (MTA) <<u>Candace.Sue@sfmta.com</u>>; Khambatta, Arfaraz (ADM) <<u>arfaraz.khambatta@sfgov.org</u>>; Taylor, Rommel (DPW) <<u>Rommel.Taylor@sfdpw.org</u>>
 Cc: Mumby, Barbara (ART) <<u>barbara.mumby@sfgov.org</u>>; Takayama, Robynn (ART) <<u>robynn.takayama@sfgov.org</u>>
 Subject: FW: Memorial to Ruth Williams and Mary Booker

Hi Everyone,

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I'm heading out for a long weekend, so I will be in touch again on Monday, but I just wanted to give you a heads up about this. He is interested in every detail related to the Bayview Opera House construction project from 2013-2017. Look at the first section of his letter under "Contracts and Procurement".

Your respective agencies, I believe, have the lion's share of these documents – especially Public Works, which oversaw the construction, bidding, etc.

Please let me know who from your office you would like to designate as the respondent and I will make a formal introduction to Mr. Williams on Monday to let him know where he can find specific information.

I have already invoked a 14-day extension – fyi.

Thanks!

Kate Patterson-Murphy Director of Communications

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From: kevin williams [mailto:williams532001@yahoo.com] Sent: Thursday, August 17, 2017 12:38 PM To: Patterson, Kate (ART) <<u>kate.patterson@sfgov.org</u>> Cc: Mumby, Barbara (ART) <<u>barbara.mumby@sfgov.org</u>> Subject: Re: Memorial to Ruth Williams and Mary Booker

Hello Ms. Patterson:

I will be providing a detailed complaint once I obtain all of responses to my Sunshine Ordinance Request, which is attached below. Quite frankly, a great deal of tension exists in the community over the widely held perception that the residents don't have proper access to the facility. More importantly, a rash of complaints that I have verified indicates the BVOH Board of Directors and Barbara Ockel are not in sync with the people there. I personally attended its last months Board meeting in an attempt to explain the need for cooperation, but unfortunately I was completely ignored. No follow-up on any of my suggestions made. I find shocking that my personal presence and desire to share legitimate concerns expressed from the community appear to have been brushed off so cavalierly. Director Barbara Ockel and the Board have refused to inform, even other members of my family when their next meeting will take place. This is unacceptable. Many complaints center on the

prohibitive costs for rental of the theater for private events, some of which are arbitrary and based solely on her discretion. I have copiously documented these facts and know they found are grounded in truth. Recently, I received a report that she called the police on a Black community-based labor organization named ABU (Aboriginal Black Unity) who demanded to participate in painting the building. I am committed to ending this totally adversarial relationship through potent community action. Whenever, these highly questionable incidents occur Ms. Ockel remarks that she is following the direction of the Arts Commission.

Accordingly, please let me know when the next BVOH Board meeting will be held and consider having someone in authority for the Arts Commission present to hear from the community.

Thank you,

Kevin Williams Tel.: (415) 424-8221

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Dear Mr. Williams,

Nice speaking to you. Please find below the email chain related to the mural petition.

Thank you for your candor and for sharing some of the community's concerns about how the center is being run and the types of programs being offered. When you have some time, please rearticulate your thoughts and concerns in writing so that we have them documented accurately and so that we can discuss potential next steps internally.

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Kate Patterson-Murphy Director of Communications

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From: Barbara Ockel [mailto:barbara@bvoh.org]
Sent: Monday, July 17, 2017 5:19 PM
To: Patterson, Kate (ART) <<u>kate.patterson@sfgov.org</u>>;
Cc: Mumby, Barbara (ART) <<u>barbara.mumby@sfgov.org</u>>
Subject: Re: Memorial to Ruth Williams and Mary Booker

### Hi Kate,

Thanks so much for including me in the conversation, we are always looking to connect with the community for input and new ideas.

Hi Leela,

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### Barbara

Barbara Ockel Executive Director

# BAYVIEW OPERA HOUSE

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Thanks again, and let me know if you have any questions.

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From:	Patterson, Kate (ART)	
Sent:	Thursday, August 31, 2017 5:01 PM	
То:	'kevin williams'	
Cc:	Mumby, Barbara (ART); 'Barbara Ockel'; SOTF (sotf@sfgov.org)	
Subject:	FW: Part 6 FW: Memorial to Ruth Williams and Mary Booker LAST	
Attachments:	FCA14116 7371A- Award Letter.pdf; 7371A PMT 20.pdf; 7371A PMT 01.pdf; 7371A	
	PMT 02.pdf; 7371A PMT 03.pdf; 7371A PMT 04.pdf; 7371A PMT 05.pdf; 7371A PMT	
	06.pdf; 7371A PMT 07.pdf; 7371A PMT 08.pdf; 7371A PMT 09.pdf; 7371A PMT 10.pdf;	
	7371A PMT 11.pdf; 7371A PMT 12.pdf; 7371A PMT 13.pdf; 7371A PMT 14.pdf; 7371A	
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This is the last one.

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19.pdf

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To:	'kevin williams'
Cc:	Mumby, Barbara (ART); SOTF (sotf@sfgov.org)
Subject:	FW: Part 6 FW: Memorial to Ruth Williams and Mary Booker LAST

Mr. Williams,

In the event that some of these files were too large to come via email, I've added them to your dropbox folder. Here is a link as well:

https://www.dropbox.com/sh/rc3ox54z369oo52/AACTQwECg-GFTpUsXgb0qURya?dl=0

Sincerely,

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P478

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Barbara Ockel Executive Director

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Barbara – if you have answers to these questions, please chime in.

Thanks again, and let me know if you have any questions.

Best,

Kate Patterson-Murphy Director of Communications

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P481

# Patterson, Kate (ART)

From: Sent: To: Subject: Celaya, Caroline <Caroline.Celaya@sfmta.com> Tuesday, August 22, 2017 4:05 PM Patterson, Kate (ART) RE: Bayview Opera House Records Request

Hi Kate:

I've sent Mr. Williams acknowledgment that we've received his IDR today.

### Carobine Celaya

Manager, Public Records Requests <u>https://sfmta.mycusthelp.com/WEBAPP/\_rs/supporthome.aspx</u> San Francisco Municipal Transportation Agency One South Van Ness Avenue, 7<sup>th</sup> Floor San Francisco, CA 94103 415.701.4648



SFMTA Municipal

Transportation Agency

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From: Patterson, Kate (ART) [mailto:kate.patterson@sfgov.org] Sent: Monday, August 21, 2017 11:33 AM To: Celaya, Caroline <Caroline.Celaya@sfmta.com> Subject: Bayview Opera House Records Request

Hi Caroline,

Shortly I will introduce you to Mr. Kevin Williams who is requesting information about the Bayview Opera House renovation. According to our colleagues at DPW, the Arts Commission with a consultant Deborah Friedan worked with SFMTA on Phase 1 of the project. The Project Manager was Kenny Ngan.

Hopefully this will make it easy for you to track things down. I'll ask Mr. Williams to send a separate request.

Sincerely,

Kate Patterson-Murphy Director of Communications

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# Young, Victor

From:Patterson, Kate (ART)Sent:Thursday, August 31, 2017 1:10 PMTo:SOTF, (BOS)Cc:kevin williamsSubject:FW: Response to August 17 IDR requestAttachments:COVER LETTER K\_Williams August 2017.pdf

Hi Victor – Here is the response we sent to Mr. Williams yesterday along with a link to the requested files. See below.

Kate Patterson-Murphy Director of Communications

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From: Patterson, Kate (ART) Sent: Wednesday, August 30, 2017 9:53 AM To: 'kevin williams' <williams532001@yahoo.com> Cc: 'Barbara Ockel' <barbara@bvoh.org>; Mumby, Barbara (ART) <barbara.mumby@sfgov.org>; Takayama, Robynn (ART) <robynn.takayama@sfgov.org> Subject: Response to August 17 IDR request

Dear Mr. Williams,

Please find attached our cover letter in response to your Immediate Disclosure Request of August 17, 2017.

As described in the cover letter, here is a link to access the files with the records: <u>https://www.dropbox.com/sh/twyrrdxdpoc6jha/AACoyySqKPzDutTsH2KGbjiJa?dl=0</u>

Please let us know if you have any difficulty accessing the information.

Sincerely,

Kate Patterson-Murphy Director of Communications

San Francisco Arts Commission 401 Van Ness Avenue, Suite 325 San Francisco, CA 94102 T: 415-252-2229 sfartscommission.org

e-Newsletter | Twitter | Facebook | YouTube | Flickr

**NOTICE:** Please be mindful that all correspondence and documents submitted to the San Francisco Arts Commission are public records and as such, are subject to the <u>Sunshine Ordinance</u> and can be requested by the public. If this happens, all sensitive personal information, such as Social Security numbers and phone numbers, will be redacted.

### San Francisco Arts Commission Au

August 30, 2017

Edwin M. Lee Mayor

Tom DeCaigny Director of Cultural Affairs

401 Van Ness Avenue, Suite 325 San Francisco, CA 94<u>1</u>02

SFAC Galleries 401 Van Ness Avenue, Suite 126 San Francisco, CA 94102

Street Artists Licensing 401 Van Ness Avenue, Suite 124B San Francisco, CA 94102

tel 415-252-2100 fax 415-934-1022 sfartscommission.org facebook.com/sfartscommission twitter.com/SFAC



City and County of San Francisco

Re: Sunshine Request for Public Records Related to the Bayview Opera House Ruth Williams Memorial Theater

Dear Mr. Williams:

I am writing in response to your Immediate Disclosure Request sent to Barbara Ockel, executive director of the Bayview Opera House Ruth Williams Memorial Theater (BVOH).

On August 17, 2017, in an email exchange, you clarified that the request was also intended for the Arts Commission. In a subsequent email sent on the same day, I invoked a 14-day extension pursuant to the California Public Records Act. Under the Public Records Act, the deadline can be extended for up to 14 days due to "the need to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request" and "the need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein." (See Cal. Gov't Code  $\int 6253(c)(2)$  and (3)).

With the 14-day extension, the deadline to fulfill this request is August 30, 2017.

Please note a department need not create a record that does not already exist. We bring this to your attention because in several of the requests below you ask us to delineate the information by "race, gender, and sex." We do not have records that are organized in this fashion and we are not required to manufacture records to fit these criteria. You will see that in the instances where you have requested this information, we are responding only with extant records.

After ascertaining that many of the records you requested are not in the Arts Commission's possession, on Monday, August 21, 2017, I sent an email introducing you to the Custodians of Records at the San Francisco Municipal Transportation Agency (SFMTA) and the Department of Public Works (DPW), which were lead agencies on the Bayview Opera House's construction project during various phases. Please note that records from those agencies are forthcoming and will be sent independent from the Arts Commission.

Please find below our responses to each of your requests. Corresponding records are organized in folders labeled with the request number. We have uploaded all of the files into a Dropbox, which you should be able to access easily. Please let us know if you have any difficulty accessing the files and we can create a CD-ROM for you Please let us know if we have misinterpreted any of your requests.

# Under "Contracts & Procurement"

Please note that the SFMTA and DPW will also be furnishing documents under this category.

 Provide for public disclosure, a conformed copy of ANY and ALL contracts, grants, loans, bids, and any purchase orders of whatever kind that are directly related to or indirectly pertain to the \$5.6 million dollar historic renovation of the Bayview Opera House Ruth Williams Memorial Theater. Please also include, where and in what trade publication(s) the contract was advertised;

In response to this request, please find the following records:

- August 24, 2011 San Francisco Redevelopment Agency (SFRA) Grant Agreement
- October 4, 2011, Personal Services Contract for cultural capital and historic preservation consulting and advising service Mayor's Office on Disability

- January 1, 2012 Deborah Frieden Services Agreement Contract
- March 29, 2012 Deborah Frieden Sole Source MCO HCAO
- March 2012 DPW MOU
- June 6, 2012 Review of Request for Approval of Proposed Personal Service Contract Numbers 4126-11/12 Through 4132-11/12; 4086-08/09; 3036-11/12; AND 4115-07/08
- May 9, 2012 Personal Services Contract Summary Capital and Mayor's Office on Disability (#3036-1112)
- June 25, 2012 Transfer Funds Request for Disabled Access, San Francisco Arts Commission, Bayview Opera House
- December 2, 2012 Tom Eliot Fisch / KnappArchitects Proposal
- Receipt for Filing Fees Paid
- May, 8 2015 Purchase Order Deborah Frieden & Associates
- May 8, 2015 Purchase Order Rollo & Ridley Inc
- March 2013 Community Challenge Grant MOU
- July 1, 2013 Deborah Friedan Contract, Amendment 2
- July 1, 2013 PSC CSC approval
- June 3, 2013 Personal Services Contract Summary Capital and Mayor's Office on Disability (#3036-1112)
- July 10, 2014 KQ copy of Fund Summary Snapshot
- July 25, 2013 Transfer Funds Request Disabled Access, San Francisco Arts Commission, Bayview Opera House-Restoration of final funding
- September 16, 2015 COSCO Contract for Inspection and Test of Fire Protection Equipment
- June 5, 2012 Deborah Friedan Contract, Amendment 1
- Project Estimate Summary
- Bid Document Alternates List
- 2. Submit copies of the progress payments issued covering each phase of the renovation work leading up to and including project completion;

The Arts Commission has no records responsive to this request.

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3. Produce copies of all notices soliciting public comment or public participation prior to the design and rebuild phase of the renovation project, including sign-in sheets;

In response to this request please find two documents: "Meeting 1 Comment Cards" and "Meeting 1 Notes". Please note that personal contact information has been redacted in order to protect the individuals' right to privacy under Article 1, Section 1 of the California Constitution.

4. Provide conformed copies of the bid documents, list of bidders, competitive bid amount and ALL documents, which reflect the selection of the lowest, responsive, responsible bidder chose for the work. Include a list of the subcontractors and any change orders submitted, which might have increased the contract base bid amount;

In response to this request, please find the following records:

- March 26, 2015 MHC Engineers Proposal
- October 23, 2015 Order for Additional Services (DPW)
- BVOH Construction Bid Cost
- Ordinance 85-13 Waiving the as-needed contract modification for Tom Eliot Fisch/Knapp Architects
- 5. Submit a copy of ALL bids for the commercial painting, including pre-renovation signage advertisement of public notice of temporary closure of the building followed by the grand opening, broken down by race, gender or sex approved either by the BVOH Board and/or the Arts Commission between 2013-2017;

The exterior painting was funded and executed by Local Initiative Support Corporation (<u>http://www.lisc.org/</u>), an independent nonprofit, directly with BVOH. Therefore, the Arts Commission does not have "bids" and/or "public notices". The Arts Commission only approved the exterior paint colors. Please find attached the schematic that was

presented to the Arts Commission and please also refer to the public record links below:

http://sfgov.org/arts/meeting/full-commission-june-5-2017-agenda

http://sfgov.org/arts/meeting/full-commission-june-5-2017-minutes

6. Provide for public disclosure, a conformed copy of ANY and ALL proposals received by the BVOH pertaining to any selection panel comprised either of a "Committee" and/or, Commission person with respect to construction, architectural/engineering, personal, professional services, and consulting contracts awarded by the BVOH Board of Arts Commission between 2013 and 2017;

In response to this request, please find the following records:

- January 5, 2012 Final Combined Proposal Tom Eliot Fisch/KnappArchitects
- September 3, 2013 Hood Design Proposal
- May 1, 2015 Proposal Deborah G. Frieden

# Under "Events Revenue"

7. Produce for public disclosure, a conformed copy of ANY and ALL contracts, purchase orders or vendor agreements obtained via competitive bid and/or Request for Proposal ("RFP"), and revenue therefrom, broken down by race, gender, and sex, and approved by the BVOH Board and/or Art Commission or in any instance where there was no competitive bidding between 2013 and 2017;

In response to this request, please find the following records:

- May 5, 2014 3rd on Third Grant Amendment
- July 1, 2014 3rd on Third Grant Agreement
- September 5, 2014 3rd on Third Purchase Order
- September 5, 2014 3rd on Third Purchase Order
- June 13, 2014 3rd on Third Purchase Order

- January 4, 2016 BVOH Grant Agreement
- September 12, 2016 BVOH Grant Agreement Amendment
- 8. Submit for public disclosure ALL "Public" as well as "Private" events and ANY corresponding signed and executed contracts with corresponding dollar amount for each space rental paid and revenue generated therefrom, broken down by race, gender, and sex between 2013 and 2017;

The Arts Commission has no responsive records.

9. Provide for public disclosure, ANY and ALL contracts, including but not limited to ANY short term or long term agreements, purchase orders, or contract modifications of ANY dollar amount awarded, broken down by race, gender, or sex and approved by the BVOH board or Arts Commission between 2013 and 2017;

In response to this request, please find attached the Cultural Center's Grant Agreements for 2013 to 2017:

- July 1, 2013 BVOH Grant Agreement
- July 1, 2013 BVOH Amendment to Grant Agreement
- July 1, 2014 BVOH Grant Agreement
- July 1, 2014 BVOH Amendment to Grant Agreement
- July 1, 2015 BVOH Grant Agreement
- July 1, 2016 BVOH Grant Agreement
- April 19, 2016 BVOH Grant Agreement
- April 28, 2017 BVOH Amendment to Grant Agreement

Please note that, in some cases, we have provided you with the final documents but not the signed versions, which are in off-site storage. The documents included here reflect what was actually signed and were not modified. We are providing this version for reasons of expediency.

10. Produce for public disclosure, the total revenue of ANY and ALL sources of income within each fiscal year beginning 2013 through 2017;

Please see our response to 14d, which includes the BVOH's final budget reports for the years requested.

11. Submit for public disclosure, copies of ANY and ALL consultant contracts, including but not limited to professional, personal, legal, office equipment, furniture, maintenance, and accounting contracts or vendor agreements of any kind issued between 2013 and 2017, and total payments related thereto, broken down by race, gender, and sex;

In response to this request, please find the following records:

- April 22, 2016 Estimate for Services Ted Russell Consulting Services
- May 5, 2016 Purchase Order Ted Russell Consulting Services
- August 8, 2016 Invoice for Ted Russell Consulting Services
- July 20, 2016 Purchase Order for Tyra Fennell Consulting
- 12. Provide federal and state tax returns filed for tax years 2013 through 2017;

The BVOH possesses these records and will provide them accordingly.

13. Produce conformed copies of ANY and ALL documents, reflecting donations of food, liquor, and wine, including but not limited to ANY other source of donations for anything else properly related to BVOH goals and objectives;

The Arts Commission has no records responsive to this request.

14. Submit for public disclosure, the resumes of each BVOH Board member from 2009 through 2017. Identify by name whether any

former member of the Board subsequently became an employee during any calendar year(s);

In response to this request, please find a resume for the BVOH's Executive Director Barbara Ockel. Please note that we have redacted her personal contact information in order to protect her right to privacy under Article 1, Section 1 of the California Constitution.

a. Provide conformed copies of unredacted Board Minutes, therewith related correspondence reflecting the location where each meeting was held, if other than at 4705 Street, covering the period between 2013 through 2017. In addition, identify rents paid at both the main Opera House facility and the new Third Street San Francisco BVOH satellite office with a copy of the rental agreement;

The Arts Commission has no records responsive to this request.

b. Produce a conformed copy of the BVOH Articles of Incorporation;

The Arts Commission has no records responsive to this request.

c. Submit a copy of ALL Board and Staff reports covering the period between 2013 and 2017;

The Arts Commission has no records responsive to this request.

d. Provide ANY and ALL BVOH funding sources between 2013 and 2017;

In response to this request, please find the following records:

- FY 2013-2014 BVOH Final Budget Report
- FY 2014-2015 BVOH Final Budget Report
- FY 2015-2016 BVOH Final Budget Report

• FY 2016-2017 - BVOH Final Budget Report

# Under "BVOH Staff"

15. Produce a copy of ALL job descriptions and methods of advertisement, recruitment, and retention of employees, therewith Equal Employment Opportunity Policy and Procedures Handbook;

In response to this request, please find the BVOH's Staff Handbook.

16. Submit for public disclosure, the total number and respective salaries of ALL BVOH employees, identify each job classification up to and including administrative, management, and supervisorial occupations with respective dates of hire, delineated by race, gender, and sex employed between 2013 and 2017.

Please see our response to 14d and review the expense line items in the BVOH's budgets.

 Provide documents or records, which clearly identifies the exact Board/Management person(s) authorized to make hiring and firing decisions;

The Arts Commission has no records responsive to this request.

18. Produce the NUMBER (only without names) of staff, including interns fired or discharged for cause delineated by race, gender, and sex between 2013 and 2017.

The Arts Commission has no records responsive to this request.

19. Submit a list of paid staff presently employed with the BVOH, whether part-time or full time delineated by race, gender, sex,

> including residency status or domicile, either within or outside the City and County of San Francisco.

Please find attached the organizational chart for the Bayview Opera House.

20. Produce ANY and ALL documents, records, or correspondence of any kind relating to authorization granted by the BVOH Board and/or Arts Commission to solicit funds under the name of the late Karla Johnson of the Mayor's Office on Disability. In addition thereto, please produce an accounting as to the total use of these funds.

In response to this request, please find the following records:

- Email from Judy Nemzoff to Supervisor Malia Cohen
- Email correspondence between Anna Kuperberg (Carla Johnson's widow) and Judy Nemzoff
- Email from the Mayor's Office on Disability
- Email from the Mayor's Office on Disability in response to this IDR request
- Email correspondence between Anna Kuperberg (Carla Johnson's widow) and Judy Nemzoff regarding the donation funds for the plaza

The BVOH is the beneficiary of the Carla Johnson memorial fund. The Arts Commission does not oversee this account; therefore, we do not have "an accounting as to the total use of these funds."

Please note that personal contact information has been redacted in order to protect individuals" right to privacy under Article 1, Section 1 of the California Constitution.

21. Submit ANY and ALL documents records, or correspondence of any kind relating to authorization granted by the BVOH Board and/or Arts Commission to solicit funds or authorize any grants towards education related to contributions to San Francisco theater arts the

late Ruth Williams made following the September 1995 renaming of the historic landmark honoring her name.

The Arts Commission found two records regarding the BVOH from the Board of Supervisors minutes from 1995. The first record, file 197-95-009 from November 20, 1995, is a referral to the Full Board to change the name of the BVOH to include "Ruth Williams Memorial Theater". The second record, file 197-95-9, resolution # 1027-95 from December 4, 1995, is the official approval of the name change.

We did not see anything in the legislation or a directive from the board during that time period to "solicit funds or authorize any grants towards education related to contributions to San Francisco theater arts the late Ruth Williams made." In short, the records pertain to the name change only. Please let us know if we've misunderstood this request and we will conduct the search again. Otherwise, we have no records responsive to this request.

# Under "E-mail, Letter, Community/Event Notices, Correspondence"

22. Provide ANY and ALL email, community, or event notices and incoming and outgoing correspondence between 2013 and 2017;

This request was amended on 8/28/2017 to the following: Pertains to the planning phases of BVOH activities, including but not limited to "special events" such as: "Juneteenth", "Black History Month", pre-renovation "Ground Breaking", post-renovation "Grand Opening" celebrations, "Dare 2 Dream", "3rd on Third Street" ...ect. and ALL related correspondence between the Arts Commission staff and Bayview Opera House Ruth Williams Memorial Theater staff and/or board members and any other city department or public official, including those representing the BVHP community, which specifically identities individuals, politicians, planning committees, organizations, and/or businesses that the city recruited to participate in its overall success.. 'Notices' is defined as ALL methods and modes of advertisement and recruitment for said events.

In response to this request, please find the following records:

- File "3rd on Third" Various e-newsletters advertising the event as well as press releases
- File "BVOH Opening" Draft of Media Plan and five drafts of the Americans with Disabilities Act 25th Anniversary Release
- File "BVOH Ribbon Cutting" Press release drafts, press list, planning notes, RSVPs, talking points and draft run of show
- File "Correspondence"- includes event related emails
- Two Word.doc drafts of Kevin Epp's Event

Please note that the Arts Commission has redacted personal contact information to protect individuals' right to privacy under Article 1, Section 1 of the California Constitution.

> 23. Produce names, fliers, posters, and related notices of ALL plays or theatrical productions performed at the Ruth Williams Theater;

Please see our response to 22, which includes some examples of e-mail notifications disseminated by the BVOH for its events. In general, the Arts Commission does not archive "fliers, posters and other related notices" issued by the BVOH.

24. Submit ANY and ALL payments made to musicians, dancers, bands, music or dance instructors related to the performing arts occurring between 2013 and 2017.

Please see the records in response to 14d, specifically the expense lines of the budget reports.

25. Provide ALL other sources of income, including public grants and private grants;

Please see the Final Budget reports provided in our response to 14d.

26. Submit ALL contact lists covering each organization, business, and individuals utilized for notifying the public of special events, meetings and conferences.

Please find attached an outreach list with the names of individuals and businesses the Arts Commission has used to conduct outreach in the Bayview neighborhood.

Please let us know if we can be of further assistance.

Sincerely,

Kate Patterson Director of Communications

CC: Tom DeCaigny, director of Cultural Affairs Barbara Mumby, senior program officer Barbara Ockel, executive director, Bayview Opera House

# Young, Victor

From: Sent: To: Cc: Subject: Attachments:	Patterson, Kate (ART) Thursday, August 31, 2017 4:58 PM kevin williams SOTF, (BOS); Mumby, Barbara (ART); Barbara Ockel FW: Part 1-FW: Memorial to Ruth Williams and Mary Booker Sunshine Ordinance Request for Public Records.docx.pdf; 7371A-Addendum-2.pdf; 7371A - Notice of Bid Protest - Roebuck against M H Construction .pdf; 7371A - Notice of non- responsive bid.pdf; 7371A - NTP.pdf; 7371A - Protest Decision Letter - Roebuck against M H Construction.pdf; 7371A - Protest Decision Letter - Roebuck against M H Construction.pdf; 7371A - Protest Decision Letter - Roebuck against M H Construction.pdf; 7371A Bayview Opera House Svala Determined Nonresponsive by CMD.pdf; 7371A OFFMA81 Award Summary.pdf; 7371A Ruth Williams Memorial Theatre Bayview Opera House CMD Award Recommendation 11 13 14.pdf; 7371A-Addendum-1.pdf
	Opera nouse CMD Award Recommendation 11 13 14.pdf, 737 1A-Addendum-1.pdf

Dear Mr. Williams,

While DPW requested that you contact them directly to request records, these files were just made available to me so I am forwarding them to you in good faith. Please see the email below from Rommel Taylor for further explanation.

Sincerely,

Kate Patterson-Murphy Director of Communications

San Francisco Arts Commission 401 Van Ness Avenue, Suite 325 San Francisco, CA 94102 T: 415-252-2229 sfartscommission.org

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**NOTICE:** Please be mindful that all correspondence and documents submitted to the San Francisco Arts Commission are public records and as such, are subject to the <u>Sunshine Ordinance</u> and can be requested by the public. If this happens, all sensitive personal information, such as Social Security numbers and phone numbers, will be redacted.

From: Taylor, Rommel (DPW) Sent: Thursday, August 31, 2017 4:46 PM To: Steinberg, David (DPW) <david.steinberg@sfdpw.org> Cc: Patterson, Kate (ART) <kate.patterson@sfgov.org> Subject: Part 1-FW: Memorial to Ruth Williams and Mary Booker

Please find attached documents related to the Sunshine Ordinance Request for Public Records from Mr. Kevin B. Williams submitted to the SFAC. The documents attached only related to items 1, 2 and 4 from the Contracts & Procurement section of the request. All other items listed in the request are not applicable to Public Work's involvement in the Phase II renovation project.

Because of the quantity and size, the information will be submitted in multiple emails titled Part 1, Part 2, Part 3 etc.

Let me know if I can be of additional assistance.

RT

# **Rommel Taylor**

Building Design and Construction | San Francisco Public Works | City and County of San Francisco 30 Van Ness Suite 4100 | San Francisco, CA 94612 | (415) 557-4615 | <u>rommel.taylor@sfdpw.org</u> · <u>sfpublicworks.org</u>

### **City and County of San Francisco**

# San Francisco Department of Public Works

Edwin M. Lee, Mayor Mohammed Nuru, Director Office of the Deputy Director for Design & Construction Building Division 30 Van Ness, 4th Floor San Francisco, CA 94102 (415) 557-4700 ■ www.sfdpw.org



#### August 19, 2014

To: Prospective Bidders

Contract No. 7371A is amended in accordance with the following Addendum No. 2 which is made part of said Specification:

#### ADDENDUM NO. 2 TO CONTRACT NO. 7371A

# RUTH WILLIAMS MEMORIAL THEATRE BAYVIEW OPERA HOUSE

Acknowledge receipt of this Addendum in the space provided on the Acknowledgement of Receipt of Addendum/Addenda Form. Failure to do so may subject Bidder to disgualification.

Bid Opening Date:

The bid opening date has been extended by 1 week. Sealed Bids will be received by the City at 1155 Market Street, 4<sup>th</sup> Floor, San Francisco, California, until 2:30 P.M., on Wednesday, **September 3, 2014**, after which the Bids will be publicly opened and read.

#### Second Job Walk Through:

A second job walk through will be held on Tuesday, **August 26, 2014** at 3:00 p.m., Bidders will meet at the main entrance of the Bayview Opera House at Newcomb Street.

Prepared by:

Recommended by:

Ellen Zhang, Project Controls & Services Oscar Gee, Project Manager

Approved by:

Julia Laue, BDC Division Manager

#### Attachments:

1. Addendum No. 1, consisting of 3 pages.

Section 01 35 91 Historic Treatment Procedures (REV.1), consisting of 13 pages.



San Francisco Department of Public Works Making San Francisco a beautiful, livable, vibrant, and sustainable city.

# P502

### ADDENDUM NO. 2 TO CONTRACT NO. 7371A RUTH WILLIAMS MEMORIAL THEATRE BAYVIEW OPERA HOUSE August 19, 2014 Page 1 of 3

### CHANGES TO BIDDING AND CONTRACTING REQUIREMENTS:

### 1. Section 00 01 03 Project Information and Section 00 11 13 Advertisement for Bids:

ADD the following information:

"There will be a second job walk through before the bid due date. Bidders are encouraged to attend. Information follows:

A second job walk through will be held on Tuesday, August 26, 2014 at 3:00 p.m., Bidders will meet at the main entrance of the Bayview Opera House at Newcomb Street."

### 2. Section 00 21 13 Instruction to Bidders

DELETE subparagraph 1.11 in its entirety and SUBSTITUTE therefor the following paragraph.

### "1.11 CONTRACTOR QUALIFICATIONS

- A. Bidder's Qualifications: The Bidder, at a minimum, shall have completed 3 projects similar in scope, complexity, dollar value and of comparable scale or greater in the past 8 years as described below. At a minimum, one of the 3 projects shall be a qualified historical building as defined by the California Historical Building Code.
  - 1. The one historical example project shall have a construction budget of \$500,000 or greater and a minimum of 3,000 square feet of interior space.
  - 2. The other two example projects shall have a construction budget of \$1,000,000 or greater and a minimum of 3,000 square feet of interior space.
- B. The Bidder(General Contractor) may provide more than the required number of examples of its work to demonstrate the range of its experience and expertise to incude the following:
  - 1. Name and location of project.
  - 2. Date of completion.
  - 3. Owner's contact information.
  - 4. Architect's contact information.
  - 5. A minimum 5 photos (digital photos on a CD or DVD are acceptable).
- C. The Bidder shall include its experience that meet the above requirement in the Bidder's Qualifications form (Section 00 45 13), which shall be submitted with the Bid. If the Bidder does not meet the experience requirements stated in this paragraph, the City may determine the Bidder to be unqualified to perform the work under this contract.
- D. Key Team Member Qualifications: The Bidder, shall submit to the Project Manager, a completed Experience Statement form (Section 00 49 12) for the Project Superintendent who will be designated as key team members listed as follows:
  - 1. Project Superintendent shall have completed 3 projects similar in scope,

### ADDENDUM NO. 2 TO CONTRACT NO. 7371A RUTH WILLIAMS MEMORIAL THEATRE BAYVIEW OPERA HOUSE August 19, 2014 Page 2 of 3

complexity, dollar value and of comparable scale or greater in the past 8 years as described below. At a minimum, one of the 3 projects shall be a qualified historical building as defined by the California Historical Building Code.

- a. The one historical example project shall have a construction budget of \$500,000 or greater and a minimum of 3,000 square feet of interior space.
- b. The other two example projects shall have a construction budget of \$1,000,000 or greater and a minimum of 3,000 square feet of interior space.

2. The City will promptly notify the low Bidder in writing if the City, after due investigation, has any reasonable objection to any such proposed person, and will request the low Bidder to submit an acceptable substitute without an increase in Bid price.

If the low Bidder declines or fails to make such substitution within 5 working days from the date of the City's request, the City may proceed to award the Contract to the responsible Bidder who submitted the next lowest responsive Bid and proposes to use acceptable persons.

Any person listed for whom the City does not make a written objection before award of the Contract will be deemed acceptable to the City, subject to revocation of such acceptance after the effective date of the Agreement as provided in Section 00 72 00 (refer to Paragraphs 3.04, 3.05 and 4.01).

No acceptance by the City of any such person shall constitute a waiver of the right of the City to reject defective work.

In the event that the Contractor substitutes a key team member during the performance of the contract, the Contractor shall submit, at least 7 days prior to engaging the person, an Experience Statement (Section 00 49 12) to the City in the same manner as described above for the City's review and acceptance. The substitution is subject to the approval of the City Representative based upon qualifying experience on similar projects. Failure to obtain the City's acceptance shall not constitute a cause for delay. In addition, the City may withhold progress payments until such time as the Contractor engages persons possessing skills and qualifications acceptable to the City."

#### 3. Section 00 43 36 Proposed Subcontractors Form

a.

b.

c.

d.

DELETE subparagraph A and SUBSTITUTE therefor the following paragraph.

### "A. Subcontractors Who Will Perform Work In Excess of ½ of 1% Of Total Bid Price

Bidder shall submit with its bid a subcontractor list using the form below. Bidder shall identify each subcontractor1 who will perform work in an amount in excess of one-half of one percent of Bidder's Total Bid Price. If this project involves the construction of streets, highways, or bridges, Bidder shall

### ADDENDUM NO. 2 TO CONTRACT NO. 7371A RUTH WILLIAMS MEMORIAL THEATRE BAYVIEW OPERA HOUSE August 19, 2014 Page 3 of 3

submit with its bid a subcontractor list, using the form below, identifying each subcontractor who will perform work in excess of one-half of one percent of the Total Bid Price, or \$10,000, whichever is greater.

At a minimum, Bidder must provide the following information with its Bid for each listed subcontractor: (i) name and email [Box 2]; (ii) location of the place of business [Box 3]; (iii) portion of work that will be performed by the subcontractor [Box 4] and (iv) the current valid subcontractors license [Box8]. In addition, for items or portions of work not fully subcontracted, e.g., indicated as "partial," Bidder must provide the amount of subcontract work [Box 10] either at the time of Bid or within 24 hours after Bid opening. Bidders may provide additional identifying information [e.g., Boxes 5, 6, 7 and/or 9] within 24 hours of Bid opening.

If the City cannot identify the intended subcontractor or portion of work based on the information provided by Bidder, or where Bidder provides conflicting information, the City may consider the subcontractor or portion of work unlisted for purposes of Public Contract Code § 4106. An "unlisted" determination may render a Bid non-responsive if the technical specifications require that the work in question be performed by a subcontractor. In addition, an "unlisted" determination may render a Bidder not responsible if Bidder is not qualified to self-perform the work in question.

[Note: For an LBE subcontractor who will perform work in an amount in excess of one-half of one percent of Bidder's Total Bid Price, Bidder shall provide a single listing for that subcontractor that complies with the requirements of this paragraph A and paragraph B, below.]"

#### QUESTIONS FROM BIDDERS

#### NOTE: Questions have been paraphased for clarity.

Item	Question	Response
QBD 001	At a minimum, 2 of the 3 projects shall be registered as a historically significant building by the California Historic Building Code If we completed projects for very old schools in California, are we qualified to bid on this project?	DPW will not be doing any prequalifying before the bid opening. It's the bidder's responsibility to verify if the building is under the California Historic Building Code or eligible for national, state, or local registers or inventories such as the National Register of Historical Resources, California Register of Historical Resources, State Historical Landmark, State Point of Historical Interest, on a city of county register of historical buildings/properties. When the bids are opened, only then will the City evaluate whether the submitted historical qualifications are met or not.

### END OF ADDENDUM

TOM ELIOT FISCH KNAPP ARCHITECTS BAYVIEW OPERA HOUSE 4705 Third Street San Francisco, California

#### SECTION 013591 – HISTORIC TREATMENT PROCEDURES (REV.1)

#### PART 1 - GENERAL

#### 1.1 SUMMARY

A. This Section includes special historic treatment procedures for the Work including but not limited to the following:

- 1. Storage and protection of existing historic materials.
- 2. Temporary protection of historic materials during construction.
- 3. Protection during application of chemicals.
- 4. Protection during use of heat-generating equipment.
- 5. Historic treatment procedures.
- 6. Removal of bird excrement.

#### B. RELATED DOCUMENTS

- C. Drawings and general provisions of the Contract, including General and Supplementary Conditions and Division 01 Specification Sections, apply to this Section.
- D. Related Sections include the following:
  - 1. Division 01 Section "Construction Waste Management."
  - 2. Division 02 Section "Selective Historic Demolition"
  - 3. Division 06 Section "Wood Restoration and Cleaning."
  - 4. Division 07 Section "Flashing and Sheet Metal."
  - 5. Division 09 Section "Plaster Restoration."

#### 1.2 REFERENCES

- A. The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings. Kay D. Weeks and Anne E. Grimmer, Washington, D.C.: U.S. Department of the Interior, 1995.
- B. Preservation Tech Note. Temporary Protection Number 2, "Specifying Temporary Protection of Historic Interiors During Construction and Repair", National Park Service, Preservation Assistance Division, P.O. Box 37127, Washington DC 20013.
- C. NFPA 241. Safeguarding Building Construction and Demolition Operations, National Fire Protection Agency, Quincy, MA. (800) 344-3555.

#### 1.3 DEFINITIONS

- A. "Artifact Log" is defined as the log form supplied by the Contractor and approved by the Architect for cataloging of salvage elements.
- B. "Existing to Remain" or "Retain": Existing items of construction that are not otherwise indicated to be salvaged, or removed and reinstalled will remain.

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- C. "Historic Elements" are defined as those materials, finishes, components and areas that are original to the building.
- D. "Match Existing" or "Match Material In-kind" or "Replace In-kind": Refers to replacing elements damaged beyond repair or missing. Original material indicated is the pattern for creating new replicated elements. New materials that match existing materials in composition, cut, color, grain, finish, appearance, profile, and texture.
- E. "Preservation": To apply measures necessary to sustain the existing form, integrity, and materials of a historic property. Work may include preliminary measures to protect and stabilize the property.
- F. "Primary Path of Construction Travel" is defined as those areas that will require a higher level of protection.
- G. "Protect and Maintain": To install protective measures such as temporary guards; to provide the least degree of intervention or damage.
- H. "Reconstruction": To reproduce in the exact form and detail a building, structure, or artifact as it appeared at a specific period in time.
- I. "Rehabilitation": To make possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features that convey its historical, cultural, or architectural values.
- J. "Remove": To detach items from existing construction and legally dispose of them off-site unless indicated to be removed and salvaged or removed and reinstalled.
- K. "Repair": To stabilize, consolidate, or conserve; to retain existing materials and features while employing as little new material as possible. Repair includes patching, piecing-in, splicing, consolidating, or otherwise reinforcing or upgrading materials. Within restoration, repair also includes limited replacement in kind, rehabilitation, and reconstruction, with compatible substitute materials for deteriorated or missing parts of features when there are surviving prototypes.
- L. "Replace": To replace entire features with new material as indicated.
- M. "Restoration": To accurately depict the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and the reconstruction of missing features from the restoration period.
- N. "Salvage for Reinstallation" or "Remove and Salvage": Carefully detach items from existing construction, repair and/or modify them, clean them for reuse, and reinstall them where indicated.
- O. "Salvage for Storage": Salvage items as indicated either for temporary storage and subsequent reinstallation or provided to the owner for permanent storage.
- P. "Shore" or "Shoring": To provide interior and exterior bracing or support to prevent movement, settlement, or collapse of areas to remain during demolition or removal activities in the area or adjacent areas.
- Q. "Stabilize": To apply measures designed to reestablish a weather-resistant enclosure and the structural reinforcement of an item or portion of the building while maintaining the essential form as it exists at present.

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R. "Storage Area" is defined as an area within the building to be used for storage of historic materials and other elements that will be rehabilitated and reinstalled.

#### 1.4 SUBMITTALS

- A. Historic Treatment Program: Submit a written plan for each phase or process including protection of surrounding materials during operations. Describe in detail materials, methods, and equipment to be used for each phase of work. Provide written plan for selective demolition, protection, and rehabilitation where historic materials will be affected including but not limited to the following areas:
  - 1. Auditorium 104 and Balcony 200.
  - 2. Lobby 102.
  - 3. Men's Room 101.
  - 4. Women's Room 103.
  - 5. Lift Storage 109.
  - 6. Building Exterior.
- B. Contractor qualifications: Refer Section 00 21 13, par. 1.11
- C. Photographs or Videotape: Show existing conditions of adjoining construction and site improvements, including finish surfaces, that might be misconstrued as damage caused by historic treatment operations. Submit before work begins.
- D. Artifact Log. Submit sample artifact log prior to commencement of the work. Submit completed artifact log at the completion of element removal from the building, and periodically as the work progresses.
- E. Shop Drawings. Submit complete set of shop drawings recording on elevations or plans the location, configuration and description of all elements removed for salvage that will require reconstruction in its original location or in a new location. Include location of elements, joint locations, size, spacing, surface mounted elements, materials, conditions and all dimensions so that wall, floor or ceiling or other elements can be reconstructed in its entirety. Minimum scale  $\frac{1}{4^{\prime\prime}} = 1^{\prime}$  0". Existing construction drawings may be used as base sheets for shop drawings.

#### 1.5 QUALITY ASSURANCE

- A. Qualifications:
  - 1. Refer Section 00 21 13, par. 1.11
- B. Contractor is hereby directed to recognize the value and significance of the building and exercise special care during the work to ensure that the existing building, its details, materials and finishes which are to remain are not damaged by the work being performed.
- C. Contractor shall be responsible for protection of all existing materials and components to remain in place, throughout the duration of construction. Extent of protection is to cover all historic elements to remain that are in the vicinity of construction activities, or may be harmed by the movement of materials through the building, whether specifically called out on the drawings, or not. All questionable protection requirements should be identified for Architect's review. In the event of damage, such items shall be repaired or replaced by the contractor at his expense, to the satisfaction of the Architect and the Owner.

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- D. The subcontractors responsible for the repair or rehabilitation of salvaged elements shall also be responsible for the disassembly, cataloging, storage and reinstallation of the same elements.
- E. Protection is to be secured adequately so as to maintain a safe environment for workers throughout the duration of the project.
- F. Refer to Section 01 31 19 Project Meeting for Pre-Demolition and Historic Preconstruction Conference Meeting requirements: Refer to Section 01 33 00 for Submittal requirements and Section 01 74 51 for the Construction & Demolition Debris Recovery Plan..

## 1.6 MATERIALS OWNERSHIP

A. Historic items, relics, and similar objects including, but not limited to, cornerstones and their contents, commemorative plaques and tablets, antiques, and other items of interest or value to Owner that may be encountered during selective demolition remain Owner's property. Carefully remove and salvage each item or object in a manner to prevent damage and deliver promptly to Owner.

## 1.7 PROJECT-SITE CONDITIONS

- A. Exterior Cleaning and Repair:
  - 1. Proceed with the work only when forecasted weather conditions are favorable.
    - a. Wet Weather: Do not attempt repairs during rainy or foggy weather. Do not apply primer, paint, putty, or epoxy when the relative humidity is above 80 percent. Do not remove exterior elements of structures when rain is forecast or in progress.
    - b. Do not perform exterior wet work when the air temperature is below 40 deg F (5 deg C).
    - c. Do not begin cleaning, patching, or repairing when there is any likelihood of frost or freezing.
    - d. Do not begin cleaning when either the air or the surface temperature is below 45 deg F (7 deg C) unless approved means are provided for maintaining a 45 deg F (7 deg C) temperature of the air and materials during, and for 48 hours subsequent to, cleaning.
  - 2. Perform cleaning and rinsing of the exterior only during daylight hours.
- B. Owner will occupy portions of building immediately adjacent to historic treatment area. Conduct historic treatment so Owner's operations will not be disrupted. Provide not less than 72 hours' notice to Owner of activities that will affect Owner's operations.

# PART 2 - PRODUCTS

## 2.1 GENERAL

A. Products which may be incorporated into the Work include, but are not limited to, the products listed below and within other rehabilitation specifications sections. Other products complying with requirements may also be considered for use if approved by the Preservation Architect.

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B. Provide labor, materials, tools, equipment, transportation, and services necessary for, or incidental to the execution of rehabilitation work and related items as shown on the Drawings, specified herein, and as directed by the Owner's Representative.

### 2.2 HISTORIC SALVAGE AND DISMANTLING EQUIPMENT

- A. Removal Equipment: Use only hand-held tools except as follows or unless otherwise approved by the Owner on a case-by-case basis:
  - 1. Light jackhammers are allowed subject to Owner's approval.
  - 2. Large air hammers are not permitted.
- B. Dismantling Equipment: Use manual, hand-held tools, except as follows or otherwise approved by the Owner on a case-by-case basis:
  - 1. Hand-held power tools and cutting torches are permitted only as submitted in the historic treatment program. They must be adjustable so as to penetrate or cut only the thickness of material being removed.
  - 2. Pry bars over 450 mm (18 inches) long and hammers weighing over 0.9 kg (2 lb) are not permitted for dismantling work.

#### 2.3 PACKING AND CRATING MATERIALS

- A. Products which may be incorporated into the Work include, but are not limited, to the products specifically listed below. Other products which comply with requirements may also be incorporated. Where minimum sizes and thicknesses are given, they are for the smallest or least vulnerable objects and materials; provide protection materials in large sizes, thicker stock, or multiple layers wherever required to prevent damage from impact, abrasion, heat, chemicals, moisture or contamination.
- B. Each material or element indicated to be salvaged shall be carefully crated and packed to prevent damage during transportation and storage, including the following:
  - 1. Non-moisture-retentive material for padding and separation of stored materials.
    - a. Ethafoam (no known equal), minimum thickness 2".
  - 2. Fire-retarded treated lumber and plywood. Do not use wood packing and crating materials which are infested with decay fungi or similar organisms.
  - 3. Fiberboard underlayment.
  - 4. Polyethylene sheeting, corrugated cardboard, kraft paper, and clean guilted pads.
  - 5. Non-marring tape and other attachment devices.

# 2.4 PROTECTION MATERIALS

- A. Plywood: 1/2" and 3/4" fire-retardant-treated; clean and free of mold, algae, mildew or other biological growth.
- B. Dimensional lumber: Nominal 2X, nominal 1X3 nailers, fire-retardant-treated; clean and free of mold, algae, mildew or other biological growth.
- C. Neoprene pads, non-staining, minimum thickness 1/4". Provide greater thickness where needed to prevent damage to surface being protected.

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- D. Fiberboard: Fire-treated, unfaced panels, 1/2" thick. Acceptable product: Homasote NFCR.
- E. Fasteners: wood screws, type 302 stainless steel
- F. Liquid Strippable Masking Agent: Manufacturer's standard liquid, film-forming, strippable masking material for protecting glass, metal, and polished stone surfaces from the damaging effects of acidic and alkaline cleaners.
- G. Tape: Vinyl or polyethylene tape with adhesive formulated to allow clean removal without damage to substrate or adhesive residue.
  - 1. Blue "Preservation Tape," for interior use, 3M #471, or approved equal
  - 2. Exterior protective tape, black 3M #481 or white 3M #4811, or approved equal.
  - 3. For sensitive exterior surfaces, kevlar exterior protection tape with adhesive formulated to be cleanly removable up to five years, white 3M #838 or approved equal.
- H. Polyethylene sheeting, ASTM D4397, 6-mil minimum thickness.
- I. Padding for protection of ceiling, and similar areas: fire-retardant neoprene foam, or fire safing faced with neoprene, minimum thickness 5 inches before compression.
- J. Sand bags.

## 2.5 STORAGE REQUIREMENTS

- A. Storage Area: Provide temporary and permanent on-site storage areas, approved by the Owner, of sufficient size and capacity to store and retrieve salvage elements. More than one area within the building can be provided as long as all physical requirements listed below are met for each storage area.
- B. Physical Requirements:
  - 1. Adequate floor loading capacity to support salvage elements.
  - 2. Covered loading and unloading area to allow for transport of elements without exposure to inclement weather conditions.
  - 3. Temperature and humidity. Maintain ambient temperature from a minimum of 55° F to a maximum of 75° F. Maintain relative humidity between 50% and 60%. Climate control is not required if these conditions can be met. Configure space to allow for adequate ventilation of stored elements. Provide mechanical devices to circulate air if natural ventilation is inadequate.
  - 4. Artificial light. Provide adequate artificial light to allow for proper handling of elements and for potential examination of elements while being stored.
  - 5. Sunlight. Provide adequate protection from sunlight to prevent ultraviolet damage to stored elements.
  - 6. Water protection. Protect stored elements and packing materials from exposure to water, water vapor or high levels of humidity.
  - 7. Vermin control. Protect all stored elements from vermin and pests.
  - 8. Fire protection. Storage space must have a functioning smoke alarm. Contractor may be required to have a fire detection and notification system in place, depending on the space and the number and value of elements being stored.
  - 9. Storage of Ornamental Woodwork: Facility shall maintain the following levels at all times.
    - a. Equilibrium Moisture Content: 8-12 % range; 15 % maximum for prolonged periods. Heat or dehumidification shall be provided, if required to maintain acceptable levels.

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b. Insect Control: Storage areas shall be isolated in order to prevent insect infestation of wood fabrications.

#### C. Security

- 1. Materials stored on site must be bonded with sufficient bonding capacity to suitably replicate and replace all elements stored within the space.
- 2. The storage area should be secured as required by the owner.
- D. Periodic Reports:
  - 1. Environmental Conditions: Facility shall maintain monthly reports recording environmental conditions, including temperature, and relative and equivalent humidity. Reports shall be available for inspection by Construction Manager and Architect at all times.
  - Insect Inspection: Facility shall be inspected monthly to prevent insect infestation of wood fabrications. Inspection service, and extermination if required, shall be performed by a licensed exterminating company acceptable to Construction Manager and Architect. Copies of the inspection reports shall be available to Construction Manager and Architect at all times.

### 2.6 REHABILITATION PRODUCTS:

A. Provide items listed in specific rehabilitation specification sections.

#### PART 3 - EXECUTION

## 3.1 PROTECTION, GENERAL

- A. Comply with manufacturer's written instructions for precautions and effects of products and procedures on adjacent building materials, components, and vegetation.
- B. Ensure that supervisory personnel are present when work begins and during its progress.
- C. Remove debris and impediments to allow for access as required to perform protection of historic elements, and for demolition and construction. Protect historic elements from damage during construction activities.
- D. Temporary Protection of Historic Materials during Construction:
  - 1. Protect existing materials during installation of temporary protections and construction. Do not deface or remove existing materials.
  - 2. Attachments of temporary protection to existing construction shall be approved by Architect prior to installation.
- E. Protect landscape work adjacent to or within work areas as follows:
  - 1. Provide barriers to protect tree trunks.
  - 2. Bind spreading shrubs.
  - 3. Use coverings that allow plants to breathe and remove coverings at the end of each day. Do not cover plant material with a waterproof membrane for more than 8 hours at a time.
  - 4. Set scaffolding and ladder legs away from plants.

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- F. Existing Drains: Prior to the start of work or any cleaning operations, test drains and other water removal systems to ensure that drains and systems are functioning properly. Notify Architect immediately of drains or systems that are stopped or blocked. Do not begin Work of this Section until the drains are in working order.
  - 1. Provide a method to prevent solids including stone or mortar residue from entering the drains or drain lines. Clean out drains and drain lines that become blocked or filled by sand or any other solids because of work performed under this Contract.
  - 2. Protect storm drains from pollutants. Block drains or filter out sediments, allowing only clean water to pass.
- G. Protect persons, motor vehicles, surrounding surfaces of building, building site, plants, and surrounding buildings from harm resulting from historic treatment procedures including chemicals.
  - Use only proven protection methods appropriate to each area and surface being protected.
  - 2. Provide barricades, barriers, and temporary directional signage to exclude public from areas where historic treatment work is being performed.
  - 3. Erect temporary protective covers over walkways and at points of pedestrian and vehicular entrance and exit that must remain in service during course of historic treatment work.
  - 4. Contain dust and debris generated by removal and dismantling work and prevent it from reaching the public or adjacent surfaces.
  - 5. Provide shoring, bracing, and supports as necessary. Do not overload structural elements.
  - 6. Protect floors and other surfaces along haul routes from damage, wear, and staining.
  - 7. Provide supplemental sound-control treatment to isolate removal and dismantling work from other areas of the building.
  - 8. Comply with each product manufacturer's written instructions for protections and precautions. Protect against adverse effects of products and procedures on people and adjacent materials, components, and vegetation.
- H. Historic Elements to Remain and Protected in Place:
  - 1. Install protection in its entirety before commencement of demolition or other work that may harm historic elements.
  - 2. Protect historic elements to remain in place during construction that may be damaged by construction activities. In the event of new damage, Contractor is to notify the Construction Manager as Agent immediately as to the nature and extent of damage and the proposed method for repair. Contractor shall be responsible for repairs and replacement of newly damaged items to the satisfaction of the Construction Manager as Agent and Architect, at no additional cost to the Owner. Be aware that the inherent value of an historic original element is higher than the value of a modern replication of that relement.
  - 3. Do not attach protection materials directly to historic elements.
  - 4. Secure protection adequately so as to maintain a safe environment for workers and other individuals using the building throughout the duration of the project.
  - 5. When permitted by Architect, items may be removed to a suitable, protected storage location during historic treatment and reinstalled in their original locations after historic treatment operations are complete.

#### 3.2 PREPARATION FOR PROTECTION

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- A. Remove all debris and impediments to allow for full access as required to perform protection of historic elements, and for demolition and construction. Protect all historic elements from damage during the removal procedures as specified.
- B. Verify conditions of the on-site and permanent storage facilities to ensure that there is adequate capacity and access to store and retrieve salvage elements.
- C. Transport items to the on-site or permanent storage facility as often as necessary to avoid stockpiling items in areas of demolition work.

### 3.3 INSTALLATION OF PROTECTION

- A. General:
  - 1. Alternative methods to specified protection may be acceptable if equal or greater protection is provided. Submit alternate methods to Construction Manager as Agent and Architect for review. Do not proceed with alternate methods until approvals are secured.
  - Protection is required to remain in place for the duration of the Project. Install materials to
    provide protection throughout the duration of the project. Protection may have to be
    removed during the project for access to protected elements. If protection is temporarily
    removed, reinstall after work is complete and maintain protection throughout the duration
    of the project.
  - 3. Extent of protection covers all historic elements that will remain during construction, whether specifically called out on the drawings or not. Temporary protection may be required in areas to perform specific work activities.
  - 4. All protection assemblies shall be self-supporting and self-bracing. Protection assemblies may be secured to floor protection as long as fasteners do not penetrate through the plywood layer. Protection may not be secured to historic elements or surfaces.
- B. Materials and/or elements that require protection from construction activities include, but may not be limited to, the following:
  - 1. Plaster walls and ceilings.
  - 2. Original doors and frames.
  - 3. Wood base, wainscot and trim.
  - 4. All wood sash windows.
  - 5. Wood flooring.
- C. Primary path of construction travel, defined as areas that will experience a high level of traffic during construction. If the primary path includes historic areas, these will require a high level of protection care from damage, protect floor, walls and ceilings against damage. Historic areas that are considered highly sensitive to construction damage due to their age and craftsmanship include, but are not limited to, the exterior façades, existing door and window openings including steel sash windows, roof clay tile and skylights, and first floor east entrance lobby plaster, wood trim, and stair to the second floor.

### 3.4 PROTECTION DURING APPLICATION OF CHEMICALS

A. Protect persons, motor vehicles, surrounding surfaces of building being restored, building site, plants, and surrounding buildings from harm or damage resulting from applications of chemical cleaners and paint removers.

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- B. Cover adjacent surfaces with materials that are proven to resist chemical cleaners selected for Project unless chemicals being used will not damage adjacent surfaces. Use covering materials that contain only waterproof, UV-resistant adhesives. Apply masking agents to comply with manufacturer's written instructions. Do not apply liquid masking agent to painted or porous surfaces. When no longer needed, promptly remove masking to prevent adhesive staining.
- C. Do not clean surfaces during winds of sufficient force to spread cleaning solutions to unprotected surfaces.
- D. Neutralize and collect alkaline and acid wastes and dispose of off Owner's property.
- E. Dispose of runoff from chemical operations by legal means and in a manner that prevents soil erosion, undermining of paving and foundations, damage to landscaping, and water penetration into building interiors.

## 3.5 PROTECTION DURING USE OF HEAT-GENERATING EQUIPMENT

A. Comply with the following procedures while performing work with heat-generating equipment, including welding, cutting, soldering, brazing, paint removal with heat, and other operations where open flames or implements utilizing heat are used:

- 1. Obtain Owner's approval for operations involving use of open-flame or welding equipment.
  - a. Notification shall be given for each occurrence and location of work with heatgenerating equipment.
  - As far as practical, use heat-generating equipment in shop areas or outside the building.
- 3. Before work with heat-generating equipment commences, furnish personnel to serve as a fire watch (or watches) for location(s) where work is to be performed.
- 4. Do not perform work with heat-generating equipment in or near rooms or in areas where flammable liquids or explosive vapors are present or thought to be present. Use a combustible gas indicator test to ensure that the area is safe.
- 5. Remove and keep the area free of combustibles, including, rubbish, paper, waste, etc., within area of operations.
  - a. If combustible material cannot be removed, provide fireproof blankets to cover such materials.
- 6. Where possible, furnish and use baffles of metal or gypsum board to prevent the spraying of sparks or hot slag into surrounding combustible material.
- 7. Prevent the extension of sparks and particles of hot metal through open windows, doors, holes, and cracks in floors, walls, ceilings, roofs, and other openings.
- Inspect each location of the day's work not sooner than 30 minutes after completion of operations to detect hidden or smoldering fires and to ensure that proper housekeeping is maintained.
- B. Where sprinkler protection exists and is functional, maintain it without interruption while operations are being performed. If operations are performed close to automatic sprinkler heads, shield the individual heads temporarily with guards.

3.6 HISTORIC TREATMENT PROCEDURES

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- A. The principal aim of preservation work is to halt the process of deterioration and stabilize the item's condition, unless otherwise indicated. Repair is required where specifically indicated. The following procedures shall be followed:
  - 1. Retain as much existing material as possible; repair and consolidate rather than replace.
  - 2. Use additional material or structure to reinforce, strengthen, prop. tie, and support existing material or structure.
  - 3. Use reversible processes wherever possible.
  - 4. Use traditional replacement materials and techniques. New work shall be distinguishable to the trained eye, on close inspection, from old work.
  - 5. Record the work before the procedure with preconstruction photos and during the work with periodic construction photos.
- B. Prohibit smoking by personnel performing work on or near historic structures.
- C. Obtain Architect's review and written approval in the form of a Constructive Change Directive or Supplemental Instruction before making changes or additions to construction or removing historic materials.
- D. Notify Architect of visible changes in the integrity of material or components whether due to environmental causes including biological attack, UV degradation, freezing, or thawing; or due to structural defects including cracks, movement, or distortion.
  - 1. Do not proceed with the work in question until directed by Architect.
- E. Where missing features are indicated to be repaired or replaced, provide features whose designs are based on accurate duplications rather than on conjectural designs, subject to the approval of Architect and Historic Treatment Specialist.
- F. Where Work requires existing features to be removed, cleaned, and reused, perform these operations without damage to the material itself, to adjacent materials, or to the substrate.
- G. Identify new or replacement materials and features with inconspicuous, permanent marks to distinguish them from original materials. Record the legend of identification marks and the locations of these marks on Record Drawings.
- H. When cleaning, match samples of existing materials that have been cleaned and identified for acceptable cleaning levels. Avoid overcleaning to prevent damage to existing materials during cleaning.

# 3.7 SALVAGE OF HISTORIC ELEMENTS

## A. General:

- 1. Exercise extreme care in removing elements for salvage and materials attached to historic elements that are to remain.
- 2. Unbolt bolted connections; leave embedded connector undisturbed and in place for later element reinstallation.
- 3. Unscrew screwed connections; leave embedded connector undisturbed and in place for later element reinstallation.
- 4. Do not pry apart members whose finish will be damaged by chipping, crazing or cracking, or whose structural integrity will be compromised.
- 5. Remove all nails from wood elements from the backside. Drive nails through or pull from the back so that the head does not splinter the finish face.
- 6. Remove items whole whenever possible. Where cuts are required, make cuts cleanly and with the proper tool at logical break points.

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- B. Salvaged Historic Elements:
  - 1. Carefully disassemble, label, catalog and store salvage elements using submitted and approved methods.
  - 2. Clean salvaged historic items.
  - 3. Pack or crate items after cleaning. Identify contents of containers.
  - 4. Store items in a secure area until delivery to Owner.
  - 5. Transport items to Owner's storage area as designated by Owner.
  - 6. Protect items from damage during transport and storage.
  - 7. Do not dispose of items removed from existing construction without prior written consent of Owner.
- C. Door Assemblies. Where doors were not removed in a previous phase, salvage for reuse or storage existing doors and/or frames for storage on-site as indicated. Protect existing door frame and trim to remain in place. Door hardware components shall remain with the door leaf.
- D. Window Assemblies. Protect window assemblies to remain in place and those salvaged for reuse during construction activities.
- E. Historic Assemblies including walls, floors, and ceilings. Prior to salvage of these materials, document the location, configuration, and height elevation at wall so that they may be accurately reinstalled. Some existing elements may not be plumb and these need to be considered for reinstallation so that elements are returned to their position and there are no odd displacements caused by reliance on laying elements to plumb. Salvage and catalog items so that they can be installed in the same order and relationship

#### 3.8 CATALOGING OF SALVAGE ELEMENTS

- A. General. Contractor to submit proposed method for labeling and cataloging salvage elements. Label elements in a manner to permit reinstallation in its original location and configuration. Disassemble, catalog, handle, transport and store historic elements which have been identified for removal. Contractor is responsible for handling, transporting and storage of the items to the accepted storage area within the building.
- B. Numbering and cataloging. Each item removed for salvage shall be given a unique catalog number that is to be permanently marked on the element and listed on the artifact log. Label the elements on the backside or in another obscure location. Contractor to submit proposed artifact log to Construction Manager as Agent and Architect for review and approval prior to use. At a minimum, document element type, unique number, size, configuration, quantity, condition, original location, disposition and location in storage.

### 3.9 STORAGE AND PROTECTION OF SALVAGED MATERIALS

- A. Verify condition of the storage area to ensure that there is adequate capacity and access to store and retrieve salvage elements.
- B. Identify removed items with an inconspicuous mark indicating their original location.
- C. Transport items to on-site or off-site storage facility or as directed by the Owner. Store elements in their natural configuration, i.e. store doors and windows upright.

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- D. Store historic materials within a weather tight enclosure where they are protected from wetting by rain, snow, or ground water, and temperature variations. Secure stored materials to protect from theft.
- E. Organize elements so that they are readily retrievable. Store like elements together. Store all salvage elements in a neat, orderly fashion to allow for access and retrieval. Store like type elements together in groups. Store particularly fragile elements in a manner to prevent damage while in storage.
- 3.10 Reinstall Salvaged Historic Materials:
  - A. Remove storage packaging after materials are transported to location for repair and reinstallation.
  - B. Clean and repair historic items to functional condition adequate for intended reuse.
  - C. Reinstall items in locations indicated. Comply with installation requirements for new materials and equipment. Provide connections, supports, and miscellaneous materials necessary to make item functional for use indicated.

### 3.11 REMOVAL OF BIRD EXCREMENT

- A. General: Before disturbing accumulated bird excrement, consult with an occupational medicine physician, industrial hygienist, and authorities having jurisdiction to determine acceptable removal procedures and appropriate protective measures for personnel.
- B. Removing Bird Excrement: Treat bird excrement before its removal as required by authorities having jurisdiction.
  - 1. Prior to removal, dampen excrement to prevent it from becoming airborne.
  - 2. Use only nonmetallic tools (plastic spatulas and brushes with natural fiber or nylon bristles, or their equivalent) to remove excrement.
  - 3. Collect removed excrement and legally disposed of off site.
  - 4. Perform bird excrement removal work from the outside of the building with windows and other openings in the building closed.

## END OF SECTION

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stpublicworks.org facebook.com/sfpublicworks twitter.com/sfpublicworks October 8, 2014

Huey Construction Management Co., Inc. d.b.a. M H Construction Management Co. 1630 17<sup>th</sup> Street San Francisco, CA 94107-2332 Attn: Matthew Huey-President

# VIA: mhchuey@gmail.com

Subject: ID No. FCA14116/Contract No. 7371A Ruth Williams Memorial Theatre Bayview Opera House Notice of Bid Protest

Dear Mr. Huey,

The attached letter from Roebuck Construction Inc. ("Roebuck") was timely received by our office on October 8, 2014. Roebuck protests the bid of Huey Construction Management Co., Inc. d.b.a. M H Construction Management Co. ("M H"). Roebuck alleges M H failed to meet the 25% LBE subcontractor participation goal. Roebuck also alleges M H failed to list at least one historical project with a minimum construction budget of \$500,000 which was required by Addendum No. 2.

Please submit your written response to Roebuck's bid protest within five (5) working days of the date of this letter. The Department of Public Works will review the protest and any response received and will issue a decision in a timely manner. If there are any questions, please call Ms. Shirley Li of my staff at (415) 554-6226.

Yours truly -N Stacey Camillo

Division Manager Department of Public Works

Attachment – Roebuck's protest letter

cc: Oscar Gee, Project Manager Mohammed Nuru, Director Edgar Lopez, Deputy Director Fuad Sweiss, Deputy Director Selormey Dzikunu, CMD Yadira Taylor, DCA All bidders

P519

October 8, 2014.

Contract Administration Division Department of Public Works City and County of San Francisco 1155 Market Street, 4th Floor San Francisco, California 94108.

Attn: Shirley Li.

Re; Ruth Williams Memorial Theatre Bayview Opera House, FCA14116.

# Dear Shirley:

This letter is presented as a formal protest of the bid submission of the apparent low bidder, MH Construction Management Co. ("MH") due to their non compliance with the requirements per the Instructions To Bidders and the San Francisco Administrative Codes.

The primary basis of this protest is MH's failure to meet the LBE minimum participation requirement; As stated on Pg. 1 of the Proposed Subcontractor Form (00 43 36) The LBE subcontracting goal for this contract is 25%. MH's base bid amount is \$2,286,000. Therefore the minimum LBE participation for a contract of this magnitude is \$571,500. On the subcontractor listing provided by MH (Attachment #1) they listed CPM Environment for the Abatement portion of work. However, CPM have been certified as an LBE firm only for A and B licensing (Attachment #2) and not for Hazardous Waste Services as required to qualify as a properly licensed LBE firm. This reduces the total claimed LBE representation by MH to \$524,250, below the minimum requirement at less than 23%. As a result MH does not meet the goal and should be found non-responsive in accordance with the stated LBE participation goals.

In addition, MH's submitted Bidder's Qualification Form (00 45 13, Attachment #3) fails to list at least one historical project with a minimum construction budget of \$500,000. Addendum #2, Item #2 clearly states the minimum requirements needed to be considered qualified. MH failed to meet any of these qualifications in the submitted bid package. Both of these failures provide proof that MH's bid should be deemed non-responsive.

Sincerely,

Ruairi Murphy, President.

Cc; MH Construction Management Co., 1630 17th St., SF, CA 94107. By; Certified Mail.

> 1780 Oakdale Avenue San Francisco CA 94124 Itaansa #797773

phone [415] 255-1506 fox (416) 255-1508 www.roebackd.com

# P520

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Copy this page as nee	aded to provide a complete listing.	Page of
1. TYPE OF SUBCONTRACTOR:	First Tier; Lower Tier; Supplier;	Service Contractor (e.g. Trucker)
2. SUBCONTRACTOR NAME	n's Meral Specialism	[PMAR
3 ADDRESS	Unce Amenue SP. CA	94124
2. PHONE NO. 445-558-9778	etal work and Mine Steel	P. PEDERAL IO NO.
A. LICENALLIO. Y283-25	9. SF BUSINESS TAX REG. NO.	10. AMOUNT OF SUB- CONTRACT WORK \$ 327,650
11. CERTIFIED XY99; INO	12. IF LBE, CHECK XI MEIE; WEE; OBE	* 🗋 Small LBE; 🗋 Micro LBE; 🗋 SBA-LBE
1. TYPE OF SUBCONTRACTOR	🛛 First Tlor; 🔲 Lower Tlor; 🗌 Supplier; 门	
2. SUBCONTRACTOR NAME	JDB 2. Sons	EMAIL
2. ADDRESS 2-190 27	th Avenue. SF. CA 94116	2
4. BID ITEMS/PORTION OF WORK		
5. PHONE NO.	8. VENDOR NO.	7. FEDERAL ID NO.
NICENSE NO. 876159	9. SF BUSINESS TAX REG. NO.	10. AMOUNT OF BUB- CONTRACT WOFK: \$ 12-7,800
11. CERTIFIED XYes: C No	12. IF LBE, CHECK IMBE; WBE: COBE	: Small LBE; ] Micro LBE; SBA-LBE
I. TYPE OF SUBCONTRACTOR:	K First Tier; Lower Tier; Supplier; []	Service Contractor (e.g. Trucker)
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, BID ITEMS/PORTION OF WORK	Abasement	
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S. LICENSE NO. 8 38 11/5	9. SF BUSINESS TAX REG. NO.	10. AMOUNT OF SUB- CONTRACT WORK: \$ 62.400
11. CERTIFIED XYes; □ NO		* 🔲 Small LBE; 🗍 Micro LBE; 🗍 SBA-LBE

\* MBE = Minority Business Enterprise, WBE = Women Business Enterprise, OBE = Other Business Enterprise.

# If this is the last page, complete the following:

# TOTAL LEE PARTICIPATION CLAIMED FOR BASE BID WORK: \_\_\_\_\_%

END OF SECTION

2002.1.34-1.9

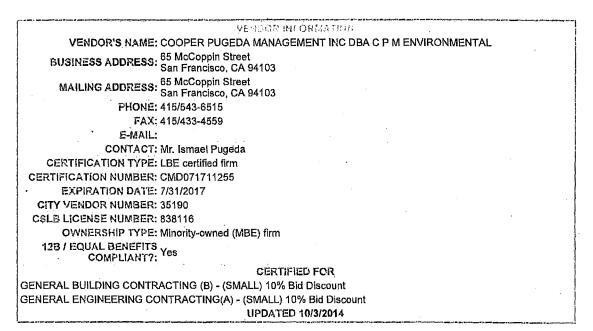
P521

7371A

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DIRECTORY OF LBE, LBE-PUC AND NPE CERTIFIED FIRMS

# DIRECTORY OF LBE, LBE-PUC AND NPE CERTIFIED FIRMS



START OVER

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# SECTION 00 45 13

# **BIDDER'S QUALIFICATIONS**

Pursuant to San Francisco Administrative Code section 6.21.A.7 Bidder submits the following information as to experience and financial qualifications with its Bid. Failure to submit a completed Bidder's Qualifications Statement form may cause Bidder to be non-responsive and its Bid may be rejected. No award will be made until a complete Bidder's Qualifications Statement is provided to the City.

1.	Dispense NAME: 1441 Construction Management CO.
2.	VENTURE?
3.	PEDERAL & NO:: 94-3231623 4. SF BUSINESS TAX REG. NO: 945779
5.	NAME OF RESPONSIBLE MANAGEMENT OFFICER: Masthow Husy
5.	THE PROJECT SITE? X Yes, X No; If Yes, ist name and phone of person who did the inspection:
7.	Marthew Hiney 8. Marthew 1978
¥.	NUMBER OF YEARS BIDDER'S ORGANIZATION HAS HAD EXPERIENCE IN WORK COMPARABLE WITH THAT REQUIRED UNDER THE PROPOSED CONTRACT: 28 Years as a Subcontractor

10. RECENT WORK SIMEAR IN CHARACTER TO THAT RECURED IN THE PROPOSED CONTRACT, WHICH BIDDER HAS COMPLETED IN THE PAST 10 YEARS:

(8)	استانکانامیدی را نصاب بین انسان استان میکود کرد. میکور بین میکور بین و دست میکور بین	
PROJECT DESCRIPTION: 4 6346AR	CSE North Bea	ch Parking Garage,
LOCATION: AND AND, CILV, S	# 735 Vallejo S	treet. 3F. CA 94108
START 07/2000	PLANNED COMPLETION DATE:	ACTUAL COMPLETICH DATE: 07/2003
CONTRACT AMOUNT: \$	0/214, 4440	ANGE OF DER AMOUNT: \$
		VAMES OF MAJOR SUBCONTRACTORS EAPLOYED:
ROLE (Check Che):	Saliba Corporato	5m
Contractor	Carolanazo Bros	
	Pachfre Coast S	Teal
NAME OF OWNER'S REPRES	ENTATIVE:	
ITLE:	•	TELEPHONE:
EUSINESS ADDRESS:		

1.5

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(b)	
PROJECT DESCRIPTION:	Westborough Muddle School
LOCATION: Address, Cily, 8	2570 Westborough Blud SSF. 94080
START DATE: 06/2001	PLANNED ACTUAL COMPLETION DATE: 07/2004
CONTRACT AMOUNT:	4.383,467 QUANCE ORDER AMOUNT: 5
ROLE (Check Dro):	IF GENERAL CONTRACTOR, LIST NAMES OF MAJOR SUBCONTRACTORS EMPLOYED;
El General Contractor	·
M Subcontractor	
NAME OF CONNER'S REPRES	Sowin San France Unified School
TIME:	TELEPHONE:
ZUSINISES ADDRESS:	398 B. Street. South San Francisco, CA 94080
(c)	
PROJECT DESCRIPTION:	Holiday Inn
LOCATION: Ackress, Chy, S	50 Sth Street, SF. CA. 94103
START 11/04/008	PLANNED ACYUAL COMPLETION DATE:
CONTRACT AMOUNT:	3,982,000 CHANGE ORDER AMOUNT: \$ 7.03,240
ROLE (Check Cas):	IF GENERAL CONTRACTOR, LIST NAMES OF MAJOR SUBCONTRACTORS EMPLOYED: Pall Panting 2. Decorating
General Contractor	Calofomia Tile Tastallen
Subcontractor	Bacan Plumbing
NAME OF OWNER'S REPRES	ENTATIVE X
TITLE:	Alew Civic Company Ltd.
RUSINESS ADDRESS	Markot Stred, Suite # 1168 SE 9002
فتناغ للمحمدين والمتحدث تسيحمنوالان للافيد بينيانين والكرافيتين والكرافيتين والمكر المهيري والكالا متلهدي	

(Add sheets if necessary.)

11. LIST ALL CONTRACTS DURING THE PAST 10 YEARS FOR WHICH THE BIDDER, OR A MEMBER OF THE BIDDER'S ORGANIZATION, RECEIVED AN UNSATISFACTORY PERFORMANCE RATING, WAS CITED FOR OSHA VIOLATIONS OR FAILED TO COMPLETE WORK.

(a)	A STRATE AND A S
PROJECT:	NAME OF OWNER:
LOCATION: Aithmas, City, State	
EXPLANN:	· · · · · · · · · · · · · · · · · · ·
(b)	
PROJECT:	NAME OF OWNER:
LOCATION: Actives, City, State	
EXPLAIN:	
(Add shoots If neces	sary.)

2002.1.34-1.9

**Bidder's Qualifications** 

P524

# ADDENDUM NO. 2 TO CONTRACT NO. 7371A RUTH WILLIAMS MEMORIAL THEATRE BAYVIEW OPERA HOUSE August 19, 2014 Page 1 of 3

## CHANGES TO BIDDING AND CONTRACTING REQUIREMENTS:

## 1. Section 00 01 03 Project Information and Section 00 11 13 Advertisement for Bids:

ADD the following information:

"There will be a second job walk through before the bid due date. Bidders are encouraged to attend. Information follows:

A second job walk through will be held on Tuesday, August 26, 2014 at 3:00 p.m., Bidders will meet at the main entrance of the Bayview Opera House at Newcomb Street."

# 2. Section 00 21 13 Instruction to Bidders

DELETE subparagraph 1.11 in its entirety and SUBSTITUTE therefor the following paragraph.

# "1.11 CONTRACTOR QUALIFICATIONS

- A. Bidder's Qualifications: The Bidder, at a minimum, shall have completed 3 projects similar in scope, complexity, dollar value and of comparable scale or greater in the past 8 years as described below. At a minimum, one of the 3 projects shall be a qualified historical building as defined by the California Historical Building Code.
  - 1. The one historical example project shall have a construction budget of \$500,000 or greater and a minimum of 3,000 square feet of interior space.
  - 2. The other two example projects shall have a construction budget of \$1,000,000 or greater and a minimum of 3,000 square feet of interior space.
- B. The Bidder(General Contractor) may provide more than the required number of examples of its work to demonstrate the range of its experience and expertise to incude the following:
  - 1. Name and location of project.
  - 2. Date of completion.
  - 3. Owner's contact information.
  - 4. Architect's contact information.
  - 5. A minimum 5 photos (digital photos on a CD or DVD are acceptable).
- C. The Bidder shall include its experience that meet the above requirement in the Bidder's Qualifications form (Section 00 45 13), which shall be submitted with the Bid. If the Bidder does not meet the experience requirements stated in this paragraph, the City may determine the Bidder to be unqualified to perform the work under this contract.
- D. Key Team Member Qualifications: The Bidder, shall submit to the Project Manager, a completed Experience Statement form (Section 00 49 12) for the Project Superintendent who will be designated as key team members listed as follows:
  - 1. Project Superintendent shall have completed 3 projects similar in scope,

# ADDENDUM NO. 2 TO CONTRACT NO. 7371A RUTH WILLIAMS MEMORIAL THEATRE BAYVIEW OPERA HOUSE August 19, 2014 Page 2 of 3

complexity, dollar value and of comparable scale or greater in the past 8 years as described below. At a minimum, one of the 3 projects shall be a qualified historical building as defined by the California Historical Building Code.

- a. The one historical example project shall have a construction budget of \$500,000 or greater and a minimum of 3,000 square feet of interior space.
- b. The other two example projects shall have a construction budget of \$1,000,000 or greater and a minimum of 3,000 square feet of interior space.
- 2. The City will promptly notify the low Bidder in writing if the City, after due investigation, has any reasonable objection to any such proposed person, and will request the low Bidder to submit an acceptable substitute without an increase in Bid price.
  - a. If the low Bidder declines or fails to make such substitution within 5 working days from the date of the City's request, the City may proceed to award the Contract to the responsible Bidder who submitted the next lowest responsive Bid and proposes to use acceptable persons.
  - b. Any person listed for whom the City does not make a written objection before award of the Contract will be deemed acceptable to the City, subject to revocation of such acceptance after the effective date of the Agreement as provided in Section 00 72 00 (refer to Paragraphs 3.04, 3.05 and 4.01).
  - c. No acceptance by the City of any such person shall constitute a waiver of the right of the City to reject defective work.
  - d. In the event that the Contractor substitutes a key team member during the performance of the contract, the Contractor shall submit, at least 7 days prior to engaging the person, an Experience Statement (Section 00 49 12) to the City in the same manner as described above for the City's review and acceptance. The substitution is subject to the approval of the City Representative based upon qualifying experience on similar projects. Failure to obtain the City's acceptance shall not constitute a cause for delay. In addition, the City may withhold progress payments until such time as the Contractor engages persons possessing skills and qualifications acceptable to the City."

## 3. Section 00 43 36 Proposed Subcontractors Form

# DELETE subparagraph A and SUBSTITUTE therefor the following paragraph.

# "A. Subcontractors Who Will Perform Work In Excess of ½ of 1% Of Total Bid Price

Bidder shall submit with its bid a subcontractor list using the form below. Bidder shall identify each subcontractor1 who will perform work in an amount in excess of one-half of one percent of Bidder's Total Bid Price. If this project involves the construction of streets, highways, or bridges, Bidder shall



Edwin M. Lee Mayor

Mohammed Nuru . Director

Stacey Camilio Division Manager

Office of the Deputy Director for Financial Management and Administration

Contract Administration 1155 Market Street, 4th floor San Francisco, CA 94103 tel 415-554-4886

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# October 7, 2014

Svala Construction, Inc. 139 Mendosa Avenue San Francisco, CA 94116 Attn: Inessa Svidler

# Subject: ID No.FCA14116/Contract No. 7371A Ruth Williams Memorial Theatre Bayview Opera House Notice of non-responsive bid

Dear Ms. Svidler:

This letter hereby notifies you that the City and County of San Francisco (City) received the bid of Svala Construction Inc. (Svala) for the above-referenced project.

The *Instructions to Bidders* in the project manual under Section 00 21 13 states in part that bidders much submit with each bid package:

A bid security, in an amount equal to 10 percent of the total Bid Price.... The bid security may be in the form of a notarized corporate surety bond, a certified payable on sight to the City and County of San Francisco, or an irrevocable letter of credit ....

Svala submitted a bid bond that the surety Hudson Insurance Group's Power of Attorney limited to a not-to-exceed amount of \$250,000, which is less than 10% of the total bid amount of \$2,694,050. Svala's bid failed to meet the statutory bidding requirements and therefore, the City rejects Svala's bid as non-responsive.

If there any questions, please feel free to contact me.

Yours truly Stacey Camillo

Division Manager Department of Public Works

ec: Edgar Lopez – Deputy Director Oscar Gee – Project Manger Selormey Dzikunu – Contract Monitoring Division Yadira Taylor – Deputy City Attorney

# VIA EMAIL ONLY: 8501308@gmail.com



Environmental, Inc.

July 8, 2014

Mr. Antonio Erazo SFDPW – BCM/PCS 1680 Mission St. San Francisco, CA 94103

 RE: Pre-Renovation Asbestos Containing Materials & Lead-Containing Paint Survey Report Select Areas of Bayview Opera House (S. San Francisco Opera House) 4705 3<sup>rd</sup> Street, San Francisco, CA SCA Project No: B11352

Dear Mr. Erazo:

This report summarizes the results of the survey for asbestos- and lead-containing construction materials in select areas of the above-referenced building being planned for renovation. The survey was conducted by Dan Leung, CSP, CAC of SCA Environmental, Inc. on June 26, 2014.

Our understanding of the areas being demolished for renovation, based on our 6/5/14 site visit and the attached demolition drawings (A.120 – A1.60), is tabulated as follows:

Level (Dwg. #)	Areas	Demolition	Comments
Lower Level (A1.20) Exterior (A1.20, 1.30, 1.40, 1.41)	South Wall, Dressing Room	Ext stucco wall on the South Elevation, with interior gypboard walls and subgrade asbestos-containing waterproofing membrane	May have moldy growths due to history of leaks
Lower Level (A1.20)West side "Utility & Storage" in the alcoveWalls, doors, plumbing fixtures, toilet accessories, rolldown gate & housing, gypboard ceiling			
Main Level (A1.20)     North side Main Lobby     Complete gutting of Men's & Women's Restrooms and wall to allow expansion by 1-ft into the auditorium			
Main Level (A1.20) West Porch Limited work on N & S stairs			
Balcony Level (A1.30) Balcony Underside gypboard for structural upgrade			
Exterior doors, stairs (A1.40)E, W, S & N stairs/doorsSalvage historic components for reinstallatio limited demo of siding		Salvage historic components for reinstallation; limited demo of siding	

P528

Pre-renovation Asbestos Containing Materials & Lead-Containing Paint Survey Report	
Select Areas of Bayview Opera House (S San Francisco Opera House)	
SCA Project No: B11352	

# 1.0 Results

The quantities of suspect materials are shown in the Materials Matrix Report (Table 1) and Summary of Lead Results (Table 2). The sample location diagrams (Figure 1), laboratory reports, field sampling data sheets, are also attached herein.

# 1.1 Asbestos-Containing Materials (ACM) – Table 1

Positive (>1%) and trace (est. <1%) asbestos-containing materials (ACM) identified in the select areas are inventoried in the Material Matrix Reports in Attachment 1, and are excerpted below:

Material ID Material Description				
HDUTP-01	Off-white tape and compound on HVAC ducts			
WATER-027	Black bituminous vapor barrier under black felt/mastic and off-white caulking			
FLVCS-1	Light gray "pebble-look" vinyl floor sheeting(+)w/yellow glue(-)			
WLCER-5	Positive			
WLCER-5Blue/Green 4"x4" ceramic wall tiles w/yellow glue(+) and off-white growth with the growth with				
WLMAS-8     Black wall mirror mastic				
EXPJT-15	Gray expansion joint caulking between porch and steps			
WLSH-4	Wall sheetrock w/tape and joint compound	·		
CLSH-6	Ceiling sheetrock w/tape and joint compound	Trace		

ACM is defined by EPA regulations as those substances containing greater than 1% asbestos. BAAQMD and Cal/EPA provide local enforcement of these regulations. Friable ACM with greater than 1% asbestos needs to be disposed of as asbestos waste.

Federal Occupational Safety and Health Administrations (OSHA) regulations, locally enforced by CAL/OSHA, define ACM as substances that contain greater than 1% asbestos. Cal/OSHA also mandates special training, medical exams, personal protective equipment and record keeping for employees working with ACM. If a material contains less than 1% asbestos but more than 0.1% asbestos, the material may be disposed of as non-ACM, but the Cal/OSHA requirements would still have to be followed regarding workers' protection and Contractor licensing.

<u>Assumed Material</u> – a number of materials are listed as "assumed positive asbestos materials" due to various reasons. These items require destructive testing for verification, until tested otherwise, they should be treated as presumed asbestos-containing materials.

Material ID	Material Description
PIDHW-AAA1	Pipe insulation on domestic hot water (DHW) pipes concealed behind walls and above ceilings
FELT-AAA2	Felt paper under hardwood flooring
RFMAS-AAA3	Black roofing tar/mastic along and under roofing flashing
RF-AAA4	Residual roofing felts/mastic concealed by tar and gravel roofing
VAPBAR-AAA6	Subgrade vapor barrier below slab on grade
FIREDOOR-AAA7	Fire-rated core in firedoors
EL-AAA8	Electrical wiring (including remnants)

Pre-renovation Asbestos Containing Materials & Lead-Containing Paint Survey Report Select Areas of Bayview Opera House (S San Francisco Opera House) SCA Project No: B11352	//8/2014	
		Page 3
PUTTY-AAA9	Glazing putty on windows	
FLVCT-AAA10	Vinyl floor tile and associated mastics	
TRANSITE-AAA11	Transite sleeve on gas line	

7/0/001/

<u>Non-asbestos materials</u> – suspect materials visually determined or tested to be negative for asbestos are excerpted below, including the exterior stucco and its underlying felt material.

Material ID	Material Description				
FLCER-2	1"x1" Brown ceramic floor tiles w/gray grout and mortar				
BBMAS-3	Black 4" vinyl baseboard w/brown mastic and yellow glue				
WLCER-7	f-white 4"x4" ceramic counter top tiles w/off-white grout and mortar				
HDUTP-10	Off-white canvas tape on HVAC ducts				
SOIL-11	Soil in crawlspace				
VAPBAR-12	Black felt paper between FLCER-2 and hardwood floors				
WL-13	Beige fibrous acoustical wall panel (screwed on)				
CONC-14	Concrete steps at porch area				
EXPJT-16	Off-white expansion joint caulking between porch and steps & along sides of steps				
STUCCO-17	Gray exterior stucco				
FELT-18	Black felt paper behind gray exterior stucco and wood siding				
CAULK-19	Yellow caulking between seams of lower flashing				
CURTAIN-11	Blue stage curtains				
PAINT-14	White gray exterior paint on wood				
WLINS-NNN1	Fiberglass insulation behind WL-13				

# 2.2 Lead- based paint (LBP), coatings, etc. (Table 2)

All paint coatings should be treated as having a lead content greater than 600 ppm requiring dust control procedures in compliance with 8 CCR 1532.1 and 22 CCR.

Dust control procedures are required throughout the demolition/renovation of painted elements to comply with the Cal/OSHA regulations under 8 CCR 1532.1.

Conventional demolition techniques should be employed for all painted surfaces with the Contractor complying with applicable OSHA and Cal/OSHA statutes regarding:

- Worker awareness training;
- Exposure monitoring, as needed;
- Medical examinations, which may include blood lead level testing; and
- Establishing a written respiratory protection program.

# 2.3 Mercury and PCB Containing Building Materials – Table 1

The survey inventoried fluorescent lamps (which contains mercury) requiring disposal as universal waste, and light ballasts that potentially contain PCB. In addition, SCA collected exterior caulking and waterproofing for the analysis of PCB in these materials. All materials tested were below detection for PCB.

Pre-renovation Asbestos Containing Materials & Lead-Containing Paint Survey Report Select Areas of Bayview Opera House (S San Francisco Opera House) SCA Project No: B11352

Please feel free to contact us if you have any questions or require any additional information.

Sincerely, SCA ENVIRONMENTAL, INC.

Chuck Siu, PE, CIH, CSP, CAC President

# Tables:

- 1. Materials Matrix Report
- 2. Summary of Lead Results

# **Figures:**

1 to 3. Sample Location Diagrams

# Attachments:

- Asbestos Laboratory Report
   PCB Laboratory Report
- 3. Field Data Sheets

Page 4

<b>Bayview Opera</b>	House, 4705 3rd St., SF Limited Hazmat Survey (Select Areas)				seme	nt				1st )	Floor	2nd Floor	Throughout	Exterior	Roof	1
Material ID	Material Description	Asb? Yes, No, Trace		Women's Dressing Rm	Men's Dressing Rm	Corridor	Utility & Storage Rm	Crawlspace	Mechanical Room	Men's & Women's RR	Auditorium	Balcony	Throughout Building	Exterior	Roof	TOTAL
ASBESTOS-CC	NTAINING MATERIALS											······				
HDUTP-01	Off-white tape and compound on HVAC ducts	1	LF	PNC	2 PNC	PNQ	PNQ	T		PNQ	PNQ	PNQ	1		1	PNQ
WATER-027	Black bituminous vapor barrier under black felt/mastic and off-white caulking	]	SF	1	1		1			1				200	1	200
FLVCS-1	Light gray "pebble-look" vinyl floor sheeting(+)w/yellow glue(-)	]	SF	100	) 150	PNQ					_					250
WLCER-5 WLMAS-8	Blue/Green 4"x4" ceramic wall tiles w/vellow glue(+) and off-white grout	] Yes	SF SF	80	45		150	┢		300	<u> </u>				<u> </u>	530
WLMAS-8 WLCER-9	Black wall mirror mastic Yellow 4"x4" ceramic wall tiles w/vellow glue(+) and off-white grout	-	SF	50	80		150	<u> </u>		300	+				<u> </u>	530
EXPJT-15	Gray expansion joint caulking between porch and steps	1		+			+ 150	1		1.500	+			10	+	10
WLSH-4	Wall sheetrock w/tape and joint compound	Tuese	SF			PNQ		1	1		PNQ	1				2855
CLSH-6	Ceiling sheetrock w/tape and joint compound, incld that under the balcony	Trace	SF	160	175	PNQ	160			250	PNQ					1245
SUSPECT ASB	ESTOS-CONTAINING MATERIALS REQUIRING DESTRUCTIVE	TESTING	for	furt	ther	dete	rmin	atio	n i			£ 9.5.2 (P)			$1 \le 1 \le 3$	
PIDHW-AAA1	Pipe insulation on domestic hot water (DHW) pipes concealed behind walls and above ceilings	]	LF				PNO		]	PNO	1	1			1	PNQ
FELT-AAA2	Felt paper under hardwood flooring		SF			1					PNQ	· PNQ				PNQ
RFMAS-AAA3	Black roofing tar/mastic along and under roofing flashing		LF												50	50
RF-AAA4	Residual roofing felts/mastic concealed by tar and gravel roofing		SF	I_					ļ						PNQ	PNQ
VAPBAR-AAA6	Subgrade vapor barrier below slab on grade	to be	SF			160		<u> </u>	ļ							460
FIREDOOR-AAA7	Fire-rated core in firedoors	determined	EA	PNC	2 PNC	2 PNQ	PNQ			PNQ	PNQ	PNQ			<u> </u>	PNQ
EL-AAA8 PUTTY-AAA9	Electrical wiring (including remnants)	-	LF				ļ	PNQ		Ļ	<u> </u>		PNQ	7910	<u> </u>	PNQ
FLVCT-AAA10	Glazing putty on windows Vinvl floor tile and associated mastics	-	SF SF	+				+					PNQ	PNQ	<u> </u>	PNQ PNO
TRANSITE-AAA11	Transite sleeve on gas line	-	LF			+			PNQ				PNQ		+	PNQ
	S CONTAINING MATERIALS	1	1 11	J					Ind		.L.,	· ·				THY
				1.00	10000	-low-server	11 2 40 2	4 Alterna a	100.000	1 men		The second se	Constitutional incontinuity and	14 14 17 20 34 17 K 1+ 17	A NEWSCONST	Lines
FLCER-2 BBMAS-3	1"x1" Brown ceramic floor tiles w/gray grout and mortar Black 4" vinyl baseboard w/brown mastic and yellow glue		SF	25	25		1-160	2.50	100 M	- 250 -	The Com	3.5			1. 2	460
WLCER-7	Off-white 4"x4" ceramic counter top tiles w/off-white grout and mortar	-	SF		-50			100.00	253. 2013	10436920 1446820	140.00	1.00 - 100 -	100000000000000000000000000000000000000	يو. دو دو تو د المردي	a fathallog. B gathalla	75
HDUTP-10	Off-white canvas tape on HVAC ducts	1	LF		0.000		19 10 10 10 10 10 10 10 10 10 10 10 10 10	1.261.00	30.00	- A. 19	1. 1. Car		000000000000000000000000000000000000000		13000	PNO
SOIL-11	Soil in crawlspace	-	CY	100	ti serit					The second	1.00	2011年1月1日日	Lines Lines	N. A. C. MARTIN	1000	PNQ
VAPBAR-12	Black felt paper between FLCER-2 and hardwood floors	1	SF	12.2.1	1000	- a.	1489.57		59002	250	1.34		String and a low of the	Martin Martin	100.885	250
WL-13	Beige fibrous acoustical wall panel (screwed on)	].	SF	金属等	15 STOR	e parte	1955-1959	副製版	制制的		PNQ	Stand in South	5.5.5.5.7.915.51	1.15	$\sim 7.5$	PNQ
CONC-14	Concrete steps at porch area	No	SF	1343		2.4		2000.0	1983	N. Sala	1200年6月	Mar Sandal V		PNQ	1.2.1	FNQ
EXPJT-16	Off-white expansion joint caulking between porch and steps & along sides of steps		LF	1900	1.19		1. A.V.		2,60	485.2		1. 1. 2. 1. 1.	<b>《</b> 》。 《》: 《》: 《》: 《》: 《》: 》: 》: 》: 》: 》: 》: 》: 》: 》:	<u>45</u>	自己相同的	45
STUCCO-17	Gray exterior stucco		SF	- A.S.	12.23		1 25 1	10.00	2	1.77	124.8	0.34.480.0	2002032-510	PNQ		PNQ
FELT-18	Black felt paper behind gray exterior stucco and wood siding		SF	10.000		CONTRACT.	10.00	515.52	Ribert	的合同的论	37	1975 (M. 1994)	$\left\  \left\  f_{i}^{n} \right\ _{\infty}^{2} \right\ _{\infty}^{2} \left\  \left\  f_{i}^{n} \right\ _{\infty}^{2} \left\  \left\  f_{i}^{n} \right\ _{\infty}^{2} \right\ _{\infty}^{2} \left\  f_{i}^{n} \right\ _{\infty}^{$	PNQ	10.00	PNQ
CAULK-19 CURTAIN-11	Yellow caulking between seams of lower flashing Blue stage curtains	4	LF EA	145381	No. State			- 738 - 197 Ref 197	100.00			10. C. C.	an fair an that an	PNQ '		PNQ
PAINT-14	White grav exterior paint on wood		SF	3930	2011年1月1日 12月1日日月月日	的。""你们的问题。 [1] "你们的问题。"		1 Y	SACON	1997. 19 19 21 19	PNQ	i i i lan i i i		PNQ	3 579433984	PNQ
WLINS-NNN1	Fiberglass insulation behind WL-13	-	SF	101.75%	2 19 A COM	in an star Thaile	Note in The	1978/2114 1979/1010	T(31, 30 150,27,62	Contraction Contraction	PNO		1.19	<u>rinų</u>	12000	PNO
			) 31	1-1-2000	000000	NA SHERRAN	a minore dana	A MONTEN	and the second	AT SATT	JINQ	A new Colling to the college	Pd70 Service Connectment of	Scener London - and State	1-goalences	11100
	ontaining materials	Lead		1		10010	1 10 10	·		1 22 10	Third					1 PN IC
various	coatings containing >600 ppm of lead (See Table 2)	>600 ppm	SF	TNNC	VI PNC	ILNNO	PNQ	L	L	I PNQ	PNQ	PNQ	I	PNQ		PNQ
Mercury and PC		Other	L					·				· · · · · · · · · · · · · · · · · · ·				
Fluorescent Tubes PCB Ballast	Mercury containing fluorescent lighting tubes	Mercury		2			I			10	ļ	<u> </u>				14
WATER-027	PCB-containing ballasts - to be examined visually Black bituminous vapor barrier under black felt/mastic and off-white caulking	PCB ND for PCB	EA	1	1	+	1	<u> </u>		5	+			PNO	+	8 PNQ
EXPJT-15	Gray expansion joint caulking between porch and steps	<0.05 ppm		1	+			t	<u> </u>		t	·		PNQ	+	PNQ
EXPJT-16	Off-white expansion joint caulking between porch and steps & along sides of steps	<1.0 ppm PCB			+	+			<u> </u>		+			PNO	+	PNO
CAULK-19	Yellow caulking between seams of lower flashing	<0.05 ppm		1	+	1		1	-	1	1			PNO	1	PNQ
Footnotes:				A							·•	Aus	1		dia	
PNO -present, not quan	ified		···· ·													
	only visible amount at time of survey. Abatement contractor will need to verify quantities.							-,							·····	
	, and the second s				_										_	

Table 1. Materials Matrix Report Bayview Opera House, 4705 3rd St., SF CA SCA Proj#: B11352 July 2014

Page 1 of 1

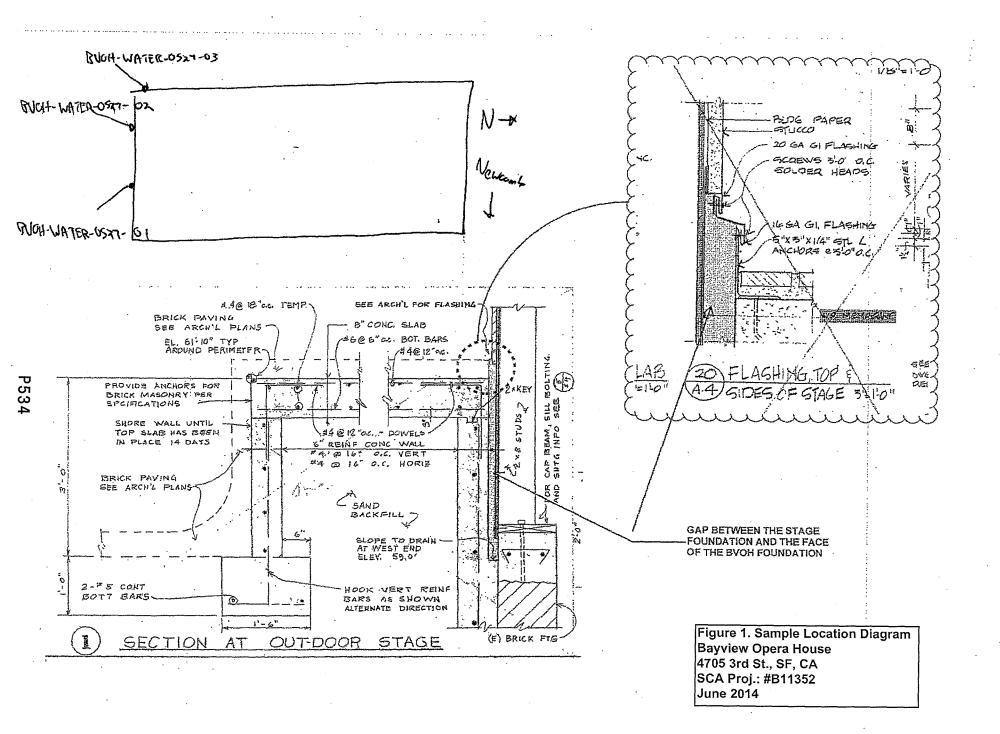
P532

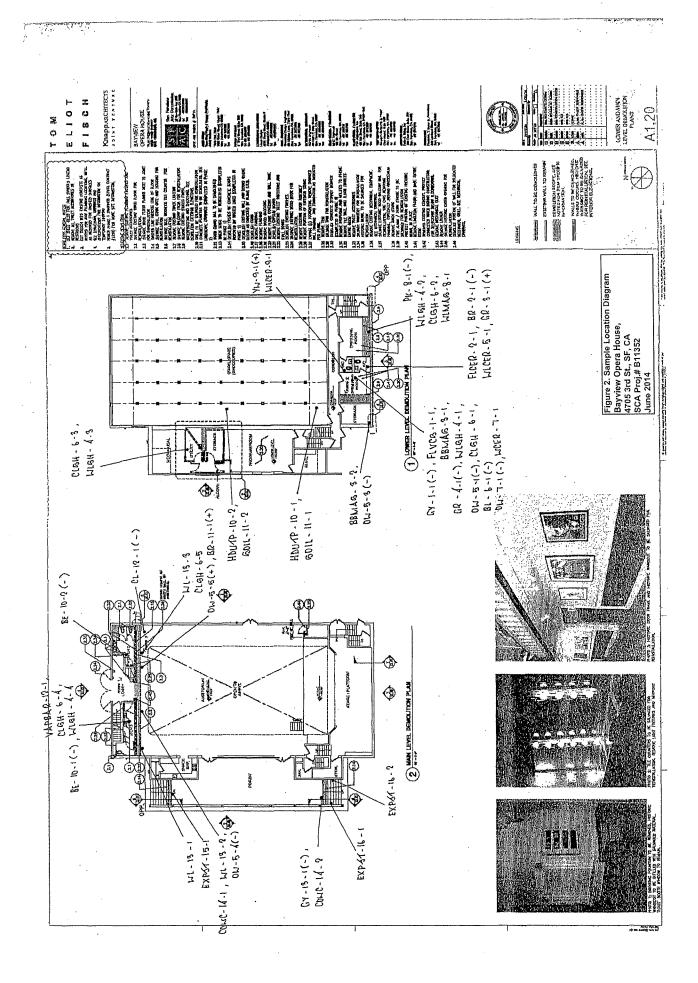
# Table 2: REPRESENTATIVE SAMPLING OF LEAD-BASED PAINTS & MATERIALS<br/>BAYVIEW OPERA HOUSE, 4705 3RD ST., SF<br/>SAMPLED BY SCA ENVIRONMENTAL, INC<br/>SCA PROJECT NO.: B-11352

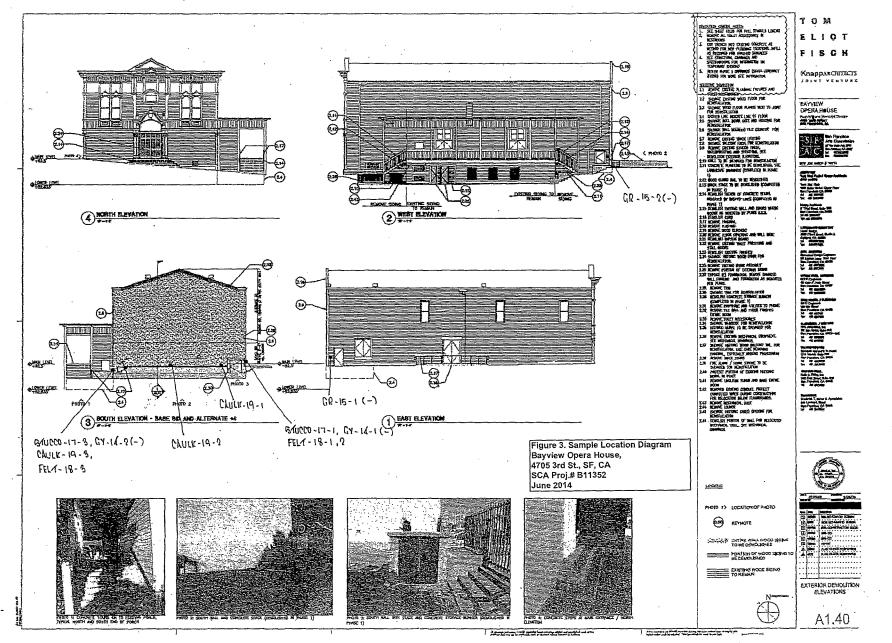
Sample	Sub-	Location	Floor	Surface	Substrate	Substrat	lead	LCP per
I.D.	No.		1 - S - L	Color	Compone	е	contents	CalOSH
					nt	Material	mg/cm <sup>2</sup>	A
GY-01	1	Women's Dressing Room	Bsmt	Gray	Floor	Vinyl	0.01	possible
BR-02	1	Women's Dressing Room	Bsmt	Brown	Floor	Ceramic	0.01	possible
<u>GR-03</u>	1	Women's Dressing Room	Bsmt	Green	Wall	Ceramic	9.00	Yes
<u>GR-04</u>	1	Women's Dressing Room	Bsmt	Green	Wall	Gypsum	< 0.01	No
0W-05	1	Women's Dressing Room	Bsmt	Off-white	Ceiling	Gypsum	< 0.01	No
OW-05	2	Women's Dressing Room	Bsmt	Off-white	Door	Wood	< 0.01	No
OW-05	3	Corridor	Bsmt	Off-white	Wall	Gypsum	< 0.01	No
OW-05	4	Auditorium	1	Off-white	Wall	WL-13	< 0.01	No
OW-05	5	Auditorium	1	Off-white	Wainscot	Wood	5.60	Yes
BL-06	1	Women's Dressing Room	Bsmt	Blue	Ceiling	Gypsum	< 0.01	No
OW-07	1	Women's Dressing Room	Bsmt	Off-white	Wall	Ceramic	0.02	likely
PK-08	1	Men's Dressing Room	Bsmt	Pink	Wall	Gypsum	< 0.01	No
YW-09	1	Men's Dressing Room	Bsmt	Yellow	Wall	Ceramic	7.90	Yes
BE-10	1	Men's Restroom	1	Beige	Wall	Gypsum	0.01	likely
BE-10	2	Women's Restroom	1	Beige	Ceiling	Gypsum	< 0.01	No
BR-11	1	Auditorium	1	Brown	Wall	Wood	9.00	Yes
CL-12	1	Auditorium	1	Clear	Floor	Wood	< 0.01	No
GY-13	1	Porch	Ext	Gray	Floor	Concrete	0.01	likely
GY-14	1	Exterior South	Ext	Gray	Wall	Stucco	< 0.01	No
GY-14	2	Exterior South	Ext	Gray	Wall	Stucco	< 0.01	No
GR-15	1	Exterior South	Ext	Green	Wall	Wood	0.02	likely
GR-15	2	Exterior South	Ext	Green	Wall	Wood	0.02	likely

\* LCP = lead containing paint, 600 ppm is the CalOSHA cutoff

Note: Paints and glazing with a detectable lead content are subject to the Contractor's compliance with Cal/OSHA regulation 8 CCR 1532.1 during demolition, scraping of loose and peeling paints, spot abatement prior to torching or cutting, etc. Table indicates representative samples only; treat all similarly painted surfaces in kind.







P536

1

# Attachment 1

# Asbestos Laboratory Report

# SEFANALYTICAL LABS SAN FRANCISCO INC.

# POLARIZED LIGHT MICROSCOPY ANALYSIS FOR ASBESTOS CONTENT

ASBESTOS

	· · · ·	
		1 Sample(s) containing Asbestos
Project:	BVOH	Collection Date: MAY 27, 2014
Project No.:	B11352	Sample Collector: TYLER HARRIS
•		Date Analyzed: MAY 28, 2014
	OAKLAND, CA 94612	Analyst: OLGA KIST
	334 19TH STREET	Date: MAY 28, 2014
Client:	SCA ENVIRONMENTAL, INC.	Report Number: AE22705

3 Sample(s)   Sample #	Received 05/27/14 17:30 Location / Description	Type and Range % or NONE DETECTED	Other Fibers (%) Balance
1. BVOH-WATER-027-01	A) BLACK SURFACE TAR B) BLACK TAR AND GLASS FELTS C) TAR AND GRAVEL AND FELT D) WHITE CAULK E) WHITE PLASTIC FOAM	CHRYS 10-15 NONE DETECTED NONE DETECTED CHRYS 5-10 NONE DETECTED	ASPHALT, SILI, SYN, CARB, MISC. GL 10-15 CELL, GL 3-5
2. BVOH-WATER-027-02 3. BVOH-WATER-027-03	NOT ANALYZED NOT ANALYZED		

052714

AUTHORIZED SIGNATURE

1 Sample(s) Analyzed

LABORATORY BLANK (1866 GLASS FIBERS) NONE DETECTED ASBESTOS TYPES NONASBESTOS

CHRYS: Chrysotile AMOS: Amosite CROC: Crocidolite TREM: Tremolite/Actinolite ANTH: Anthophyllite NONASBES CELL: Cellulose GL: Fiberglass/Mineral Wool SYN: Synthetic CARB: Carbonates SILI: Mixed Silicates

POLY: Polyethylene FTALC: Fibrous Talc FGYP: Fibrous Gypsum FELD: Feldspar CASI: Calcium Silicates

NONASBESTOS

Bulk samples analyzed in accordance with "Method for the Determination of Asbestos in Bulk Building Materials" EPA/600/R-93/116, July 1993. The detection limit is 1% Quantitation of asbestos is by calibrated visual estimation. Analytical Labs San Francisco, Inc. (ALSF) is recognized under the National Laboratory Accreditation Program for satisfactory compliance with criteria established in Title 15, Part 7 cade of Federal Regulations and accredited for bulk asbestos fiber analysis (NVLAP lab code: 101909-0). Asbestos fibers less than 0.2 microns connot be resolved by light microscope. This report must not be reproduced except in full, without the written approval of ALSF and pertains only to the samples analyzed.

DATE 5/23/14

467 Potřero Avenue, San Francisco, CA 94110 (415) 552-4595 FAX 552-0730

# AFRE 85

	CHAIN OF C	USTODY FORM			CALL/TXT with	results:				٦
SACAR Instruction of the	650 Delancey St. 7 334 19th St. Oakh	1222, SF. CA 94107	Tel 415-5821675 510-6456244 310-2580-60	Fax 415-9620735 415-9620736 415-9620736	@messaging.spri Email rpt / COC					
EMAIL HEADING:		(Project Manager Initials)	and when the party of the state		tharrit		@sca	-envira	.com	
	B/1392	( · · · ·	BVOH	5/27	EmailPrj Mgr I	Name:				
LAB	7011202		, 31011		Chuck Sin Glo		istina Co	demo		
					Accounting Dat	a:				
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LAB REP NOTIFIED:		Notification DATE/TIME			Units (eac Flame AA Wipes	CARB AHERA	PLN Std Point TEM AHERA	PLM Bulk	Units (each) PCM NIOSH	
AIRBILL/FLIGHTND.: EST ARRIVAL DATE:		Shipper REFERENCE LD EST, ARRIVAL TIME			(each)	P P	E d	£3	(each)	
Method Reference	7400.PCM	AHERA TEM		0.001 s/cc Detection Limit		IER R	RA	5	일	
	(PLM (asbestos	) Flame AA (Lead)	<			AA	R C	Ĕ	7400	
Sample Media	25 .37 mm	0.45 0.8 micron	MCEF Bulk Wate	r Wipe		134	oun	IANO Pt CH		
RESULTS DUE:	1 au-hc	AM / PM				38-40 grid openings 10-13 grid openings	Std Point Count 400 AHERA	E		
CHAIN OF CUSTODY	DATA:	+ (	c I-	llis		66		winran		ASBESTOS
Sending Info		ples submitted by <u>TH</u>	(SCA) 49.2/37	n1910		entr		3	ł	ms
Received by Lah:				-#1-3-3-0	LEAU	102				Sol
Received by Analyst: SAMPLE ID		ples received by		_ nt			TTT			
BVOH -WATER - (			Ins/Blanks/Ours	, 2, 3	10 9				603	
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1. Pickup requested:			11.:		240				ž	
Contact: Time of Call:							┝╍┥╼╺┝	mfeinf	milion	
2. Call SCA's contact 16	acknowledge rec	cipt of samples.			1 10				10	
3. Analyze samples by Pt 4. Analyze inside sam		rst; if any sample >0.01 f/cc.	contact SCA.						2.1	1 cal
5. If all samples are <0.0	f f/ee, proceed w	ith items 6, 7 or 8, as noted.			10 10				at	1 10 5 days
<ol> <li>6. Analyze inside samp</li> <li>7. Analyze all samples, in</li> </ol>		Avg >70 str/min^2, contact 5	SCA before analyzing.	outsides or blanks.	10 to 5 days				10 A	2
8. Do NOT analyze outsi						┝╌┼╍┾╍┾╍		-+		ĩΥs
9-Analyze by TEM only	the inside air sai	uple with the highest PCM rest	ult.	t de la t	ž				¥	
(1. Analyze all bulk sam	var mist positive des, unless other	e (>1%); first trace (<0.1%);e wise indicated.	xcept sheetrock and p	usier samples.	-					-
· · ·				Obt	1 to				1	}
Report Number: AE22.85		Supplies /Equipment Hi-Vol (3040)	· · · · · ·	Qty	60				lo 9	
		Lo-Vol (3020)	i sa a a a s		100			-1-1	12	2
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-ANALYTICAL LABS SAN FRANCISCO INC.

# POLARIZED LIGHT MICROSCOPY ANALYSIS FOR ASBESTOS CONTENT

Client:	SCA ENVIRONMENTAL, INC.	Report Number: AF22603
	334 19TH STREET	Date: JULY 1, 2014
	OAKLAND, CA 94612	Analyst: OLGA KIST
		Date Analyzed: JULY 1, 2014
Project #:	B11352	Sample Collector: DAN LEUNG
Project:	BAY VIEW OPERA HOUSE	Collection Date: JUNE 26, 2014
Location:	4705 3RD STREET, SAN FRANCISCO	11 Sample(s) containing Asbestos

39 Sample(s) Analyzed 39 Sample(s) Received 06/26/14 18:06 Sample # Location / Description		A S B E S T O S Type and Range % or NONE DETECTED	NONASBESTOS Other Fibers (%) Balance
BOH-FLVCS-1-1		NONE DETECTED	SYN, CARB, FLYASH, BINDERS, MISC.
• • •	B) OFF-WHITE BACKING	CHRYS 40-50	CELL 3-5
	C) TAN GLUE	NONE DETECTED	
BOH-FLCER-2-1	A) BROWN PORCELAIN	NONE DETECTED	SILI, CALCINED CLAY, CARB, SYN, MISC.
	B) GRAY GROUT	NONE DETECTED	
	C) GRAY MORTAR	NONE DETECTED	
	D) BROWN RUBBER SPACER	NONE DETECTED	
BOH-BBMAS -3-1	A) BROWN GLUE	NONE DETECTED	BINDER, SILI, SYN, CARB, MICA, MISC,
	B) OFF-WHITE GLUE	NONE DETECTED	
	C) TAN GLUE	NONE DETECTED	
	D) OFF-WHITE PAINT AND COMPOUND	CHRYS >1-3	- -
BOH-BBMAS -3-2	A) WHITE GLUE	NONE DETECTED	BINDER, SILI, CARB, GYPSUM,
	B) BROWN GLUE	NONE DETECTED	MISC.
	C) ORANGE PAINT	NONE DETECTED	
•	D) MINOR WHITE SHEETROCK	NONE DETECTED	
BOH-WLSH-4-1	A) GREEN/WHITE/OFF-WHITE PAINTS	NONE DETECTED	GYPSUM, SYN, CARB, MISC.
	B) WHITE SHEETROCK	NONE DETECTED	CELL, GL 10-20
BOH-WLSH-4-2	A) APRICOT PAINT	NONE DETECTED	GYPSUM, CARB, MICA, SYN, MISC.
	B) WHITE COMPOUND, TAPE, COMPOUND	CHRYS 2-5*	•
	C) WHITE SHEETROCK	NONE DETECTED	CELL, GL 20-30
		*COMPOSITE RESULT	FOR A, B &C: CHRYS <1

ASBESTOS TYPES	NONASBESTOS	i
CHRYS: Chrysotile	CELL: Cellulo se	POLY: Polyethylene
AMOS: Amosite	GL: Fiberglass/Mineral Wool	FTALC Fibrous Talc
CROC: Crocidotite	SYN: Synthetic	FGYP: Fibrous Gypsum
TREM: Tremolite/Actinolite	CARB: Carbonates	FELD: Feldspar
ANTH: Anthophyllite	SILI: Mixed Silicates	CASI: Calcium Silicates
condence with "Method for the Determination of Asheetor	in Bull Huilding Manufals" INDAGADID 037116 July 1002 The	Intrustion limit in 19/ Our stitution .

Bulk samples analyzed in accordance with "Method for the Determination of Asbestos in Bulk Building Materials" hPA/600/R-93/116, July 1993. The detection limit is 1%. Quantitation of asbestod is by calibrated visual estimation. Analytical Labs San Francisco, Inc. (ALSI) is recognized under the NationalLaboratory Accreditation Program for satisfactory compliance with criteria established in Title 15. Part 7 code of Federal Regulations and accredited for bulk asbestos fiber analysis (NVLAP lab code: 101909-0), Asbestos fibers less than 0.2 microns cannot be resolved by light microscope. This report produced except in full, without the written approval of ALSF and pertains only to the samples analyzed.

AUTHORIZED SIGNATURE

DATE\_7

467 Potrero Avenue, San Francisco**P5491**110 (415) 552-4595 FAX 552-0730

SFANALYTICAL LABS SAN FRANCISCO INC.

# POLARIZED LIGHT MICROSCOPY ANALYSIS FOR ASBESTOS CONTENT

Client:	SCA ENVIRONMENTAL, INC. 334 19TH STREET	Report Number: Date:	JULY 1, 2014
	OAKLAND, CA 94612		OLGA KIST
		Date Analyzed:	
Project #:	B11352	Sample Collector:	
Project	BAY VIEW OPERA HOUSE	Collection Date:	
Location:	4705 3RD STREET, SAN FRANCISCO		s) containing Asbestos
2002(101).			-/
	ble(s) Analyzed	ASBESTOS	NONASBESTOS
	ble(s) Received 06/26/14 18:06	Type and Range % or	Other Fibers (%)
Sample #	Location / Description	NONE DETECTED	Balance
7. BOH-WLSH-4-3	A) TAUPE/BLACK PAINTS	NONE DETECTED	GYPSUM, CARB, SYN, MISC.
	B) WHITE COMPOUND	NONE DETECTED	CELL, GL 15-20
	C) WHITE SHEETROCK	NONE DETECTED	
BOH-WLSH-4-4	A) BEIGE/WHITE PAINTS	NONE DETECTED	GYPSUM, CARB, MICA, SYN, MISC.
1. DOLLANDOLLANA	B) WHITE COMPOUND	CHRYS >1-3	
	C) WHITE SHEETROCK WITH MOLD	NONE DETECTED	CELL CL 10 20
	CI WHITE SHEETROOK WITH MOLD	NONE DE LECTED	CELL, GL 10-20
BOH-WLCER-5-1	A) BLUE CERAMIC TILE	NONE DETECTED	SILI, CALCINED CLAY, CARB, MICA,
	B) TAN GLUE	CHRYS 10-20	BINDER, MISC.
	C) WHITE GROUT	NONE DETECTED	
	D) WHITE COMPOUND WITH TAPE	CHRYS 3-5	CELL 50-60
0. BOH-CLSH-6-1	A) WHITE PAINT	NONE DETECTED	GYPSUM, CARB, MICA, SYN, MISC.
	B) WHITE COMPOUND, TAPE, COMPOUND	CHRYS 2-5*	
	C) WHITE SHEETROCK	NONE DETECTED	CELL, GL 10-20
		*COMPOSITE RESULT FO	OR A, B & C: CHRYS <1
1. BOH-CLSH-6-2	A) WHITE PAINT	NONE DETECTED	GYPSUM, CARB, MICA, SYN, MISC.
	B) WHITE COMPOUND, TAPE, COMPOUND	CHRYS >1-3*	
	C) WHITE SHEETROCK	NONE DETECTED	CELL, GL 10-20
	-,	*COMPOSITE RESULT FC	
2. BOH-CLSH-6-3	A) WHITE PAINT	NONE DETECTED	GYPSUM, CARB, MICA, SYN, MISC.
	B) WHITE COMPOUND, TAPE, COMPOUND	CHRYS 3-5*	
	C) WHITE SHEETROCK	NONE DETECTED	CELL, GL 10-20
		*COMPOSITE RESULT FO	R A, B & C: CHRYS <1
	ASBESTOS TYPES	NONASBES	STOS
	CHRYS: Chrysotile	CELL: Cellulose	POLY: Polyethylene
	AMOS: Amosite	GL: Fiberglass/Mineral Wool	FTALC: Fibrous Talc
	CROC: Crocidolite	SYN: Synthetic	FGYP: Fibrous Gypsum
	TREM: Tremolite/Actinolite	CARB: Carbonates	FELD: Feldspar
	ANTH: Anthophyllite	SILI: Mixed Silicates	CASI: Calcium Silicates

criteria established in Title 15, Part 7 code of Federal Regulations and accredited for bulk asbestas fiber analysis (NFLAP lab code: 101909-0). Asbestas fibers less than 0.2 microns cannot be resolved by light microscope. This report must not be reproduced except in full, without the written approval of ALSF and pertains only to the samples analyzed.

AUTHORIZED SIGNATURE

DATE -7/1/14

467 Potrero Avenue, San Francisce, 554, 194110 (415) 552-4595 FAX 552-0730

ASFANALYTICAL LABS SAN FRANCISCO INC.

# POLARIZED LIGHT MICROSCOPY ANALYSIS FOR ASBESTOS CONTENT

Client:	SCA ENVIRONMENTAL, INC.	Report Number:	
	334 19TH STREET		; JULY 1, 2014
	OAKLAND, CA 94612	-	OLGA KIST
		Date Analyzed:	
Project#:	B11352	Sample Collector	
Project:	BAY VIEW OPERA HOUSE	Collection Date	-
Location:	4705 3RD STREET, SAN FRANCISCO	11 Sample	(s) containing Asbestos
39 Sample	e(s) Analyzed	ASBESTOS	NONASBESTOS
39 Sample	e(s) Received 06/26/14 18:06	Type and Range % or	Other Fibers (%)
Sample #	Location / Description	NONE DETECTED	Balance
13. BOH-CLSH-6-4	A) BEIGE PAINT	NONE DETECTED	GYPSUM, CARB, SYN, MISC.
	B) OFF-WHITE COMPOUND	NONE DETECTED	
	C) WHITE PAINT	NONE DETECTED	
	D) WHITE COMPOUND (SKIMCOAT)	NONE DETECTED	
	E) WHITE SHEETROCK	NONE DETECTED	CELL, GL 10-20
14. BOH-CL SH6-5	A) WHITE PAINT	NONE DETECTED	GYPSUM, CARB, SYN, OPAQUES, MISC.
-	B) WHITE COMPOUND	NONE DETECTED	CASI <1
	C) WHITE SHEETROCK	NONE DETECTED	CELL, GL 10-20
15. BOH-HDUTP-10-1	A) WHITE COMPOUND	NONE DETECTED	SYN, CARB, BINDER, MISC.
• .	B) WHITE WOVEN COTTON CANVAS	NONE DETECTED	CELL 70-80
	C) WHITE GLUE	NONE DETECTED	
16. BOH-HDUTP-10-2	A) OFF-WHITE COATING	NONE DETECTED	SYN, CARB, BINDER, MISC.
• • •	B) WHITE WOVEN COTTON CANVAS	NONE DETECTED	CELL 60-70
	C) WHITE GLUE	NONE DETECTED	
17. BOHWLMAS-8-1	BLACK MASTIC	CHRYS 10-20	ASPHALT, SILI, MISC.
18. BOH-WLCER-7-1	A) WHITE CERAMIC TILE	NONE DETECTED	SILI, CALCINED CLAY, CARB, BINDER,
	B) WHITE/PINK CERAMIC TILE	NONE DETECTED	MISC.
	C) WHITE GROUT	NONE DETECTED	
	D) WHITE CAULK	NONE DETECTED	
19. BOH-WLCER-9-1	A) GOLD CERAMIC TILE	NONE DETECTED	SILI, CALCINED CLAY, CARB, BINDER,
	B) WHITE GROUT	NONE DETECTED	MISC,
	C) TAN GLUE	CHRYS 10-20	
	ASBESTOS TYPES	NONASBE	
	CHRYS: Chrysotile	CELL: Cellulose	POLY: Polyethylene
	AMO S; Amosite CROC; Crocidolite	GL: Fiberglass/Mineral Wool SYN: Synthetic	FTALC: Fibrous Talc FGYP: Fibrous Gypsum
	TREM: Tremolite/Actinolite	CARB: Carbonates	FELD: Feldspar
	ANTH: Anthophyllite	SILI: Mixed Silicates	CASI: Calcium Silicates

Bulk samples analyzed in accordance with "Method for the Determination of Asbestos in Bulk Building Materials" EPA/600/R-93/116, July 1993. The detection limit is 196, Quantitation of asbestos is by calibrated visual estimation. Analytical Labs Son Francisco, Inc. (ALSF) is recognized under the National Laboratory Accreditation Program for satisfactory camphance with criteria est blished in Title 15, Par 7 code of Federal Regulations and accredited for bulk asbestos fiber analysis (NVLAP lab code: 101909-0). Asb stos fibers less than 0.2 microns cannot be resolved by light microscope. This report finist in the reproduced, except in full, without the written approval of ALSF and pertains only to the samples analyzed.

AUTHORIZED SIGNATURE

DATE 7/1/14

467 Potreto Avenue, San Francisce 5:4294110 (415) 552-4595 FAX 552-0730

SFANALYTICAL LABS SAN FRANCISCO INC.

# POLARIZED LIGHT MICROSCOPY ANALYSIS FOR ASBESTOS CONTENT

Client:

SCA ENVIRONMENTAL, INC. 334 19TH STREET OAKLAND, CA 94612

Project#:B11352Project:BAY VIEW OPERA HOUSELocation:4705 3RD STREET, SAN FRANCISCO

Report Number: AF22603 Date: JULY 1, 2014 Analyst: OLGA KIST Date Analyzed: JULY 1, 2014 Sample Collector: DAN LEUNG Collection Date: JUNE 26, 2014 **11 Sample(s) containing Asbestos** 

	e(s) Analyzed e(s) Received 06/26/14 18:06 Location / Description	A S B E S T O S Type and Range % or NONE DETECTED	NONASBESTOS Other Fibers (%) Balance
22. BOH-VAPBAR-12-	1 BLACK FELT AND TAR WITH WHITE POWDER	NONE DETECTED	CELL 60-70, ASPHALT, SILI, CEMENT, MISC.
23. BOH-WL-13-1	A) WHITE/BLACK/PINK PAINTS B) WHITE PLASTER COATING ON WOOD	NONE DETECTED	CELL <1, SYN, CARB, OPAQUES, GYPSUM, MISC.
24. BOH-WL-13-2	A) WHITE/BLACK/PINK PAINTS B) WHITE PLASTER COATING ON WOOD	NONE DETECTED	CELL <1, SYN, CARB, OPAQUES, GYPSUM, MISC.
25. BOH-WL-13-3	A) WHITE/BLACK/PINK PAINTS B) WHITE PLASTER COATING ON WOOD	NONE DETECTED	CELL <1, SYN, CARB, OPAQUES, GYPSUM, MISC.
26, BOH-CONC-14-1	A) GRAY PAINT B) GREEN/RED/WHITE PAINTS C) TAN/GRAY CONCRETE WITH VOLCANIC ROCK	NONE DETECTED NONE DETECTED NONE DETECTED	SILI, CARB, OPAQUES, PUMICE, SYN, IRON OXIDES, MISC.
27. BOH-CONC-14-2	A) GRAY/WHITE/GRAY/RED/PINK PAINTS B) TAN/GRAY CONCRETE WITH VOLCANIC ROCK	NONE DETECTED	SILI, CARB, OPAQUES, PUMICE, SYN, IRON OXIDES, MISC.
28. BOH-EXPJT-15-1	GRAY RUBBER CAULK	CHRYS 3-5	SYN, CARB, SILI, MISC.
29. BOH-EXPJT-16-1	GRAY/WHITE/RED CAULK WITH PAINTS AND SAND	NONE DETECTED	SYN, SILI, CARB, MISC.
30. BOH-EXPJT-16-2	A) GRAY/RED/PINK PAINTS B) WHITE CAULK AND GRAY PAINT	NONE DETECTED	SYN, SILI, CARB, MISC.
	ASBESTOS TYPES CHRYS: Chrysoile	N O N A S B I CELL: Cellulose	ESTOS POLY: Polvethylene

CHRYS: Chrysotile AMOS: Amosite CROC: Crocidolite TREM: Tremolite/Actinolite ANTH: Anthophyllite

CELL: Cellulose GL: Fiberglass/Mineral Wool SYN: Synthetic CARB: Carbonates SILI: Mixed Silicates POLY: Polyethylene FTALC: Fibrous Talc FGYP: Fibrous Gypsum FELD: Feldspar CASI: Calcium Silicates

Bulk samples avalyzed in accordance with "Method for the Determination of Asbestos in Bulk Building Materials" EPA:600/R-93/116, July 1993. The detection limit is 1%. Quantitation of asbestos is by calibrated visual estimation. Analytical Labs Son Francisco, Inc. (ALSIP) is recognized under the National Laboratory Accreditation Program for satisfactory compliance with criteria established in Title 15, Part 7 code of Federal Regulations and accredited for bulk asbestos fiber analysis (NVLAP lob code: 101909-0). Asbestos fibers less than 0.2 microns connot be resolved by light microscope. This report must not be reproduced except in full, without the written approval of ALSF and pertains only to the samples analyzed.

AUTHORIZED SIGNATURE

DATE 7/1/14

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SFANALYTICAL LABS SAN FRANCISCO INC.

# POLARIZED LIGHT MICROSCOPY ANALYSIS FOR ASBESTOS CONTENT

Client:	SCA ENVIRONMENTAL, INC.	Report Number: AF22603
	334 19TH STREET	Date: JULY 1, 2014
	OAKLAND, CA 94612	Analyst: OLGA KIST
		Date Analyzed: JULY 1, 2014
Project #:	B11352	Sample Collector: DAN LEUNG
Project:	BAY VIEW OPERA HOUSE	Collection Date: JUNE 26, 2014
Location:	4705 3RD STREET, SAN FRANCISCO	11 Sample(s) containing Asbestos

	(s) Analyzed (s) Received 06/26/14 18:06 Location / Description	A S B E S T O S Type and Range % or NONE DETECTED	N O N A S B E S T O S Other Fibers (%) Balance
31. BOH-STUCCO-17-1	A) OFF-WHITE PAINTS B) WHITE COARSE PLASTER	NONE DETECTED	SILI, CARB, CEMENT, SYN, MISC.
	C) GRAY CONCRETE PLASTER	NONE DETECTED	
32. BOH-STUCCO-17-2	A) OFF-WHITE PAINTS	NONE DETECTED	SILI, CARB, CEMENT, SYN, MISC.
	B) WHITE COARSE PLASTER	NONE DETECTED	
	C) GRAY CONCRETE PLASTER	NONE DETECTED	
	D) BLÁCK FELT AND TAR PIECE	NONE DETECTED	CELL 60-70
33. BOH-STUCCO-17-3	A) OFF-WHITE/GREEN/GRAY PAINTS	NONE DETECTED	SILI, CARB, CEMENT, SYN, MISC.
	B) GRAY COARSE CONCRETE	NONE DETECTED	
	C) GRAY CONCRETE PLASTER	NONE DETECTED	
34. BOH-FELT-18-1	A) GRAY/WHITE COATING	NONE DETECTED	SYN, SILI, MISC.
	B) GRAY FIBERS AND GRAY COATING (BOTTOM) WITH SAND		SYN 30-40
35. BOH-FELT-18-2	A) TAN SURFACE COATING	NONE DETECTED	SYN, SILI, MISC.
	B) GRAY FIBERS AND GRAY COATING (BOTTOM)	NONE DETECTED	SYN 20-30
	C) GRAY/WHITE COATING WITH FIBERS	NONE DETECTED	SYN 30-40
36. BOH-FELT-18-3	A) GRAY/WHITE COATING	NONE DETECTED	SYN, SILI, MISC.
	B) GRAY FIBERS AND GRAY COATING (BOTTO WITH SAND	NONE DETECTED	SYN 30-40
	ASBESTOS TYPES	NONASBE	STOS
	CHRYS: Chrysotile	CELL: Cellulose	POLY: Polyethylene
• · ·	AMOS: Amosite CROC: Crocidolite	GL: Fiberglass/Mineral Wool SYN: Synthetic	FTALC: Fibrous Talc FGYP: Fibrous Gypsum
	TREM: Tremolite/Actinolite	CARB: Carbonates	FELD: Feldspar
•	ANTH: Anthophyllite	SILI: Mixed Silicates	CASI: Calcium Silicates

Bulk samples analyzed in accordance with "Method for the Determination of Asbestos in Bulk Building Materials" EPA/600/R-93/116, July 1993. The detection limit is 1%. Quantitation of asbestos is by calibrated visual estimation. Analytical Labs San Francisco, Inc. (ALSF) is recognized under the National Loboratory Accreditation Program for satisfactory compliance with criteria established in Title 15, Part 7 code of Federal Regulations and accredited for bulk asbestos fiber onalysis (NVLAP lab code: 101909-0). Asbestos fibers less than 0.2 microns cannot be resolved by light microscope. This report must not be reproduced except in full, without the written approval of ALSF and pertains only to the samples analyzed.

AUTHORIZED SIG NATURE\_

DATE \_\_\_\_\_//

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SFANALYTICAL LABS SAN FRANCISCO INC.

#### POLARIZED LIGHT MICROSCOPY ANALYSIS FOR ASBESTOS CONTENT

Client: SCA ENVIRONMENTAL, INC. 334 19TH STREET OAKLAND, CA 94612 Report Number: AF22603 Date: JULY 1, 2014 Analyst: OLGA KIST Date Analyzed: JULY 1, 2014 Sample Collector: DAN LEUNG Collection Date: JUNE 26, 2014 **11 Sample(s) containing Asbestos** 

Project #:B11352Project:BAY VIEW OPERA HOUSELocation:4705 3RD STREET, SAN FRANCISCO

•	e(s) Analyzed e(s) Received 06/26/14 18:06 Location / Description	A S B E S T O S Type and Range % or NONE DETECTED	NONASBESTOS Other Fibers (%) Balance		
37. BOH-CAULK-19-1	A) GRAY CAULK B) GRAY PAINT C) SILVER GUMMY CAULK	NONE DETECTED NONE DETECTED NONE DETECTED	SYN, SILI, CARB, MISC.		
38. BOH-CAULK-19-2	A) GRAY PAINT/MASTIC B) SILVER GUMMY CAULK	NONE DETECTED	SYN, SILI, CARB, MISC.		
39. BOH-CAULK-19-3	A) GRAY PAINT/MASTIC B) SILVER GUMMY CAULK	NONE DETECTED	SYN, SILI, CARB, MISC.		
20. BOH-SOIL-11-1	OCHRE SANDY SOIL	NONE DETECTED	SILI, IRON OXIDES, MISC.		
21. BOH-SOIL-11-2	BROWN CLAY AND SANDY SOIL AND ROCK	NONE DETECTED	CELL <1, SILI, IRON OXIDES, MISC.		

063014

LABORATORY BLANK (1866 GLASS FIBERS) ASBESTOS TYPES CHRYS: Chrysotile AMOS: Amosite CROC: Crocidolite TREM: Tremolite/Actinolite ANTH: Anthophyllite

#### NONE DETECTED

CARB: Carbonates

SILI: Mixed Silicates

N O N AS B E S T O S CELL: Cellulose GL: Fiberglass/Mineral Wool SYN: Synthetic

POLY: Polyethylene FTALC: Fibrous Talc FGYP: Fibrous Gypsum FELD: Feldspar CASI: Calcium Silicates

Bulk samples analyzed in accordance with "Method for the Determination of Asbestos in Bulk Bulding Materials" EPA/600:R-93/116, July 1993. The detection limit is 1% Quantitation of asbestos is by calibrated visual estimation. Analytical Labs San Francisco, Inc. (ALSP) is recognized under the National Laboratory Accreditation Program for satisfactory compliance with criteria established in Title 15, Part 7 code of Federal Regulations and accredited for bulk asbestos fiber analysis (NYLAP lab code: 101909-0). Asbestos fibers less than 0.2 microns cannot be resolved by light microscope. This report must not be reproduced except in full, without the written approval of ALSF and pertains only to the samples analyzed.

AUTHORIZED SIGNATURE

DATE

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# AF 826 03

	· · · · · · · · · · · · · · · · · · ·	CHAIN OF CUSTODY FORM		CALL/TXT with results	<sup>s:</sup> (415) 867-9544
	GAM		Tel Fas		• • •
		650 Delanety St. #222, SF, CA-94407 334 19th St, Oakiand, CA \$46/2	415-9821673 415-9620736 \$10-6456260 415-9620736	@messaging.sprintpes.co	
	Eavyonmental, Inc.	5777 W. Century Blvd, #1055, LA, CA, 99045	310-2550460 -415:9620735	Email rot7 COC & invo	
	EMAIL HEADING:	(Project #) - (Project Manager Initials) -	(Site Name/Address) - (Date MMDD)	dleung	g@sca-enviro.com
	BAYVIEW OPERA HOUBE GURVEY	B11352 CG	BAYVIELI OPERA 6/26 HOUGE,	Email Prj Mgr Name:	
	LAB	<u>.</u>	4705 320 BY., BF	Chuck Siu) Glenn Cass	Christina Codemo
	LIGF		4 109 365 211 21	Accounting Data:	
	COURIER	DROP - OFF	1		
	LAB REP NOTIFIED:	Notification DATE/TIMI		Units ( Flame Wipes	Units (each) PPCM NIOSH PLM Bulk CARB 435 (c CARB 435 HER PLM Std Poi TEM AHER CARB AHER
1000	AIRBILL FLIGHT NO.:	Shipper-REFERENCE LL		es les los	CM NIOSH LM BUIK ARB 435 (4 LM Std Poin LM Std Poin EM AHERA
46574	EST ARRIVAL DATE: Method Reference	EST, ARRIVAL TIMI 7400 PCM AHERA TEM	CARB-AHERA TEM 0.001 s/cc Detection Limit	e AA	NIOSH NIOSH Bulk B 435 ( B 435 ( B 445 AHER)
60		PLM (aibestos) Flame AA (Lead)	CARD-AIICRA LESI GAOI DIE DIEEUOR LAIM		RA 1400 72
RV O	Sample Media	25 37 mm 0.45 0.8 micron	MCEF (Bulk) Water Wipe		nits (each) CM NIOSH 7400 LM BUIK ARB 435 (400 Pt Ct) LM Std Point Count EM AtteRA ARB AHERA 35-40 1 ARB AHERA 10-15 1
Sec. 2			-		A nits (each) CM NIOSH 7400 M Bulk ARB 435 (400 Pt Ct) W/ J ARB 44 Pt A 10.15 nrid ARB 44 Pt A 10.15 nrid
Ŵ	RESULTS DUE:				
	CHAIN OF CUSTODY 1 Sending Info	DATA: <u>39</u> samples submitted byDL	(SCA) 4 6 126 1:47 P		ASBESTOS PCM NIOSH 7400 PCM NIOSH 7400 PLM Bulk CARB 435 (400 Pt Ct) w/ prep PLM Std Point Count 400 TEM AHERA CARB AHERA 35-40 gtld openings CARB AHERA 10.15 rtld openings
	-				
	Received by Lab:	E.		LEAD	
ļ	Received by Analyst:	LITERS Results GAMPLE ID	Ins/Bin As But 20 3		
-1,-14	BOH-FLVCG-1-1	BOH - GAUCCO-17-1		l to 9	1109
·- A	-1 - FLOER - 9-1	1 - FEL1- 18-1.	$\frac{123}{20}$ $\frac{31}{20}$ $\frac{31}{30}$ $\frac{31}{30}$		
	- BBMAG-3-1,			< 6 hours 10 to 40	< 6 hours
3,4	10011 / 10			) to 40	8
5万, 4,8	- WILCER-5-1				
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22	-VAPBAR-12=				
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29,24,4	- CONC-14-1.				
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249,30	+ -EXPS1-16-11			109	1109
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		ULITERS	BLANK	40 UTS	845
		defets items not applicable AND circle items			
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	Time of Call:				╺┥╍┾╍┾╍┾╍┾╍┼╸┼
		neknowledge receint of samples.		1 10	01 10
	3. Analyze samples by PC 4. Analyze inside same	ples by PCM first; if any sample >0.01 f/c	r. cuntact SCA.		
	5. If all samples are -(1.0)	1 flee, proceed with items 6, 7 or H, as poied,		to 5 day 10 to 40	10 10
	1	les only; stop if Avg = 70 station 2, contact retuiling outside samples and that its.	SCA before analyzing outsides or blanks,	5 days	to 5 days 10 to 40
	8: 10 NOT analyze outsi				
	2 Anulyze by TENT ONLY	the first de nir sample with the highest PCM re- at first positive (>1%); first trace (+0.1%);	with the strength and pleasar around a	ě.	ě
	11-Aualyze all hulk sum	ples, unless otherwise indicated.	except sneetrock and plaster samples.		
					110
	Kepurt Aumberr	F 226 <b>RStipplies</b> /F quipment		10.9	80
		10.5/01.3370	· · · · · · · ·		
	I AR	S S S & B = TEN Ph. no. atve (3570)	e e e e e e e e e e e e e e e e e e e	> 6 days 10 to 40	6 days
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		, man as april 29710	۲		46

### Attachment 2

### PCB Laboratory Report



McCampbell Analytical, Inc.

"When Quality Counts"

# **Analytical Report**

WorkOrder:

1405A60

Report Created for:

SCA Enviromental, Inc. 334 19th Street Oakland, CA 94612

Project Contact: Project P.O.: Project Name: Chuck Siu

#B11352; Bayview Opera House

**Project Received:** 

05/28/2014

Analytical Report reviewed & approved for release on 05/29/2014 by:

**Ouestion** about your data? Click here to email McCampbell . experience: Detterpresidentes

Angela Rydelius, Laboratory Manager

The report shall not be reproduced except in full, without the written approval of the laboratory. The analytical results relate only to the items tested. Results reported conform to the most current NELAP standards, where applicable, unless otherwise stated in the case narrative.



1534 Willow Pass Rd. Pittsburg, CA 94565 ♦ TEL: (877) 252-9262 ♦ FAX: (925) 252-9269 ♦ www.mccampbell.com NELAP: 4033ORELAP ♦ ELAP: 1644 ♦ ISO/IEC: 17025:2005 ♦ WSDE: C972-11 ♦ ADEC: UST-098 ♦ UCMR3

# **Glossary of Terms & Qualifier Definitions**

Client:SCA Enviromental, Inc.Project:#B11352; Bayview Opera HouseWorkOrder:1405A60

#### **Glossary Abbreviation**

95% Interval	95% Confident Interval
DF	Dilution Factor
DUP	Duplicate
EDL	Estimated Detection Limit
ITEF	International Toxicity Equivalence Factor
LCS	Laboratory Control Sample
MB	Method Blank
MB % Rec	% Recovery of Surrogate in Method Blank, if applicable
MDL	Method Detection Limit
ML	Minimum Level of Quantitation
MS	Matrix Spike
MSD	Matrix Spike Duplicate
ND .	Not detected at or above the indicated MDL or RL
NR	Matrix interferences, or analyte concentration in sample exceeds spike amount for soil matrix or exceeds 2x spike amount for water matrix; or sample diluted due to high matrix or analyte content.
RD	Relative Difference
RL	Reporting Limit (The RL is the lowest calibration standard in a multipoint calibration.)
RPD	Relative Percent Deviation
RRT	Relative Retention Time
SPK Val	Spike Value
SPKRef Val	Spike Reference Value
TEQ	Toxicity Equivalence

#### **Analytical Qualifiers**

S	spike recovery outside accepted recovery limits
а7	reporting limit raised due to limited sample amount
c1	surrogate recovery outside of the control limits due to the dilution of the sample.
h4	sulfuric acid permanganate (EPA 3665) cleanup



1534 Willow Pass Road, Pittsburg, CA 94565-1701 Toll Free Telephone: (877) 252-9262 / Fax: (925) 252-9269 http://www.mccampbell.com / E-mail: main@mccampbell.com

# **Analytical Report**

Client:SCA Enviromental, Inc.Project:#B11352; Bayview Opera HouseDate Received:5/28/14 17:33Date Prepared:5/28/14

WorkOrder:1405A60Extraction Method:SW3550BAnalytical Method:SW8082Unit:mg/kg

### Polychlorinated Biphenyls (PCBs) Aroclors

Client ID	Lab ID	Matrix/ExtType	Date Co	ollected Instrument	Batch ID
BVOH-WATER-PCB-0524-01-03	1405A60-001A	Solid	05/27/20	14 GC5A	90906
Analytes	Result		<u>RL</u>	DF	Date Analyzed
Aroclor1016	ND		17	10	05/29/2014 14:36
Aroclor1221	ND		17	10	05/29/2014 14:36
Aroclor1232	ND		17	10	05/29/2014 14:36
Aroclor1242	ND		17	10	05/29/2014 14:36
Aroclor1248	ND		17	10	05/29/2014 14:36
Aroclor1254	ND		17	10	05/29/2014 14:36
Aroclor1260	ND	· · · · · · · · · · · · · · · · · · ·	17	10	05/29/2014 14:36
PCBs, total	ND		17	10	05/29/2014 14:36
Surrogates	<u>REC (%)</u>	Qualifiers	Limits	Analytical Comments: a	7,c1,h4
Decachlorobiphenyl	159	S	70-130		05/29/2014 14:36

1534 Willow Pass Road, Pittsburg, CA 94565-1701 Toll Free Telephone: (877) 252-9262 / Fax: (925) 252-9269 http://www.mccampbell.com / E-mail: main@mccampbell.com

MB/LCS-90906

# **Quality Control Report**

Client:	SCA Enviromental, Inc.	Woi	rkOrder:	1405A60
Date Prepared:	5/28/14	Bate	chID:	90906
Date Analyzed:	5/29/14	Exti	raction Method:	SW3550B
Instrument:	GC5A	Ana	lytical Method:	SW8082
Matrix:	Soil	Unit	t:	mg/kg
Project:	#B11352; Bayview Opera House	Sam	ple ID:	MB/LCS-9

QC Summary Report for SW8082									
Analyte	MB Result	LCS Result	RL	SPK Val	MB SS %REC	LCS %REC	LCS Limits		
Aroclor1016	ND	-	0.050	-	-		-		
Aroclor1221	ND	-	0.050		. •	-	-		
Aroclor1232	ND		0.050	-	_		-		
Aroclor1242	ND	-	0.050	-	-	-			
Aroclor1248	ND	-	0.050	-	-	-	-		
Aroclor1254	ND	-	0.050	-	-		-		
Aroclor1260	ND	0.165	0.050	0.15		110	70-130		
PCBs, total	ND	-	0.050	-	~	-	-		
Surrogate Recovery									
Decachlorobiphenyl	0.0642	0.0648		0.050	128	130	70-130		

CODITET AD 1644 + NELAP 4033ORELAP

R \_\_\_\_QA/QC Officer Page 1 of 8

# McCampbell Analytical, Inc.

# **CHAIN-OF-CUSTODY RECORD**

Page 1 of 1

Pittsburg, CA 94565-1701 (925) 252-9262				WorkOrd	der: 1405A60	Clier	ntCode: SCAO		
. [	WaterTrax	WriteOn	EDF	Excel	EQuIS	Email	HardCopy	ThirdParty	J-flag
Report to:				Bill	to:		Req	uested TAT:	1 day
Chuck Siu	Email: cs	siu@sca-enviro.	com		Accounts Pay	able			
SCA Enviromental, Inc.	cc/3rd Party:				SCA Envirome	ental, Inc.			
334 19th Street	PO:				334 19th Stree	ət	Dat	e Received:	05/28/2014
Oakland, CA 94612	ProjectNo: #[	311352; Bayviev	v Opera House		Oakland, CA S		Dat	e Printed:	05/28/2014
(510) 645-6200 FAX: (510) 839- 6200					emuise@sca-	ic.com			

					Requested Tests (See legend below)													
Lab ID	Client ID	Matrix	Collection Date	Hold	1	2		3		4	5	6	7	8	9	10	11	12
1405A60-001	BVOH-WATER-PCB-0524-01-03	Solid	5/27/2014		Α													

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Prepared by: Maria Venegas

Comments: <u>1 Day TAT</u>

NOTE: Soil samples are discarded 60 days after results are reported unless other arrangements are made (Water samples are 30 days). Hazardous samples will be returned to client or disposed of at client expense.

	McCampbell Analytical, Inc. "When Quality Counts"					1534 Willow Pass Road, Pittsburg, CA 94565-1701 Toll Free Telephone: (877) 252-9262 / Fax: (925) 252-9269 http://www.mccampbell.com / E-mail: main@mccampbell.com					
				WO	RK ORDER SU	JMMAI	RY				
Client Name 'roject: Comments:	: SCA ENVIROMENTA #B11352; Bayview Ope 1 Day TAT				QC Level: LE Client Contact: Ch Contact's Email: csi	uck Siu	iro.com			Work Order Date Received	
	Wate	rTrax	□WriteOn	EDF	Excel	Fax	🖌 Email	HardCo	opy	J-flag	
Lab ID	Client ID	Matrix	Test Name		Number of Containers	Bottle & P	reservative	De- chlorinated	Collection Date & Time	TAT Sedime Conte	ent Hold SubOut nt
1405A60-001A	BVOH-WATER-PCB-0524- 01-03	Solid	SW8082 (PCBs	Only)	3	Yellov	/ Plastic		5/27/2014	1 day	

\* NOTE: STLC and TCLP extractions require 48 hrs to complete; therefore, all TATs begin after the extraction is completed (i.e., 24hr TAT yields results in 72 hrs from sample submission).

Bottle Legend: Yellow Plastic =

Page 1.of 1

	1405A60	
McCampbe	ell Analytical, Inc.	CHAIN OF CUSTODY RECORD
	/ Pittsburg, Ca. 94565-1701	
www.mccampbell.com	n / main@mccampbell.com	TURN AROUND TIME: RUSH       24 HR 148 HR 1974R 15 PX 10 PAY         GeoTracker EDF       PDF       EDD         Write On (DW)       EQUISITING
Telephone: (877) 252	2-9262 / Fax: (925) 252-9269	Effluent Sample Requiring "J" flag
Report To: (MY/K Si	Bill To: Same	Analysis Request
Company: 334 19th St	Din IU: Sawe	
Oaklant CA 94612		8015 or 8260) / MTBE 8015 or 8260) / MTBE et (1664 / 5520 E/B&F) ins (418.1) 8260 8021) 8260 8021) icides) icides) icides) icides) icides) icides) 8 / 6010 / 6020) 8 / 6010 / 6020) 8 / 6010 / 6020) 5 / 6010 / 6020)
Tele: (S10)717-3849 33-057	E-Mail: CSiv Q Sca-cn Vilo,	60)/1/ 520.E [0] 020) 020) 020
Project #: 3/135 2	Project Name: B11352	or 82 01811) 010/664/5 0110/6 010/6/65
Project Location: Bayrien Opera Hou	Purchase Order#	8015 8015 8015 8015 8015 8015 8015 8015
Sampler Signature:	MATRIX ME	Gas (8021/       Gas (8021/       Oil & Great       Hydrocarbo       NLV (EPA       NILV (EPA       81 (Cl Pest       82 60 (VOC       82 70 (SVO       83 10 (PAH-       200.7 / 200.8       0.8 / 6010 /       DISSOLVE
SAMELING	PRE:	KAED (CONLY (100 - 100 -
SAMPLE ID Location/ Field Point Name Date Time	Connor round aste al Withinkii ii ii ii ii CC	Other     R       BTEX & TPH as Cas (8021/ 8015 or 8260) / MTBE       TPH as Diesel (8015)       Total Petroleum Hydrocarbons (418.1)       Total Petroleum Hydrocarbons (418.1)       MTBE / BTEX ONLY (EPA 8260/ 8021)       EPA 505/ 608 / 8081 (CI Pesticides)       EPA 505/ 608 / 8081 (CI Pesticides)       EPA 507 / 8141 (NP Pesticides)       EPA 507 / 8151 (Actdic CI Herbicides)       EPA 507 / 8151 (Actdic CI Herbicides)       EPA 507 / 8151 (Actdic CI Herbicides)       EPA 515 / 8151 (Actdic CI Herbicides)       EPA 525.2 / 625 / 8270 (SVOCs)       EPA 526 / 600 / 6020 / 6020)       Metals (200.7 / 200.8 / 6010 / 6020)       Metals (200.7 / 200.8 / 6010 / 6020)       Filter sample for DISSOLVED metals analysis       Filter sample for DISSOLVED metals analysis
BUOH + WATER PCB-0527-01 thin		┼┼┼┼┥┥┝┼┼┽┽┝┼┥┥┿┾┼┥┼┝
		╶╂╌╂╍╂╌┠╌┠╌┠╌┠╌┠╌┠╌┠╌┠╌┠╌┠╌┠╌┠╌┠╌
	╊╶╊╌╊╌╊╌╊╌╊╌╊╶╊╶╂╌╊	┼┼╌┦╌┦╌┦╌┦╌╢╌╢╌╢╌╢╌╢╌╢╌╢╌╢╌╢╌╢╌╢
	<u>┥┥╍┦┥┥╶╿╶╿╴╿╶╿╶</u> ┦	╶┼╌┦╌┦╌┨╌╢╌╢╌╢╌╢╌╢╌╢╌╢╌╢╌╢╌╢╌╢╌╢╌╢
	╉┼╍╂╌╂╌┠╌┠╶┠╶┨	<del>╶┫╌┫╶┥╕╡╌┫╌┫╶┥┥╺┥╸┨╶┨╶┨╶┨╶┥╸┥</del>
	┼┼╌┼╶┼╶┼╶┼╶┤	┼╌┼╌┼╌┼╌┼╌┼╌╎╴╎╶┤╌┾╌┼╌┤╌┥╌╢╌╎╴┼╌
	┼┼╌┼┼┼┼┼┤	<del>╋╋╋╋╋╋╋╋╋╋╋╋╋╋╋╋╋╋╋╋╋╋╋╋╋╋╋╋╋╋╋╋╋╋╋╋</del>
**MA1 clients MUST disclose any dangerous chemics gloved, open air, sample handling by MAL takey Non- us to work safety.	disclosure incurs an immediate \$250 surcharge and	ncentrations that may cause immediate harm or serious future health endangerment as a result of brief, client is subject to full legal liability for harm suffered. Thank you for your understanding and for allowing
Relinquished By: S/27 160	e Receiver By	ICE/1COMMENTS: GOOD CONDITION HEAD SPACE ABSENT
Relinquished by Date: Time		DECHLORINATED IN LAB APPROPRIATE CONTAINERS PRESERVED IN LAB
Relinquished By Date: Time		VOAS O&G METALS OTHER HAZARDOUS: PRESERVATIONpH<2

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McCampbell Analytical, I "When Quality Counts"		1534 Willow Pass Road, Pittsburg, CA 94565-1701 Toll Free Telephone: (877) 252-9262 / Fax: (925) 252-9269 http://www.mccampbell.com / E-mail: main@mccampbell.com					
Sai	mple	Receipt	Checklist				
Client Name: SCA Enviromental, Inc.			Date and	Time Received:	5/28/2014 5	:33:22 PM	
Project Name: #B11352; Bayview Opera House			LogIn Rev	viewed by:		Maria Venegas	
WorkOrder N°: 1405A60 Matrix: Solid			Carrier:	Rob Pringle (M	Al Courier)		
Chair	n of Cı	istody (COC	) Information				
Chain of custody present?	Yes		No 🗌				
Chain of custody signed when relinquished and received?	Yes		No 🗌				
Chain of custody agrees with sample labels?	Yes		No 🗌				
Sample IDs noted by Client on COC?	Yes		No 🗌				
Date and Time of collection noted by Client on COC?	Yes	✓	No 🗌				
Sampler's name noted on COC?	Yes		No 🗌				
S	Sample	Receipt Inf	ormation				
Custody seals intact on shipping container/cooler?	Yes		Νο		NA 🗹		
Shipping container/cooler in good condition?	Yes		No 🗌				
Samples in proper containers/bottles?	Yes		Νο				
Sample containers intact?	Yes		Νο				
Sufficient sample volume for indicated test?	Yes		No 🗌				
Sample Prese	ervatio	n and Hold	<u> Cime (HT) Info</u>	ormation			
All samples received within holding time?	Yes		No 🗌				
Container/Temp Blank temperature	Coole	er Temp:			NA		
Water - VOA vials have zero headspace / no bubbles?	Yes		No 🗌		NA 🗹		
Sample labels checked for correct preservation?	Yes		No 🗌				
pH acceptable upon receipt (Metal: pH<2; 522: pH<4)?	Yes		No 🗌		NA 🗹		
Samples Received on Ice?	Yes		No 🗹			•	

\* NOTE: If the "No" box is checked, see comments below.

Comments:

\_ \_\_



McCampbell Analytical, Inc.

"When Quality Counts"

# **Analytical Report**

**WorkOrder:** 1407036

Report Created for:SCA Environmental, Inc.334 19th StreetOakland, CA 94612

Project Contact: Project P.O.: Project Name: Dan Leung

#B-11352; Bayview Opera House

**Project Received:** 07/01/2014

Analytical Report reviewed & approved for release on 07/02/2014 by:

Question about your data? Click here to email *McCampbell* Contraction and the section AGE

Angela Rydelius, Laboratory Manager

The report shall not be reproduced except in full, without the written approval of the laboratory. The analytical results relate only to the items tested. Results reported conform to the most current NELAP standards, where applicable, unless otherwise stated in the case narrative.



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# **Glossary of Terms & Qualifier Definitions**

Client:SCA Enviromental, Inc.Project:#B-11352; Bayview Opera HouseWorkOrder:1407036

#### **Glossary Abbreviation**

95% Interval	95% Confident Interval
DF	Dilution Factor
DUP	Duplicate
EDL	Estimated Detection Limit
ITEF	International Toxicity Equivalence Factor
LCS	Laboratory Control Sample
MB	Method Blank
MB % Rec	% Recovery of Surrogate in Method Blank, if applicable
MDL	Method Detection Limit
ML	Minimum Level of Quantitation
MS	Matrix Spike
MSD	Matrix Spike Duplicate
ND	Not detected at or above the indicated MDL or RL
NR	Matrix interferences, or analyte concentration in sample exceeds spike amount for soil matrix or exceeds 2x spike amount for water matrix; or sample diluted due to high matrix or analyte content.
RD	Relative Difference
RL	Reporting Limit (The RL is the lowest calibration standard in a multipoint calibration.)
RPD	Relative Percent Deviation
RRT	Relative Retention Time
SPK Val	Spike Value
SPKRef Val	Spike Reference Value
TEQ	Toxicity Equivalence

#### **Analytical Qualifiers**

S	spike recovery outside accepted recovery limits
a3	sample diluted due to high organic content.
c1	surrogate recovery outside of the control limits due to the dilution of the sample.
c11	The surrogate recovery is above the upper control limit. The target analyte(s) were Not Detected (ND); therefore, the data has been reported.
h4	sulfuric acid permanganate (EPA 3665) cleanup



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# **Analytical Report**

Client:	SCA Enviromental, Inc.	WorkOrder:	1407036
Project:	#B-11352; Bayview Opera House	<b>Extraction Method:</b>	SW3550B
Date Received:	7/1/14 18:38	<b>Analytical Method:</b>	SW8082
Date Prepared:	7/1/14	Unit:	mg/kg

### Polychlorinated Biphenyls (PCBs) Aroclors

Client ID	Lab ID	Matrix/ExtType Date C		llected Instrument	Batch ID
BOH-EXPJT-15	1407036-001A	Solid	06/26/201	I4 GC5A	92264
Analytes	Result		RL	DF	Date Analyzed
Aroclor1016	ND		0.050	1	07/01/2014 23:19
Aroclor1221	ND		0.050	1 .	07/01/2014 23:19
Aroclor1232	ND		0.050	1	07/01/2014 23:19
Aroclor1242	ND		0.050	1	07/01/2014 23:19
Aroclor1248	ND		0.050	1 .	07/01/2014 23:19
Aroclor1254	ND		0.050	1	07/01/2014 23:19
Arocior1260	ND		0.050	1	07/01/2014 23:19
PCBs, total	ND		0.050	1	07/01/2014 23:19
<u>Surrogates</u>	<u>REC (%)</u>		Limits	Analytical Comments: h4	
Decachlorobiphenyl	128		70-130		07/01/2014 23:19

BOH-EXPJT-16	1407036-002	A Solid	06/26/20	14 GC5A	92264
Analytes	Result		RL	DE	Date Analyzed
Aroclor1016	ND		1.0	20	07/01/2014 22:42
Aroclor1221	ND		1.0	20	07/01/2014 22:42
Aroclor1232	ND		1.0	20	07/01/2014 22:42
Aroclor1242	ND		1.0	20	07/01/2014 22:42
Aroclor1248	ND		1.0	20	07/01/2014 22:42
Aroclor1254	ND		1.0	20	07/01/2014 22:42
Aroclor1260	ND		1.0	20	07/01/2014 22:42
PCBs, total	ND		1.0	20	07/01/2014 22:42
Surrogates	<u>REC (%)</u>	<b>Qualifiers</b>	Limits	Analytical Comments:	a3,c1,h4
Decachlorobiphenyl	151	S	70-130		07/01/2014 22:42

SS Analyst's Initial





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# **Analytical Report**

SCA Enviromental, Inc. **Client: Project:** #B-11352; Bayview Opera House Date Received: 7/1/14 18:38 Date Prepared: 7/1/14

WorkOrder: 1407036 **Extraction Method: SW3550B** Analytical Method: SW8082 Unit: mg/kg

### Polychlorinated Biphenyls (PCBs) Aroclors

Client ID	Lab ID	Matrix/ExtType	Date Coll	ected Instrument	Batch ID
BOH-CAULK-19	1407036-003A	Solid	06/26/2014	GC5A	92264
Analytes	Result		<u>RL</u>	DF	Date Analyzed
Aroclor1016	ND		0.050	1	07/01/2014 23:56
Aroclor1221	ND		0.050	1	07/01/2014 23:56
Aroclor1232	ND		0.050	1	07/01/2014 23:56
Aroclor1242	ND		0.050	1	07/01/2014 23:56
Arocior1248	ND		0.050	1	07/01/2014 23:56
Aroclor1254	ND		0.050	1	07/01/2014 23:56
Aroclor1260	ND		0.050	1	07/01/2014 23:56
PCBs, total	ND		0.050	1	07/01/2014 23:56
Surrogates	<u>REC (%)</u>	Qualifiers	Limits	Analytical Comments: c11,h4	
Decachlorobiphenyl	136	S	70-130		07/01/2014 23:56

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# **Quality Control Report**

Client:	SCA Enviromental, Inc.	WorkOrder:	1407036
Date Prepared:	7/1/14	BatchID:	92264
Date Analyzed:	7/1/14	<b>Extraction Method:</b>	SW3550B
Instrument:	GC5A	<b>Analytical Method:</b>	SW8082
Matrix:	Soil	Unit:	mg/kg
Project:	#B-11352; Bayview Opera House	Sample ID:	MB/LCS-92264

### QC Summary Report for SW8082

Analyte	MB Result	LCS Result	RL	SPK Val	MB SS %REC	LCS %REC	LCS Limits
Aroclor1016	ND	-	0.050	-		-	-
Aroclor1221	ND	-	0.050	-	-	-	•
Aroclor1232	ND	-	0.050	-	-	-	
Aroclor1242	ND	-	0.050	-		~	-
Aroclor1248	ND	-	0.050	-	-	-	-
Aroclor1254	ND	-	0.050	-		-	-
Aroclor1260	ND	0.164	0.050	0.15		110	70-130
PCBs, total	ND	-	0.050	~	-	-	- `
Surrogate Recovery			,				
Decachlorobiphenyl	0.0595	0.0608	-	0.050	119	122	70-130

QA/QC Officer Page 5 of 9

# McCampbell Analytical, Inc.

# **CHAIN-OF-CUSTODY RECORD**

Page 1 of 1

(925) 252-9262				WorkOr	der: 1407036	Clier	ntCode: SCAO		
	WaterTrax	WriteOn	EDF	Excel	<b>≣</b> EQuIS	🖌 Email	HardCopy	ThirdParty	J-flag
Report to:				Bill	I to:		Req	uested TAT:	2 days
Dan Leung	Email: d	lleung@sca-envi	ro.com		Accounts Paya	able			
SCA Enviromental, Inc.	cc/3rd Party:				SCA Envirome	ental, Inc.			
334 19th Street	PO:				334 19th Stree	et	Dat	e Received:	07/01/2014
Oakland, CA 94612	ProjectNo: #	B-11352; Bayvie	w Opera House		Oakland, CA 9	4612	Dat	e Printed:	07/01/2014
(510) 645-6200 FAX: (510) 839- 6200					emuise@sca-i	c.com			

								Re	quested	I Tests (	See leg	end belo	ow)			7
Lab ID	Client ID	Matrix	Collection Date	Hold	1	2	3	4	5	6	7	8	9	10	11	12
1407036-001	BOH-EXPJT-15	Solid	6/26/2014		А		[		1	1				ļ	<u> </u>	
1407036-002	BOH-EXPJT-16	Solid	6/26/2014		Ā											
1407036-003	BOH-CAULK-19	Solid	6/26/2014		А											

#### Test Legend:

1	8082A_PCB_S
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Prepared by: Jena Alfaro

#### **Comments:**

NOTE: Soil samples are discarded 60 days after results are reported unless other arrangements are made (Water samples are 30 days). Hazardous samples will be returned to client or disposed of at client expense.

	Mc	Campbell A "When Quali		<u>, Inc.</u>			Toll Free Telep	phone: (877) 252-9	burg, CA 94565-1701 262 / Fax: (925) 252-9269 ail: main@mccampbell.cc			
				WC	ORK ORDER	SUMMA	ARY	* .			•	
Client Name Project: Comments:		MENTAL, INC. yview Opera House □WaterTrax	WriteOn	EDF	QC Level: Client Contact: Contact's Email:	Dan Leung	i-enviro.com <b>⊋</b> Email	HardCo	opy 🗌 ThirdParty	Date Ree	ceived:	1407036 7/1/2014
Lab ID	Client ID	Matrix	Test Name		Number Containe		Preservative	De- chlorinated	Collection Date & Time		Sediment Content	Hold SubOut
1407036-001A	BOH-EXPJT-15	Solid	SW8082 (PCB	s Only)	. 1	Small Ye	llow Plastic Tub		6/26/2014	2 days		
1407036-002A	BOH-EXPJT-16	Solid	SW8082 (PCB	s Only)	1	Small Ye	llow Plastic Tub		6/26/2014	2 days		
1407036-003A	BOH-CAULK-19	Solid	SW8082 (PCB	s Only)	1	Small Ye	llow Plastic Tub		6/26/2014	2 days		

\* NOTE: STLC and TCLP extractions require 48 hrs to complete; therefore, all TATs begin after the extraction is completed (i.e., 24hr TAT yields results in 72 hrs from sample submission).

Bottle Legend:

Small Yellow Plastic Tub =

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•		UST disclose any samplohandling									Location/ Field Point Nume		DAU	52	1.00	HVOL	1117	- <b>1</b>	w.mcc elepho	534 'WI	00
Datyf	Date Date	dangerou by WAL					. 4		6/26		Date	SAMO	3kD	4 1		200	LEUNG		www.mccampbell.com/ main@mccampbell.com Telephone: (877) 252-9262 / Fax: (925) 252-9269	1534 Willow Pass Rd. / Pittsburg ; Ca. 94565-1701	McCampbellAnalylica
, Time,		dangerous chemicals known to be present in their submitted samples in concentrations that may cause immediate by WAL staff. Non-disclosure incurs an immediate 32 ct surpharge and the client is subject to full legal liability for									Time	SAMPLING	ENHU		94612			•	ell.corr 7) 252-	" ss·Rd, /	D D
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SERV	D CO D CO D SPA HLOF HLOF	ration is sul									BTEX & TPH 25 G		21/ 8015	or 82		rBE		ЕŰ	Gee		73
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### Sample Receipt Checklist

Client Name:	SCA Enviromental,	inc.			Date and	Time Received:	7/1/2014 6:	38:41 PM
Project Name:	#B-11352; Bayview	Opera House			Login Rev	iewed by:		Jena Alfaro
WorkOrder №:	1407036	Matrix: Solid			Carrier:	Rob Pringle (M	Al Courier)	
		Cha	ain of Ci	ustody	(COC) Information			
Chain of custody	v present?		Yes	✓	· No 🗌			
Chain of custody	signed when relinqui	ished and received?	Yes	✓	No 🗌			
Chain of custody	agrees with sample	labels?	Yes	✓	No 🗌			
Sample IDs note	d by Client on COC?		Yes		No 🗌			
Date and Time o	of collection noted by	Client on COC?	Yes		No 🗌			
Sampler's name	noted on COC?		Yes	✓	No 🗌			
			Sample	e Recei	ipt Information			
Custody seals in	tact on shipping conta	ainer/cooler?	Yes		No 🗌		NA 🗹	
Shipping contain	er/cooler in good con	dition?	Yes	✓	No 🗌			
Samples in prop	er containers/bottles?		Yes		No 🗌			
Sample containe	ers intact?		Yes	✓	No 🗌			
Sufficient sample	e volume for indicated	I test?	Yes	✓	No 🗌			
		Sample Pres	servatio	n and l	Hold Time (HT) Info	ermation		
All samples rece	ived within holding tin	ne?	Yes		No 🗌	,		
Container/Temp	Blank temperature	·	Coole	er Temp	o:		NA 🗹	
Water - VOA via	ls have zero headspa	ce / no bubbles?	Yes		No 🗌		NA 🗹	
Sample labels cf	necked for correct pre	servation?	Yes	✓	No			
pH acceptable u	pon receipt (Metal: pH	l<2; 522: pH<4)?	Yes		No 🗌		NA 🗹	
Samples Receive	ed on Ice?	•	Yes		No 🔽			

\* NOTE: If the "No" box is checked, see comments below.

Comments:

Page 9 of 9

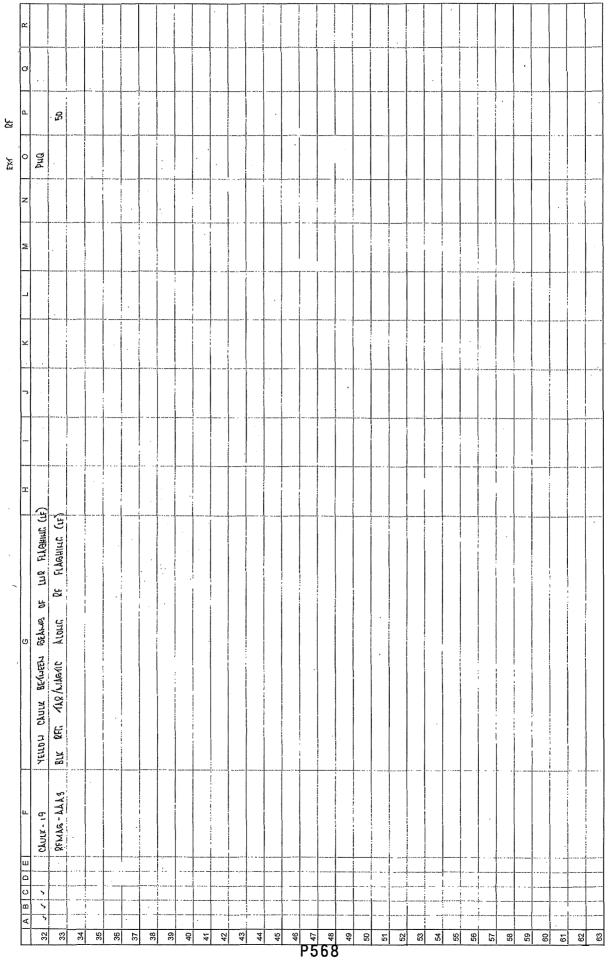
### Attachment 3

### **Field Data Sheets**

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#### **City and County of San Francisco**

San Francisco Department of Public Works

Edwin M. Lee, Mayor Mohammed Nuru, Director Office of the Deputy Director for Design & Construction Building Division 30 Van Ness, 4th Floor San Francisco, CA 94102 (415) 557-4700 www.sfdpw.org

August 28, 2014

To: Prospective Bidders

Contract No. 7371A is amended in accordance with the following Addendum No. 3 which is made part of said Specification:

#### ADDENDUM NO. 3 TO CONTRACT NO. 7371A

#### RUTH WILLIAMS MEMORIAL THEATRE BAYVIEW OPERA HOUSE

Acknowledge receipt of this Addendum in the space provided on the Acknowledgement of Receipt of Addendum/Addenda Form. Failure to do so may subject Bidder to disqualification.

#### **Bid Opening Date:**

The bid opening date has been extended by 2 weeks. Sealed Bids will be received by the City at 1155 Market Street, 4<sup>th</sup> Floor, San Francisco, California, until 2:30 P.M., on Wednesday, September 17, 2014, after which the Bids will be publicly opened and read.

#### Environmental Walk Through:

An environmental walk through will be held on Monday, September 8, 2014 at 1:00 p.m., Bidders will meet at the main entrance of the Bayview Opera House at Newcomb Street.

Prepared by:

Ellen Zhang, Project Controls & Services

Recommended by: Oscar Gee.

Project Manager

Approved by:

Julia Laue. BDC Division Manager

Attachments:



Addendum No. 3, consisting of 6 pages.

Section 32 12 36 (REV.1), consisting of 4 pages.



SantSaccion Department of Public Works Making San Francisco a beautiful, livable, vibrant, and sustainable city. Addendum 3 Ruth Williams Memorial Theatre Bayview Opera House August 28, 2014 Page 2 of 2

- 3. Section 32 13 13 (REV.1), consisting of 7 pages.
- 4. Section 32 31 20 (REV.1), consisting of 11 pages.
- 5. Hazardous Material Survey Report, consisting of 43 pages, attached as a separate pdf file.
- 6. Revised drawings, total of 29 sheets, attached as a separate pdf file.



San Francisco Department of Public Works Making San Francisco a beautiful, livable, vibrant, and sustainable city.

### P572

#### ADDENDUM NO. 3 TO CONTRACT NO. 7371A RUTH WILLIAMS MEMORIAL THEATRE BAYVIEW OPERA HOUSE August 28, 2014 Page 1 of 6

#### **CHANGES TO DRAWINGS:**

#### 1. <u>New/Revised Drawings</u>

The following new/revised drawings, copies attached to this Addendum, are hereby made part of these Contract Documents:

Drawing No.	Revision No.	Comments
G0.10	Delta 3	Deferred submittal: fire protection line connection
G0.20	Delta 3	Bayview Opera House General Note 6: Deleted "prior to bidding"
C 1.0	1	Added the existing fire backflow preventer and associated service connection to the water main on 3rd Street. Included a pavement renovation for the installation of the fire lateral. Added notes for coordination with landscape drawings. Revised grades at the boulder field, Newcomb entry and west flow through planter. Revised grading near steel wall at west face of building Added a weep hole at the wall near the dressing room door.
L 1.1	Delta 2	Site Development Plan Deletion of east Lawn Garden walk. Accommodation of Phase 1 building backflow preventer. Removal of site planter that was demo'd during Phase 1 work. Removal of Existing Tree on west side.
L 1.2	Delta 2	Site Paving Plan Deletion of east Lawn Garden walk. Various small refinements.
L 2.1	Delta 2	North Elevated Walkway Details Revision of details to clarify and simplify construction.
L 2.1A	Delta 2	South Elevated Walkway Details Revision of details to clarify and simplify construction. Addition of Illuminated Handrail Connection information.
L 2.2	Delta 2	Various refinements for drafting clarity.

#### ADDENDUM NO. 3 TO CONTRACT NO. 7371A RUTH WILLIAMS MEMORIAL THEATRE BAYVIEW OPERA HOUSE August 28, 2014 Page 2 of 6

Drawing No.	Revision No.	Comments
L.2.3	Delta 2	Various refinements for drafting clarity.
L 2.4	Delta 2	Addition of RainGarden site shaping detail.
L 2.5	Delta 2	Landscape Planting Plan Reduction of South Boulder Field area. Planting changes to accommodate site changes listed above.
L 3.1	Delta 2	Planting Details and Plant List Changes to Plant List to reflect planting changes.
L 3.2	Delta 2	Changes to reflect Planting Plan changes.
L 4.1	7	Irrigation Legend, Notes and Schedule Changes to reflect Planting Plan changes.
L 4.2	7	Irrigation Details 1 Changes to reflect Planting Plan changes.
L 4.3	7	Irrigation Details 2 Changes to reflect Planting Plan changes.
L 4.4	7	Site Development Plan Deletion of east Lawn Garden walk. Accommodation of Phase 1 building backflow preventer. Removal of site planter that was demo'd during Phase 1 work. Removal of Existing Tree on west side.
A1.20	Delta 3	Detail 1 - Added note Stair 3 interior south wall to remain; deleted stray wall at west Utility Room; added detail reference for south wall section; deleted repetitious keynotes for floor removal
A1.30	Delta 3	Detail 2 - Added detail reference for north balcony detail
A1.40	Delta 3	Detail 3 - Deleted Base Bid notation; revised Alternate #4 to include entire south wall framing replacement

#### ADDENDUM NO. 3 TO CONTRACT NO. 7371A RUTH WILLIAMS MEMORIAL THEATRE BAYVIEW OPERA HOUSE August 28, 2014 Page 3 of 6

Drawing No.	Revision No.	Comments
A1.41	Delta 3	Detail 1 – Deleted alternate and base bid
		notations for replacement of framing; revised
		notes for framing to remain; added notation for
		existing concrete stem wall
		Detail 2 - Deleted stray wall at west Utility Room
		Detail 4 – Added notations to clarify detail;
		removed shading for wood framing to remain.
A1.50	Delta 3	Detail 1 – Revised detail and shading to clarify
A1.50	Dena S	balcony detail
		Detail 3 – Removed shading for ceiling at Stair
		to remain
		Detail 4 – Added "SIM." for detail reference
A2.10	Delta 3	Detail 1 – Clarified wall type notations
		Detail 2 – Clarified notation for wheelchair lift
A3.10	Delta 3	Detail 1 – Clarified ceiling plan hatch for new
		gypsum board and notations
A4.30	Delta 3	Detail 1, 2, 4 – Enlarged and revised detail and
		notations for clarity
A5.10	Delta 3	Detail 2 – Added notation for caulk joint and tile
		patching for clarity
A5.20	Delta 3	Detail 5 – Clarified detail
A5.40	Delta 3	Detail 4 – Revised detail and notes for clarity
A6.11	Delta 3	Detail 1 – Revised floor base type
		Finish Schedule – Revised notations for clarity
		Finish Symbol Legend – Added CB-02 & CT-X
		to legend for clarity

#### CHANGES TO BIDDING AND CONTRACTING REQUIREMENTS:

#### 2. Section 00 01 03 Project Information and Section 00 11 13 Advertisement for Bids:

ADD the following information:

"There will be an environmental walk through before the bid due date. Bidders are encouraged to attend. Information follows:

An environmental walk through will be held on Monday, September 8, 2014 at 1:00 p.m., Bidders will meet at the main entrance of the Bayview Opera House at Newcomb Street."

#### ADDENDUM NO. 3 TO CONTRACT NO. 7371A RUTH WILLIAMS MEMORIAL THEATRE BAYVIEW OPERA HOUSE August 28, 2014 Page 4 of 6

#### 3. Section 00 31 00 Available Project Information

DELETE subparagraph 1.3 A in its entirety and SUBSTITUTE therefor the following paragraph.

#### "1.3 HAZARDOUS MATERIALS REPORTS

- A. The City's environmental consultant has surveyed the facility for the presence of various hazardous materials. Materials investigated may include asbestos, lead, PCB ballasts, mercury containing lamps, contaminated soils, underground storage tanks, and other hazardous materials. The survey findings are documented in the following:
  - 1. Bulk Asbestos Material Analysis, 2-15-2013, Tad Thrower
  - 2. Polarized Light Microscopy Analysis For Asbestos Content, 5-28-2014, Tyler Harris
  - 3. Pre-Renovation Asbestos Containing Materials & Lead-Containing Paint Survey Report, 7-8-2014, SCA Environmental, Inc.

#### CHANGES TO SPECIFICATIONS

#### 4. Section 01 11 00 Summary of Work

DELETE subparagraph 1.5 E in its entirety and SUBSTITUTE therefor the following paragraph.

- A. Security Of Contractor's Work Areas: Security of Contractor's work areas and its property, equipment, construction materials and all other items contained in Contractor's staging areas or elsewhere on the construction site shall be Contractor's sole responsibility at all times.
- B. Contractor shall install and maintain temporary fencing around the construction site at all time. Refer to Section 01 50 00 Temporary Facilities and Controls.

#### 5. Section 32 12 36 Parking Lot Refinishing

DELETE Section 32 12 36 in its entirety, and SUBSTITUTE Section 32 12 36, Rev. 1, copy of which is attached to this Addendum.

#### 6. Section 32 13 13 Site Paving

DELETE Section 32 13 13 in its entirety, and SUBSTITUTE Section 32 13 13, Rev. 1, copy of which is attached to this Addendum.

#### 7. Section 32 31 20 Landscape Site Furnishings

DELETE Section 32 31 20 in its entirety, and SUBSTITUTE Section 32 31 20, Rev. 1, copy of which is attached to this Addendum.

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### QUESTIONS FROM BIDDERS

### NOTE: Questions have been paraphrased for clarity.

Item	Question	Response
1	Is there an interior scope to Alternate #4 shown on 3/A1.40 & 1/A1.41? Alternate #4 refers to framing, interior scope is separately noted.	See Addendum #3, 3/A1.40 for revision to Alternate #4. Alternate #4 notations were deleted on 1/A1.41. The Alternate #4 notation on 3/A4.10 was not revised for Addendum #3 but should be deleted.
2	What is the scope of work and exploration related to the conduit relocation at the balcony area as shown on Detail 1/A1.50?	See Addendum #3 Detail 1/A1.50 and 4/A5.40. Since there is limited information on the wires and conduit, it is expected that some investigation and coordination will be required to consolidate the wiring.
3	What is scope of painting at the auditorium and balcony?	See Sheet A5.30, paint scope is shown shaded.
4	Is it required to match the existing paint at the balcony fascia which includes special metallic gold paint?	Yes, See Detail 4/A5.40 Notes, Addendum #3.
5	Is it required to salvage the dressing room counters and tilework?	Yes, see Detail 1/A1.20, Keynote 2.6, Addendum #3.
6	Are the areas of peeling paint beyond what is shown on A6.10 included in the painted scope?	No, not at this time.
7	Sheet C1.0 notes that the existing concrete parking lot is to remain but Detail 1/C2.0 Note 3 refers to the removal and replacement of 12" of AC. The site has concrete, where is the asphalt or will new asphalt be installed?	The existing paving will remain as shown on C1.0. Detail 1/C2.0 refers to existing paving which is being modified. The reference to AC (Asphalt Concrete) is a general term for the existing material. The 12" replacement material should match the existing paving. See revised sheets in Addendum #3 for Civil and Landscape Drawings.

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Item	Question	Response
	Architect mentioned that the curvilinear fence for this project is similar to those used at parklets in downtown (Powell Street). Who is the subcontractor who did those fences?	Custom steel fence fabrication: Nor-Cal Metal Fabricators, 1121 Third Street, Oakland CA 94607, 510-836-1451, Contact: Tom Whalen
9	Is exterior seating an alternate?	See Addendum #3 Sheet L1.2 which clarifies the base bid and alternate for seating.
10	How much of the site wall at the perimeter is being demolished?	The site wall will remain with limited demolition at openings and there will be additional walls enclosing a backflow preventer. See Addendum #3 revised Civil and Landscape drawings.
11	Is the subgrade as it currently exists already prepared for the Phase II work or will there be additional earthwork?	Most of the rough grading was done under Phase I. There will be finish grading under Phase II. See Addendum #3, revised Civil and Landscape Sheets and SFMTA Contract 1269 Phase I As-Built Grading Plan.
12	Who was the surety/bonding firm who attended the library meeting?	The bonding company is Merriweather and Williams Insurance Services, and their contact number is 415-986-3999. The ones who attended the pre-bid are Carol Heney, Jennifer Elmore, and Bernita Dillard.
13	South wall detail 1/A1.41 show that stucco and sheathing will be removed and 1/S4.1 notes existing sheathing to remain. Please clarify.	Detail 1/S4.1 also notes that plywood at the base of the wall will be replaced. For the purposes of bidding, assume that the plywood at the entire wall will be replaced. See Addendum #3, detail 1/A1.41.
14	What is the scope of mechanical work?	See drawing M2.1.
15	Will the bid date be extended?	Yes, see Addendum #3.

#### END OF ADDENDUM

HOOD DESIGN

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#### SECTION 32 12 36 (REV.1)

#### PARKING LOT REFINISHING

#### PART 1 - GENERAL

- 1.1 SUMMARY
  - A. The work includes, but is not necessarily limited to the provision and installation of:
    - 1. Parking lot sandblasting.
    - 2. Parking striping, markings and signage.

#### 1.2 RELATED WORK

- A. Civil Engineering sections
- B. Site Paving Section 32-13-13
- 1.3 INSPECTION OF CONDITIONS
  - A. Examine related work and conditions before starting work of this Section. Report to the Architect, in writing, conditions which will prevent the proper provision of this work. Beginning the work of this Section without reporting unsuitable conditions to the Architect constitutes acceptance of conditions. Any required removal, repair, or replacement of this work caused by unreported unsuitable conditions shall be provided at no additional cost to the Owner.
    - 1. Contractor shall not commence work at a date which the Owner determines as premature and likely to cause damage to the landscape installation due to the construction operations of the other trades.
    - 2. Inspect new concrete "van accessible" area to access suitability for sandblasting application in order to achieve a uniform appearing entire parking lot.

#### 1.4 REFERENCES

A. State of California, Department of Transportation (Caltrans) "Standard Specifications", 2010, herein referred to as "State Standards". References to "measurement" and "payment" are not applicable.

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#### HOOD DESIGN

- B. Reference Standards for parking lot striping, marking and signage:
  - 1. State of California "CALTRANS Standard Specifications," Sections 84 and 85.
  - 2. State of California, Title 24, Accessibility Standards.
  - 3. Manufacturer's specifications and recommendations.
  - 4. Perform all work in accordance with all applicable laws, codes and regulations.

#### 1.5 QUALITY ASSURANCE

A. Installation qualifications: Paving installations shall be installed by personnel fully experienced with the large are sandblasting and paint striping. See submittal requirements.

#### 1.6 SUBMITTALS

- A. Comply with the requirements of Section 01 35 00.
- B. Quality Control: Submit installation qualifications of subcontractors for the parking lot refinishing work and striping.
- C. Sandblasting Sample:
  - 1. Coordinate an area of the parking lot for sandblasting sample.
  - 2. Provide a parking lot sandblasting sample and example for review and approval by the Owner's Representative. Adjust until approved.
- D. Striping, markings and signage:
  - 1. Submit data on paints complete with color samples.
  - 2. Submit data on lettering and symbol stenciling.
  - 3. Submit data on parking lot signage.

#### PART 2 – PRODUCTS

- 2.1 PARKING STRIPING, MARKING AND SIGNAGE MATERIALS
  - A. Traffic marker paints and reflective beads shall conform with CALTRANS Standard Specifications 83-3.02. Colors as selected by Landscape Architect.

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- B. Stencils for lettering and symbols shall be approved by the City Engineer and the Owner's Representative.
- C. Thermoplastic marking material shall be in accordance with CALTRANS Standard Specifications 84-2.02.
- D. Pavement markers (traffic buttons):
  - 1. Markers shall be in accordance with CALTRANS Standard Specifications 85-1.04 or 85-1.05 as indicated.
  - 2. Adhesive shall be in accordance with CALTRANS Standard Specifications 95-2.05.
- E. Line Paint: Hawker-Laykold; Koch Materials-Decocolor; Extol-Color; L&M-Nova acrylic; California Products Corp. plexicolor Laykold line paint; or approved equal. Color as shown or approved by Owner's Representative.
- F. Parking lot signage shall comply with the requirements for California Parking Signs, Fire Lane Signs and Other Regulated Signs, as well as all local codes and ordinances.

## PART 3 - EXECUTION

## 3.1 PARKING LOT SANDBLASTING

- A. Submit information and samples as required by the Submittal paragraphs of this specification section. Adjust until approved.
- B. Initial meeting prior to commencing installation: Schedule a meeting including the Landscape Architect and the Owner's representative to discuss and coordinate the parking lot refinishing and work to be done.
- C. Traffic control: Have signs and barricades in place before commencing work.
- D. Sandblast the entire parking including the new "vehicular parking" area to achieve a uniform, clean finish.
- E. Adjust and repair until approved in writing by the Owners Representative.

#### 3.2 PARKING STRIPING, MARKING AND SIGNAGE

- A. Pavements shall be fully cured and clean.
- B. Lay out markings accurately and obtain approval before installation. Striping line width shall be 4 inches unless otherwise indicated. Provide standard disabled

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symbol in white on blue field at each parking space indicated as disabled parking.

- C. Pavement markings shall be applied only on dry surfaces during periods of favorable weather. Temperature shall be above 35 degrees F. and rising, humidity less than 80 percent and falling, and no precipitation predicted for 24 hours.
- D. Install pavement markings in accordance with reference standards.
- E. Apply paints, and reflective beading where indicated, in accordance with CALTRANS Standard Specifications 84-3.02 through 84.3.05. Edges shall be clean and well defined.
  - 1. Thermoplastic markings shall be applied in accordance with CALTRANS Standard Specifications 84-2.04.
  - 2. Pavement markers shall be placed in accordance with CALTRANS Standard Specifications 85-1.06.
- F. Install roadside signs as specified in Section 29, "Sign Installation" of the Standard Provisions, Section 56-2, "Roadside Signs," of the Standard Specifications, and these technical specifications, and as indicated on the Plans.
- G. Object markers shall be installed on steel posts as shown in the plans. Additional signs may be mounted to the steel post in conjunction with the object marker as directed by the Engineer.

## 3.3 CLEANING

- A. Make parking lot neat, clean and uniform.
- B. Sweep and clean all pavings and associated curbs, etc. Make them free of stains, discoloration, dirt, and other foreign material prior to final acceptance.
- C. Upon striping and marker completion, make a detailed inspection of all painting work. Chipped, abraded or unsatisfactory portions of the work shall be touched up or refreshed satisfactory to the Owner's Representative. Excess adhesives or paint overspray or tracking onto unmarked areas shall be removed.

#### END OF SECTION

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#### SECTION 32 13 13 (REV.1)

#### SITE PAVING

#### PART 1 - GENERAL

1.1 SUMMARY

- A. The work includes, but is not necessarily limited to the provision and installation of:
  - 1. Cast-in-place concrete pavings.
  - 2. ADA domed paving units
  - 3. Natural pave.

#### 1.2 RELATED WORK

- A. Landscape Irrigation System Section 32 84 00
- B. Parking Lot Refinishing Section 32 12 36
- B. Electrical

#### 1.3 REFERENCES

A. State of California, Department of Transportation (Caltrans) "Standard Specifications", July 1999, herein referred to as "State Standards". References to "measurement" and "payment" are not applicable.

## 1.4 QUALITY ASSURANCE

- A. Inappropriate Weather for Concrete Work: Do not install concrete work over wet, saturated, muddy, or frozen subgrade, when air temperature is below 40 degrees F., or when deemed inappropriate by the Architect.
- B. Installation qualifications: Paving installations shall be installed by personnel fully experienced with the various paving installations. See submittal requirements.

## 1.5 SUBMITTALS

- A. Comply with the requirements of Section 01 35 00.
- B. Quality Control: Submit installation qualifications of subcontractors for the following paving types:
  - 1. Natural Pave, stabilized. Submit statement of expertise and example locations for this type of paving.
- C. Cast-in-Place Concrete Pavings:
  - 1. Color Admixtures: Provide manufacturer's literature and directions.

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- 2. Comply with specification Section 01 35 00 for additional concrete submittal requirements.
- 3. Provide on-site constructed samples of each of the concrete colors and finishes for approval. Adjust until approved.
- 4. Shop Drawings for Stair Step-Lights.
- D. Steel Edge along Sloped Walk: Submit shop drawings. Indicate proposed construction coordination and scheduling with the adjacent concrete sloped walkway.
- E. ADA Domed Paving Units: Submit manufacturer's descriptive literature and installation instructions. Submit color sample for color matching requirement.
- F. Natural Pave:
  - 1. Indicate sources of crushed stone paving materials complete with addresses, contact names, phone numbers, and manufacturer's literature.
  - 2. Stabilizing binder for natural pave: Submit manufacturer's literature of stabilizing binder, including the manufacturer's recommended installation procedures.
  - 3. Herbicide for natural pave: Submit brand and literature of proposed herbicide.
  - 4. Submit one quart sample of crushed stone material.
- PART 2 PRODUCTS
- 2.1 BASE
  - A. Base or Agg Base: Class 2 crushed aggregate base, 3/4" maximum size for concrete paving, conforming to Section 26 of the "State Standards".

## 2.2 CAST-IN-PLACE CONCRETE PAVING INCLUDING CONCRETE STAIRS

- A. Class "B" concrete per Section 03300 of these specifications.
- B. Concrete Accessories:
  - 1. Forms: Wood or metal of sufficient strength to resist concrete placement pressure and to maintain horizontal and vertical alignment during concrete placement.
  - 2. Step Lights: Recessed wall light with louvers as manufactured by Bega, model no. 2196LED, Bega Lighting Co., Carpinteria, CA. www.bega-us.com.
  - 3. Expansion joint filler: 1/2" thick ASTM D1751, premolded non-extruding asphaltimpregnated felt. Plastic "zipstrip" joints are not allowed.
  - 4. Color Admixtures:
    - a. Colored concrete paving: As determined by the Landscape Architect.
    - b. Typical gray concrete: Add lampblack as determined on site and August 26, 2014

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#### samples. 2 sack typical.

C.

- Black Mica concrete paving:
  - i. Pure mineral pigments.
  - ii. Concrete color : Lampblack in dry form is to be mixed in accordance with the requirements of ASTM "Standard Specifications for Lampblack", Designation D209, in the proportion of ½ to ¾ pounds per cubic yard of concrete.
  - Silicon carbide sparkle grains evenly applied to the surface of the freshly poured concrete at a rate of 25 to 30 lbs per 100 square ft.
  - iv. Concrete Color B: Davis Colors "cobblestone". Mix in accordance with Davis Colors written instructions. Davis Colors, Los Angeles, CA, 800-356-4848.
- 5. Curing compound: ASTM C309, non-yellowing, non-staining all resin, liquid membrane-forming type containing a fugitive dye.
- 6. Joint Sealants: Two-component poly-sulfide or polyurethane elastomeric type complying with FS\_TT-S-00227, self-leveling, designed for foot traffic, color to match adjacent paving.
- 7. Welded wire mesh: 6 inch x 6 inch, #10 welded wire mesh.
- 7. Reinforcing steel: ASTM A615, A616, or A617, Grade 40.
- 8. Form release agent: Non-staining chemical form release agent.
- 9. Dowels: Smooth steel, 12" in length. Provide dowel sleeves where appropriate.

#### 2.3 ADA DOMED PAVING UNITS

A. Truncated domed pavers as manufactured by Stepstone, Inc., <u>www.stepstoneinc.com</u>. Color: black – match black color of entry concrete stairs.

## 2.4 NATURAL PAVE

- A. Aggregate Base: Class 2 crushed aggregate base, 3/4" maximum size for concrete paving, conforming to Section 26 of the "State Standards".
- B. Crushed stone fines: Beige colored crushed stone, as produced by TMT Enterprises, San Jose, CA, contact Matt Moore (408) 432-9040.
- C. Stabilizer binder: SoilShield-LS as manufactured by Soil-Loc, Inc., Scottsdale AZ, www.soil-loc.com.

#### PART 3 - EXECUTION

## 3.1 CONCRETE PAVINGS INCLUDING CONCRETE STAIRS

A. Submit information and samples as required by the Submittal paragraphs of this specification section. Adjust until approved. Do not commence installation until submittals are approved. Maintain approved samples on the project site for reference.

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- B. General:
  - 1. Proof roll the subgrade to obtain firm, even subgrade surface. Compact subgrade to 95%.
  - 2. Base: Provide minimum four inches (4") depth of granular base material, compacted to 95% maximum dry density.
  - 3. Maintain following grade and alignment tolerances:
    - a. Top of form: Maximum 1/8" in 10'0"
    - b. Vertical face: Maximum 1/4" in 10'0"
  - 4. Coat form surfaces in contact with concrete with form release agent.
  - 5. Provide reinforcing bars at curbs, steps, and other locations as indicated. Provide dowels between adjacent paving sections.
  - Install pipe sleeves for irrigation system furnished under Section 32 84 00 and the Landscape Irrigation drawings. Stake locations of irrigation sleeves to enable future locations.
- C. Concrete Paving Installations
  - 1. Moisten base to provide a uniform dampened condition at the time concrete is placed.
  - 2. Place and spread concrete to the full depth of the forms. Use only square-end shovels or concrete rakes for hand-spreading and consolidating concrete.
  - 3. Place concrete in a continuous operation between expansion joints.
  - 4. Place concrete in one course, monolithic construction, for the full width and depth of concrete work.
  - 5. Strike-off and bull-float concrete after consolidating. Level ridges and fill voids. Check surface with a 10'-0" straightedge. Fill depressions and refloat repaired areas. Darby the concrete surface to provide a smooth level surface ready for refinishing.
  - 6. Provide hand tooled control joints for concrete paving. Make tool joints to depth equal to not less than one-fifth (1/5) of the concrete thickness. Provide spacing not greater than 1-1/2 x slab width on center, or as shown on Drawings.
  - 7. Provide expansion joints using premolded joint filler at concrete work abutting curbs, walls, structures, walks, and other fixed objects, or at maximum 20' -0" on center for curbs and walks.
  - 8. Install joint fillers in single lengths full-width of joint. Provide top edge 1/2" below adjacent finished surface.

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- 9. Provide steel paving dowels at all expansion joints.
- 10. Concrete Finishing:
  - a. See Sample paragraphs of this specification section for concrete paving sample requirements.
  - b. Upon completion of floating, and after bleed water has disappeared and concrete can sustain foot pressure with nominal indentation, cut concrete work away from forms. Work edges with an edging tool. Round edges to 1/2" radius.
  - c. Install control joints during edging operations.
  - d. See Site Paving Plan for concrete paving descriptions and locations.
  - d. Finishes: Concrete paving and concrete stairs shall receive a "Light Broom" finish. Provide a uniform finish matching the approved sample.
- D. Curing:
  - 1. Cure concrete with a non-staining liquid membrane forming compound immediately after completing surface finish.
  - 2. Wet cure concrete by application of absorptive mats, by fabric kept continuously wet, or by application of waterproof sheet materials.
- E. Sandblast Finish: Provide sandblast finish when concrete paving has sufficiently cure to provide a uniform finish matching the approved sample. Adjust finish until approved.
- F. Joint Sealants:
  - 1. Apply sealants in continuous beads, without open joints, voids, or air pockets. Hand tool and finish all joints.
  - 2. In rough surfaces or joints of uneven widths, install joint sealant well back into joints.
- G. Sandblast Finish:
- H. Protection:
  - 1. Protect concrete work from damage due to construction and vehicular traffic until final acceptance. Exclude construction and vehicular traffic from concrete pavements for at least 14 days.

## 3.2 STEEL EDGE ALONG SLOPED WALK

- A. Install as per approved shop drawings and submittals.
- B. Stake out top of steel edge in the field for approval prior to further steel edge or adjacent walkway installation. Adjust until approved.

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C. Finish installations following the top of steel edge observation approval. Grind top of steel edge to make rounded and smooth.

#### 3.3 ADA DOMED PAVING UNITS

A. Install as per approved submittals and manufacturer's installation instructions. Make flush with adjacent paving making no tripping hazards. Adjust until approved.

## 3.4 NATURAL PAVE

- A. Samples: Provide and prepare samples for approval prior to any order for delivery of materials to the site. Maintain approved samples on the project site for reference. Refer to sample paragraphs of this specification section.
- B. Preparation of pavement surfaces:
  - 1. Finished grades shown on Drawings are given in feet and decimals of feet and are to be the top of all graded or paved surfaces. Slope uniformly between given spot elevations unless otherwise directed.
  - 2. Surrounding concrete pavings and dividers shall be in place at their final approved elevations.
  - 3. Sub-grade shall be at proper elevations within tolerances established for such work in the Earthwork Section.
  - 4. Utility trenches and irrigation lines shall be complete including satisfactory backfill and compaction.
  - 5. Compact subgrade to 95% relative compaction.
- C. Weed Control: Apply approved pre-emergent herbicide to the subgrade of the entire area to be paved in accordance with the manufacturer's latest printed instructions for the use intended. Take care not to get herbicide on adjacent planting areas.
  - D. Uniformly spread acceptable materials and compact to grades and lines shown. Compaction shall be made by power rollers to 95% at optimum moisture content per ASTM D1557. Each lift shall be compacted separately immediately after placement.
    - 1. Base Course: Place over prepared subgrade and compact to depth shown. Finish to a tolerance of 1/4".
    - 2. Surface course: Scarify base course immediately prior to placement of surface course to provide a bond between the two lifts. Place surface material over base course and compact to depth shown.
      - a. Slope decomposed granite pavement surface as shown on Drawings.
      - b. Make surfaces true to grade and free of any humps and depressions measuring more than 1/8" in depth when tested with a 10' long straightedge. No pools of water shall stand on the crushed gravel paving after the rain.

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c. Make surface variations in slope and grade smooth and gradual.

- d. If it becomes necessary to add a thin layer of material in order to bring surface to grade after the surface areas have been rolled, scarify previously rolled or compacted area to provide a proper bond with the added material.
- A. Finish surface of natural pave shall be uniform in appearance as to texture and color, and shall have a firm stable consistency, resistant to erosion. Adjust finish as necessary as directed by the landscape architect.

## 3.5 CLEANING

A. Sweep and clean all pavings and associated curbs, etc. Make them free of stains, discoloration, dirt, and other foreign material prior to final acceptance.

## END OF SECTION

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## SECTION 32 31 20 (REV.1)

## LANDSCAPE SITE FURNISHINGS

## PART 1 - GENERAL

## 1.1 WORK INCLUDED

Work includes but is not limited to furnishing and installing site furnishings as shown on plan, including the following:

- A. Provision of product submittals for approval.
- B. Scheduling installation observations.
- C. Provision and installation including:
  - 1. Custom steel fence
  - 2. Elevated walkways
  - 3. Steel edge along building façade
  - 4. Steel edge along entry stairs and sloped walk
  - 5. Outdoor stage and related stairways
  - 6. Wood deck at existing (E) trees
  - 7. Concrete walls, seatwalls and curbs
  - 8. Handrails
  - 9. Gates and ornamental metal fences
  - 10. Benches
  - 11. Trash receptacles
  - 12. Exterior lighting fixtures

## 1.2 RELATED SECTIONS

- A. Drawings and general provisions of Contract, including General and Supplementary Conditions and other Division-1 Specification Sections, apply to this Section. Related work includes:
  - 1. Structural
  - 2. Painting
  - 2. Electrical

## 1.3. INSPECTION OF CONDITIONS

- A. Examine related work and conditions before starting work of this Section. Report to the Architect, in writing, conditions which will prevent the proper provision of this work. Beginning the work of this Section without reporting unsuitable conditions to the Owner's Representative constitutes acceptance of conditions. Any required removal, repair, or replacement of this work caused by unreported unsuitable conditions shall be provided at no additional cost to the Owner.
  - 1. Contractor shall not commence work at a date which the Owner determines as premature and likely to cause damage to the landscape installation due to the construction operations of the other trades.

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## 1.4 SUBMITTALS

- A. Section 01 35 00 Submittals: Submittal procedures.
- B. Submittals: Conform with these specifications. Submit with ample time to prevent delays in construction and installation. Do not proceed with work prior to written submittal approval.
- C. Submit catalog and manufacturer's installation literature for the following products. Submit shop drawings and prototype fabrications where and if requested.
  - 1. Custom metal fence: Submit shop drawings and prototype fabricated example. Include related LED lighting in shop drawings.
  - 2. Elevated Walkways: Submit catalog and manufacturer's information. Submit shop drawings including the illuminated handrails. Submit samples as requested.
  - 3. Steel edge along building façade: Submit shop drawings.
  - 4. Steel edge along entry stairs and sloped walk: Submit shop drawings.
  - 5. Outdoor stage and related stairways:
    - a. Submit information on perimeter wall construction and concrete colors. Submit concrete color samples if requested.
    - b. Include information on related stage and step lights.
  - 6. Wood deck at existing trees: Submit shop drawings.
  - 7. Concrete walls, seatwalls and curbs: Submit color samples if requested.
  - 8. Handrails: Submit shop drawings including the illuminated handrails.
  - 9. Gates and ornamental metal fences, including panic hardware for entry gates. Submit shop drawings and manufacturer's written installation instructions.
  - 10. Benches: Submit shop drawings.
  - 11. Trash receptacles.
  - 12. Exterior lighting fixtures.

## 1.5 INSTALLATION OBSERVATIONS

- A. Advance Notice: Coordinate dates for observations with the Owner's Representative at least 5 days prior to the anticipated installation observation.
- B. All observations for items in this specification section shall include the Contractor, Landscape Architect, and the Owner's Representative, unless agreed to in written notification.
- C. Pre-Installation Meeting: A Pre-Installation Meeting shall be scheduled prior to any landscape installation work to review the installation tasks, guidelines and

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questions. The meeting shall include the landscape contractor, the Owner's Representative, and the landscape architect

- D. Fabrication and Installation observations: As listed and described in the EXECUTION paragraphs of this specification section.
- 1.6 GUARANTEE
  - A. Section 01740 Warrantees and Bonds, Project Warrantee.

#### PART 2 - PRODUCTS

A.

- 2.1 CUSTOM STEEL FENCE
  - Steel materials
    - 1. Steel posts, 6"x6", 10 gauge, min.
    - 2. Slats cut from 1/4 inch thick steel.
    - 3. Fasteners and footings as required.
    - 4. See drawings.
  - B. Finish: Galvanized and painted.
    - 1. Paint: Tnemec Silver YB01.
- 2.2 ELEVATED WALKWAYS
  - A. Post supports support beams, frames and railing posts: See structural drawings.
  - B. Walking surfaces:
    - 1. Redwood slats: Redwood. Reclaimed Redwood, FSC-certified recycled/reclaimed redwood, 2x6 or 2x8 typical sizes. See drawings for actual sizes.
    - 2. Fritted glass panels: Composite "plank" glass as manufactured Circle Redmont Inc., Melbourne, Florida.
      - a. Straight units: Approx. 9 inches wide, 23 inches long, and 1 inch thick. Actual measurements as shown on approved shop drawings.
      - b. Radial units: See drawings for approximate size. Actual measurements as shown on approved shop drawings.
      - c. Sealant: As recommended by the fritted glass manufacturer.
  - C. Guardrails: 5/8" square steel tubing.
  - D. Wooden Top Guardrail: Redwood milled as detailed. Redwood shall be clear, knot free redwood capable of being made into guardrail.
  - E. Illuminated handrails for elevated walkways: V-Rail lighting system by Intense Lighting, 1.9" solid state illuminated stair handrail system, Gen 2. See electrical

Landscape Site Furnishings 323120 - 3 Addendum 3

sections of these specifications. As manufactured by Intense Lighting, Anaheim, CA, www.intenselighting.com.

- 1. Custom color: Match Tnemec YB01, Champagne.
- 2. Bracket for fastening to walkway posts: As recommended by the illuminated handrail manufacturer. Submit data for approval prior to installation.
- 3. Exposed conduit, aluminum 3/8" diameter, minimum.
- F. Finishes:
  - 1. All metal parts: Galvanized and painted. Paint: Tnemec Silver YB01.
  - 2. Wood parts: Fix all knots and defects to match surrounding wood. Sand smooth until approved.
- 2.3 STEEL EDGE ALONG BUILDING FACADE
  - A. Steel edge plates: Corten, ½ inch thick.
  - B. Steel channel posts: Galvanized steel C3x3.5 channel.
  - C. Steel angles: 3"x3"x1/4" galvanized steel angles.
  - C. Concrete footing as required, see detail.
  - D. Fastening Hardware: 3/8" bolts, washers and nuts, minimum.
  - E. Gravel Backfill: Match gravel used in Boulder Fields.
- 2.4 STEEL EDGE ALONG ENTRY STAIRS AND SLOPED WALK
  - A. Steel: Corten, <sup>1</sup>/<sub>2</sub> inch thick.
  - B. Fasteners: <sup>1</sup>/<sub>2</sub> inch lag shields, washers and bolts.
- 2.5 OUTDOOR STAGE AND RELATED STAIRWAYS
  - A. Perimeter Wall and stairwalls:
    - 1. Reinforced concrete. See Structural drawings for additional information.
    - 2. Walls where visually exposed: Black concrete, wood form finish, stained black.
  - B. Backfill and concrete topping slab: See Structural drawings.
  - C. Stage Wood Decking: Redwood. Reclaimed Redwood, FSC-certified recycled/reclaimed redwood, 2x6 or 2x8 typical sizes, smooth natural finish. See drawings for actual sizes.

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- 1. Wood sleepers under stage wood decking, see structural drawings.
- D. Edge Lights: See exterior lights listing in this specification section.
- E. See Structural drawings for additional information and requirements.

## 2.6 WOOD DECK AT EXISTING TREES

- A. Perimeter Wall:
  - 1. Reinforced concrete. See Structural drawings for additional information.
  - 2. Walls where visually exposed: Black concrete, wood form finish, stained black.
- B. Stage Wood Decking: Redwood. Reclaimed Redwood, FSC-certified recycled/reclaimed redwood, 2x6 or 2x8 typical sizes, smooth natural finish. See drawings for actual sizes.
  - 1. Match wood and finish used on the outdoor stage.
- E. See Structural drawings for additional information and requirements.
- 2.7 CONCRETE WALLS, SEATWALLS AND CURBS
  - A. See structural drawings for footing, rebar and other information.
- 2.8 HANDRAILS
  - A. Typical handrails: Painted galvanized steel. Paint: Tnemic Silver YB01. See drawings.
  - B. Illuminated handrails on front entry stairs: V-Rail lighting system by Intense Lighting, 1.9" solid state illuminated stair handrail system, Gen 2. See electrical plans and specification sections As manufactured by Intense Lighting, Anaheim, CA, www.intenselighting.com.
    - 1. Custom color: Match Tnemec YB01, Champagne.
    - 2. Exposed conduit, aluminum 3/8" diameter, minimum.

## 2.9 GATES AND ORNAMENTAL METAL FENCING

A. Swing Gates:

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- Entry gates: Double swing galvanized gates as manufactured by Ametco, 12-inch kick plate at base of freme, vertical louvers 60% infill, lockable, silver powder-coated.
  - Panic Hardware: Provide panic hardware for all entry gates. Panic hardware shall conform with all local codes. Panic

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hardware shall be compatible with the entry gate products, see the EXECUTION paragraphs of this specification section.

- 2. Parking lot gate: AEGIS II Magestic 2/3 rail, double swing, lockable, silver powder-coated. The parking lot gate does not require panic hardware.
- B. Ornamental fencing: Ameristar ornamental fencing system, AEGIS II Classic 2 rail style B, 8' high. Silver powder-coat finish.

## 2.10 BENCHES

- A. Outdoor stage seating system with backrests installed on raised concrete curbs, as shown on the drawings.
  - 1. Allegro seating system as manufactured by Erlau, www.erlauusa.com.
    - a. See drawings for seating units.
    - b. Backrest without armrests.
    - c. Stationary fixed to foundation using adapter bracket.
    - d. Color: Silver powder-coat finish.
  - 2. Concrete support curbs, see drawings.

## 2.11 TRASH RECEPTACLES

- A. Trash receptacle model no. Carpo 380 as manufactured by Hess America, Gaffney, South Carolina, tele: 1 864 487-3535. Size, 8.5 gallons, embedded mount, matte silver grey metallic finish. Provide 30 matching litter bags.
- 2.12 EXTERIOR LIGHTING FIXTURES
  - A. Pole Lights: Hi Glo LED Pedestrian Pole Light, as manufactured by Landscape Forms, silver powder-coat finish.
  - B. Light Poles for Outdoor Theater: Hess Tanella 900 with custom aluminum cylinder luminary.
  - C. Illuminated handrails: V-Rail lighting system by Intense Lighting, 1.9" solid state illuminated stair handrail system, Gen 2. See electrical sections of these specifications. As manufactured by Intense Lighting, Anaheim, CA, www.intenselighting.com.
    - 1. Custom color: Match Tnemec YB01, Champagne.
    - 2. Exposed conduit, aluminum 3/8" diameter, minimum.
  - D. Step lights: Bega Recessed Luminaires, model no. 2197LED SLV, Bega standard silver color.

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- E. Light bollards:
  - 1. Cassino illuminating bollard as manufactured by Hess America.
  - or
  - 2. Philips Gardco square illuminating bollard, model no. BS700, 30 inches tall, finish: NP natural aluminum paint.
- F. LED strip lights: Strip lights under custom steel fence and on the outdoor stage safety curb: Strip lights by Illuminii, model no. Kendo S WET, silver finish, frosted lens, with Recessed Slim Wide mounting channels, length as required.

## PART 3 - EXECUTION

## 3.1 CUSTOM METAL FENCE

- A. Provide shop drawings for review and approval prior to any fabrication.
   1. Make shop drawings from actual on-site conditions. Indicate finishes. Indicate coordination with LED strip fence lights.
- B. Fabricate a prototype fence section as per approved shop drawings, complete with final finish.
  - 1. Schedule an observation visit. Adjust as required until approved.
- C. Layout fence post locations and section designations in field for approval prior to further installation. Coordinate with the installation of the LED strip fence lights.
- D. Install custom metal fence as per approved shop drawings and prototype.
- E. Grind all sharp points and jagged edges smooth.
- F. Paint to provide final finish.
- G. Schedule an observation of the installed custom metal fence including the operation of the LED strip fence light. Adjust until approved.

## 3.2 ELEVATED WALKWAYS

- A. Contact fritted glass manufacturer to coordinate shop drawings.
- B. See structural and electrical drawings for additional information and requirements.
- C. Provide submittals, shop drawings and samples for review and approval prior to any fabrication.
  - 1. Submit samples of the Fritted Glass units.

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- 2. Coordinate shop drawings with Steel Edge along Building installation.
- 3. Coordinate shop drawings with electrical connections and requirements.
- 4. Indicate Illuminate Handrail installation.
- 5. Indicate painting and finishing schedule.
- D. Fabricate and install elevated walkways as per approved shop drawings.
  - 1. Locate post locations in field for approval prior to any further walkway installation.
  - 2. Locate electrical transformer and connection locations.
  - 3. Install posts, support system and walkway frames as per approved shop drawings.
    - a. Schedule an observation at completion for approval prior to further walkway installation.
  - 4. Install elevated walkway pavings as per approved shop drawings.
    - Redwood slats: Install to provide a smooth, even surface. Sand smooth to provide a uniform natural finish.
    - b. Fritted glass units: Install to provide a smooth, even surface. Install with approved sealant. Protect glass units from damage until construction completion.
  - 5. Install guardrails and illuminated handrail as per approved shop drawings.
- E. Schedule an observation of the installed elevated walkways Adjust until approved.
- 3.3 STEEL EDGE ALONG BUILDING FACADE

а.

- A. Provide shop drawings developed from on-site built conditions.
- B. Install as per approved shop drawings. Adjust until approved.
- C. Install gravel backfill as shown on drawings.
- 3.4 STEEL EDGE ALONG ENTRY STAIRS AND SLOPED WALK
  - A. Provide shop drawings developed from the drawings and on-site built conditions.
  - B. Install as per approved shop drawings.
- 3.5 OUTDOOR STAGE AND RELATED STAIRWAYS AND DRESSING ROOM STEPS
  - A. Schedule a meeting with the Landscape Architect to coordinate this installation work.
  - B. Stake out outdoor stage in the field for approval prior to any further stage construction. Stake out related steps and stairways. Adjust until approved.

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- C. Refer to structural drawings for outdoor stage construction details.
- D. Refer to civil engineer's drawings for elevational information.
- E. Construct perimeter wall and related step and stairway walls. Stain visually sections black until approved.
- F. See structural drawings for backfill, topping slap and decking sleepers.
- G. Finish surface redwood slats: Install to provide a smooth, even surface with no tripping hazards at transitions to other paving or stairway surfaces.
- H. Construct related stairways and dressing room steps, pavings and railings. Make steps and pavings with a non-slip light broom finish.
- I. Schedule and observation at the completion of this work section. Adjust until approved.

## 3.6 HANDRAILS

- A. Typical handrails: Install and paint as per approved shop drawings.
- B. Illuminated handrails on front entry stairs
  - 1. Provide shop drawings for review and approval.
  - 2. Install as per approved shop drawings.
- 3.7 GATES AND ORNAMENTAL METAL FENCES
  - A. Install as per approved manufacturer's instructions.
  - B. Panic Hardware for Entry Gates: Coordinate panic hardware installation with the entry gate manufacturer.
    - 1. Contractor shall supply the entry gate manufacturer with an example of the approved panic hardware for incorporation into the gate fabrications.
    - 2. Submit shop drawings for approval of the gate with the panic hardware. Adjust until approved.
    - 3. Install the entry gates complete with panic hardware as per the manufacturer's approved instructions.
    - 4. Adjust installations until approved.

#### 3.8 BENCHES

A. Outdoor Stage Seating

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- 1. Provide shop drawings indicating location and spacing of curb seat walls, associated paving, and seating strips. Develop shop drawings from built site conditions. Do not begin construction prior to receiving written approval.
- 2. Construct and install as per approved shop drawings and project's contract documents.

## 3.9 TRASH RECEPTACLES

A. Install as per approved manufacturer's instructions.

## 3.10 EXTERIOR LIGHTING FIXTURES

- A. Pole Lights:
  - 1. Stake locations in field for location approval prior to installation.
  - 2. Coordinate with electrical drawings and electrical installations.
  - 3. Install as per the manufacturer's approved instructions.
- B. Light Poles for Outdoor Theater:
  - 1. Stake locations in field for location approval prior to installation.
  - 2. Coordinate with electrical drawings and electrical installations.
  - 3. Install as per the manufacturer's approved instructions.

## C. Illuminated handrails:

- 1. Stake locations in field for location approval prior to installation.
- 2. Coordinate with electrical drawings and electrical installations.
- 3. Install as per approved shop drawings and the manufacturer's instructions.

#### D. Step lights:

- 1. Stake locations in field for location approval prior to installation.
- 2. Coordinate with electrical drawings and electrical installations.
- 3. Install as per approved shop drawings and the manufacturer's instructions.
- E. Stage Lights:
  - 1. Stake locations in field for location approval prior to installation.
  - 2. Coordinate with electrical drawings and electrical installations.
  - 3. Install as per approved shop drawings and the manufacturer's instructions.

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F. Light bollards:

- 1. Stake locations in field for location approval prior to installation.
- 2. Coordinate with electrical drawings and electrical installations.
  - 3. Install as per the manufacturer's approved instructions.
- G. LED strip fence lights:
  - 1. Stake locations in field for location approval prior to installation.
  - 2. Coordinate with electrical drawings and electrical installations.
  - 3. Install as per approved shop drawings and the manufacturer's instructions.

## **END OF SECTION**

Landscape Site Furnishings 323120 - 11 Addendum 3

# RUTH WILLIAMS MEMORIAL THEATRE BAYVIEW OPERA HOUSE PERMIT ISSUE

THIS PROJECT IS AN ARCHITECTURAL BARRIER REMOVAL PROJECT SUBJECT TO CBC 1134.B.2.1 EXCEPTION 3

## 4705 THIRD STREET SAN FRANCISCO, CA 94124

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Ruth Williams Menn 4703 THRD STREET SAN FRANCISCO, CA

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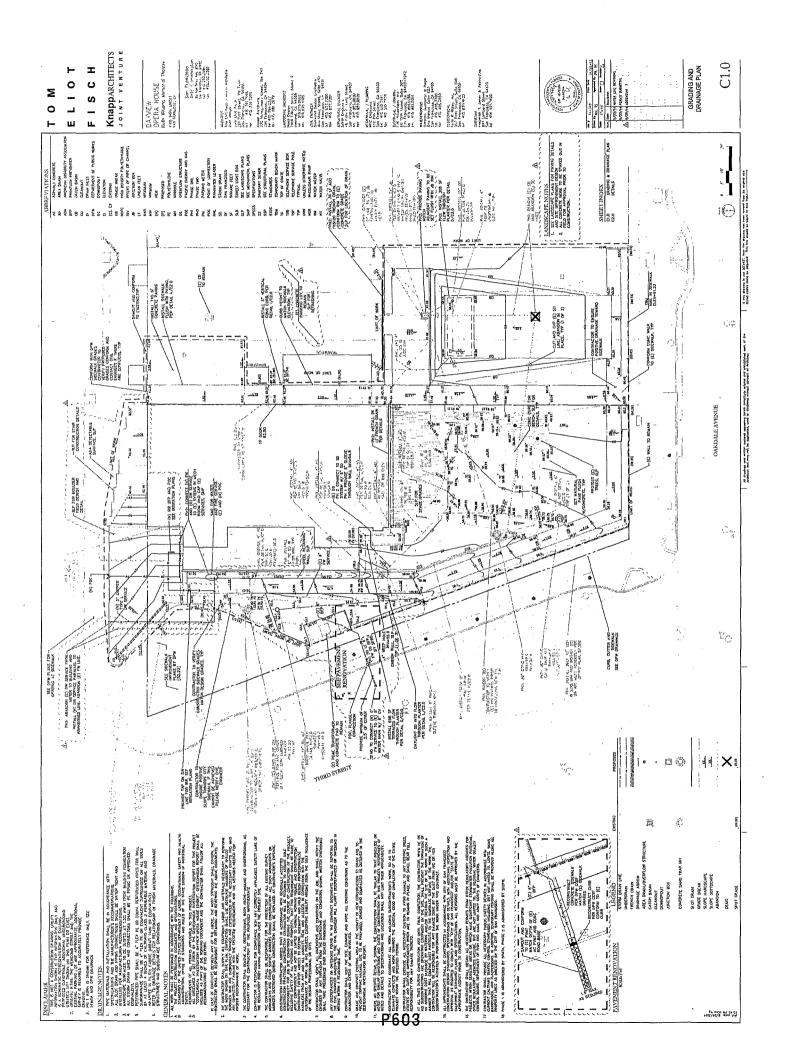
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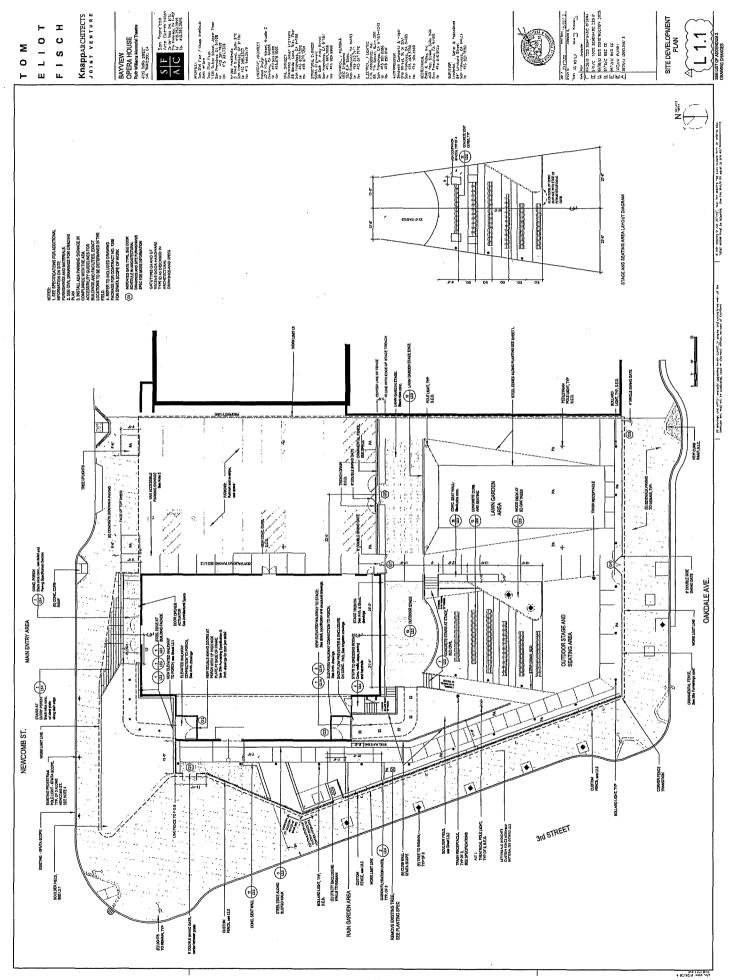
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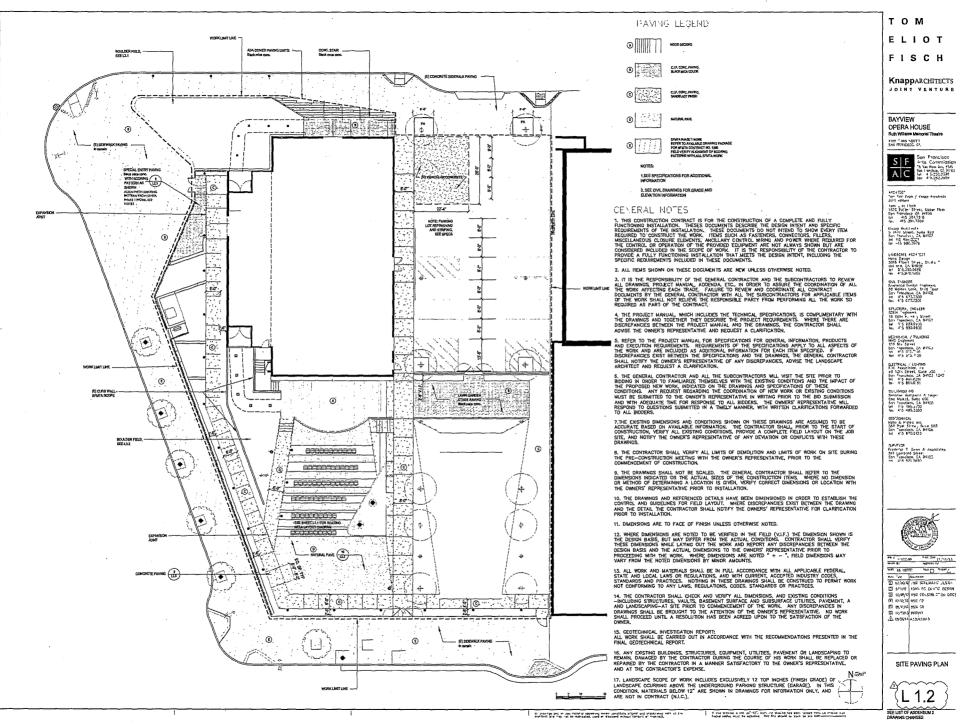
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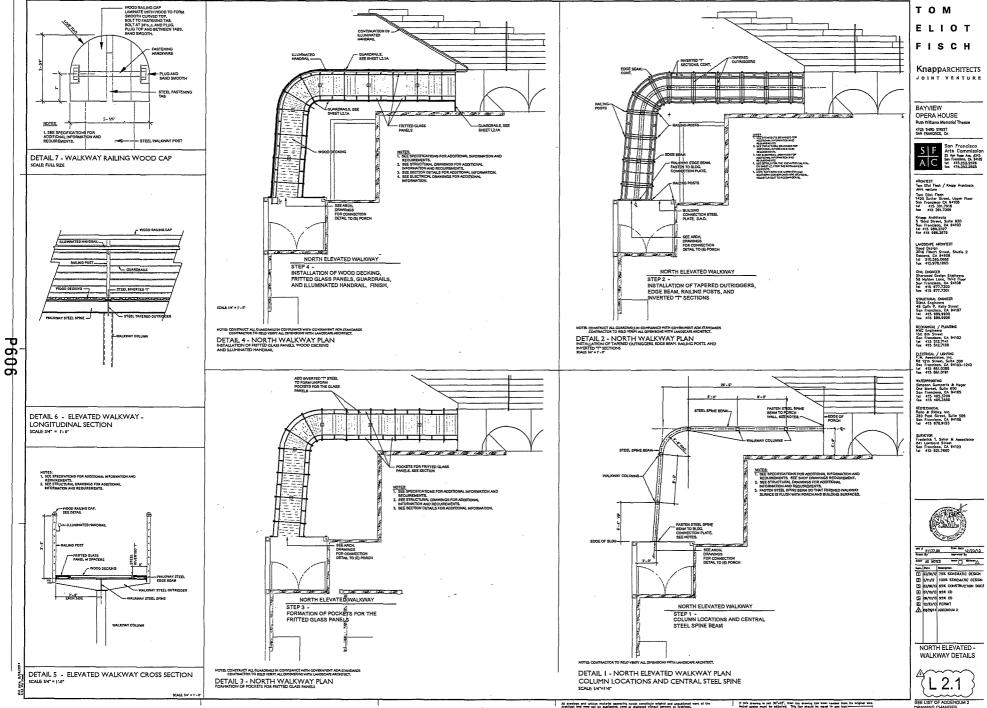
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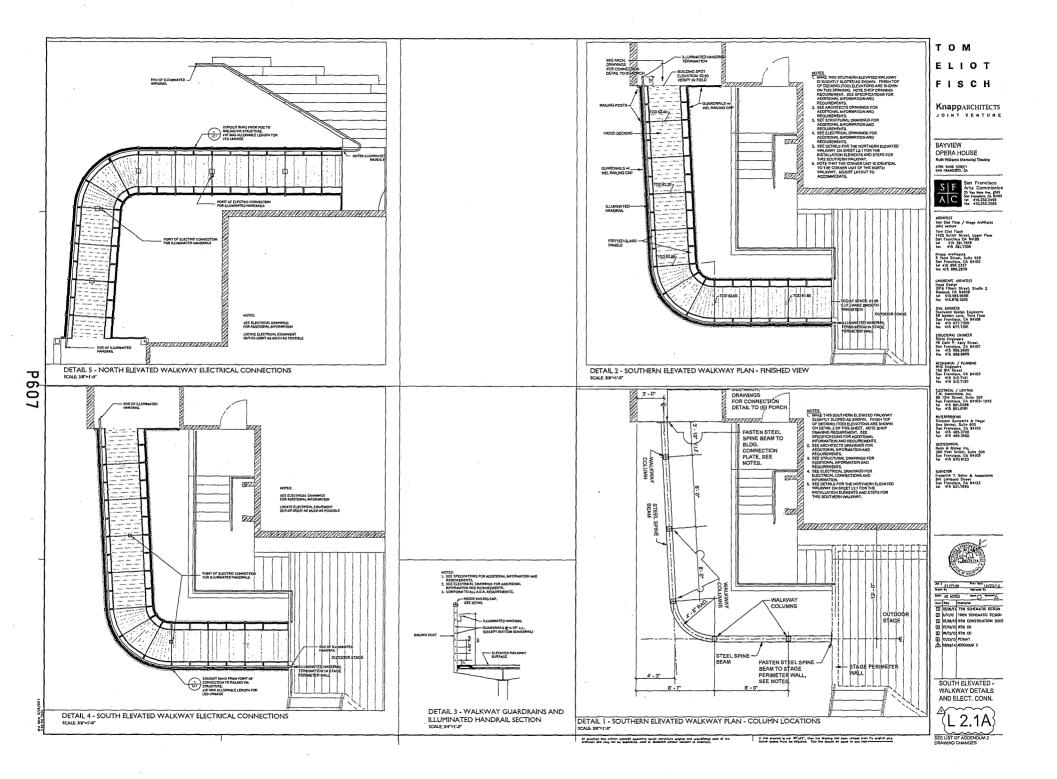


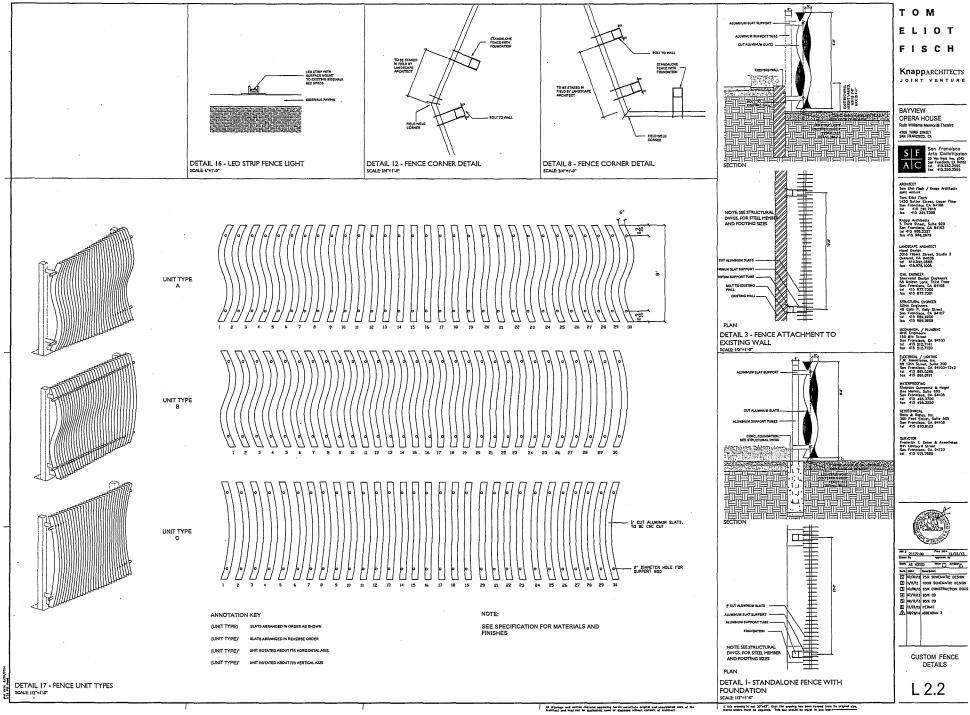


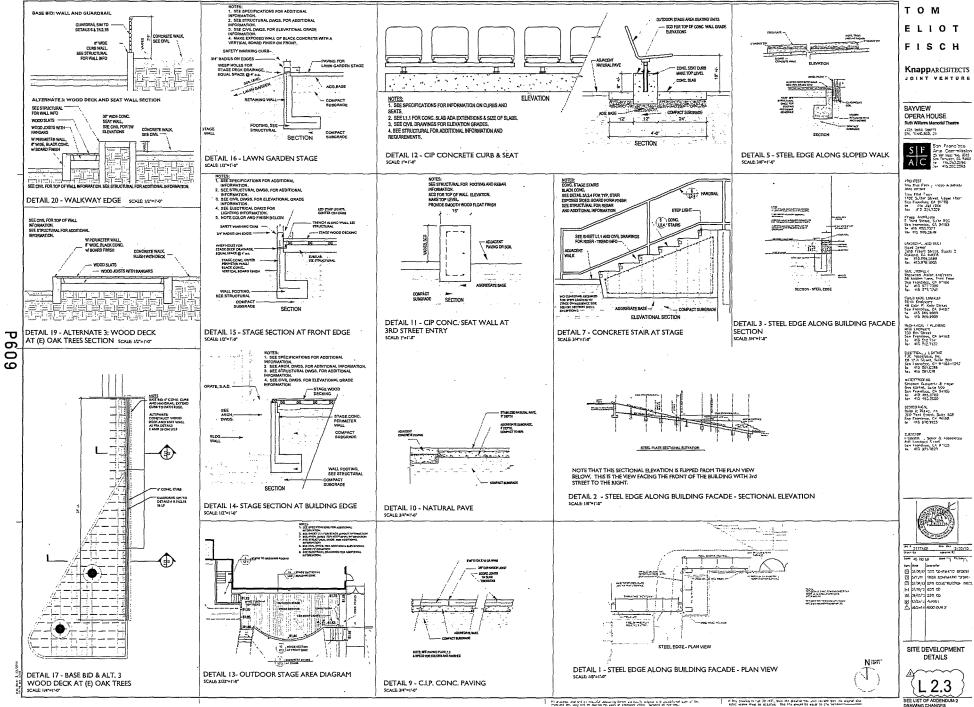


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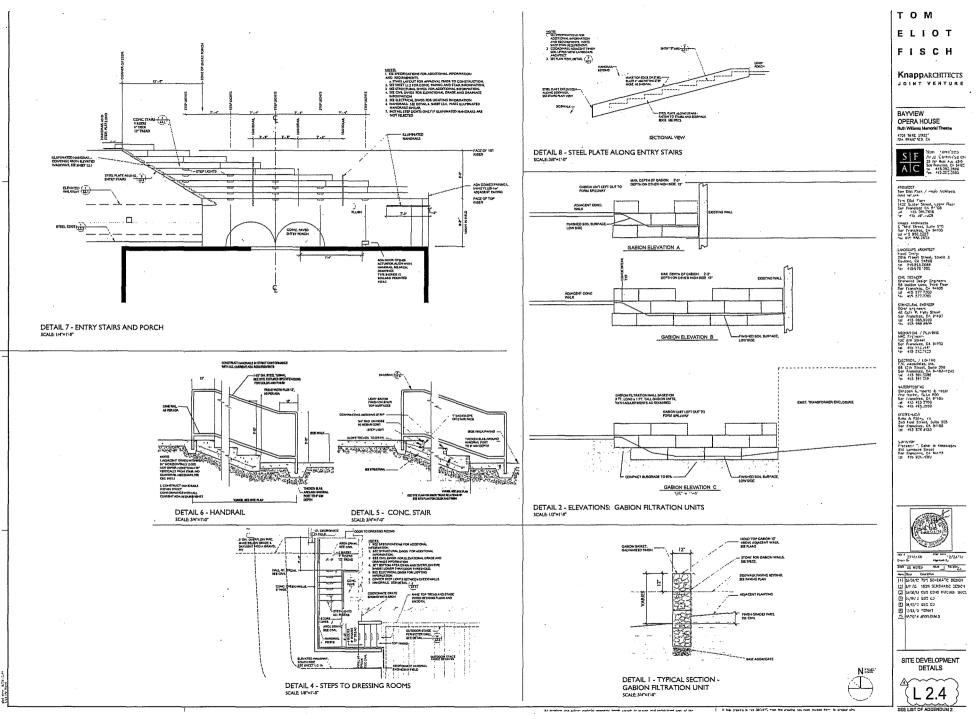






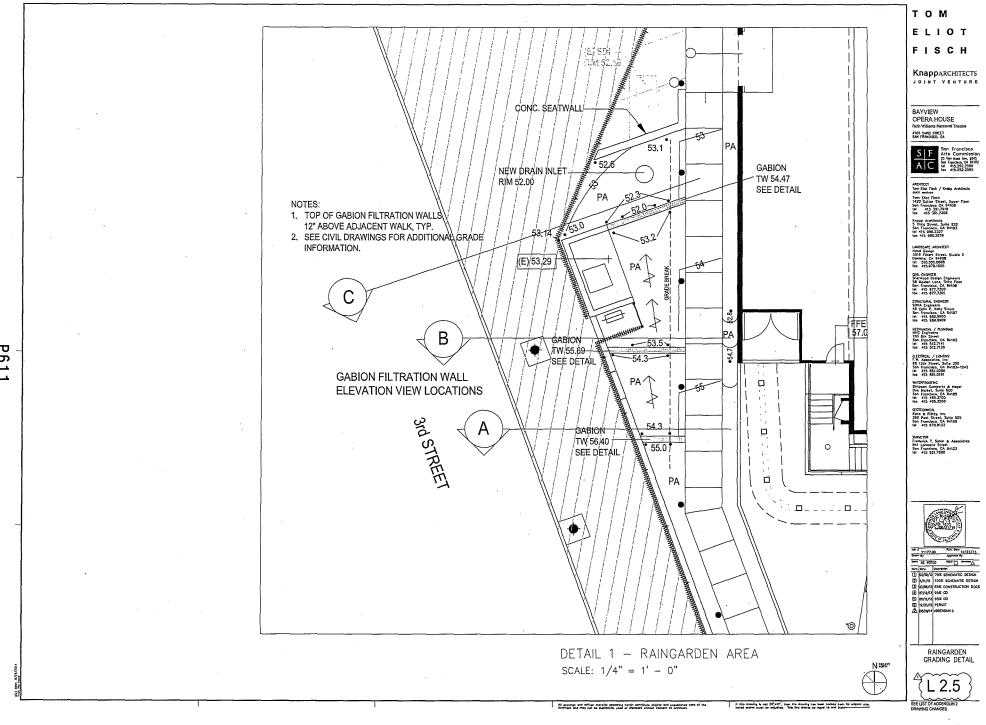


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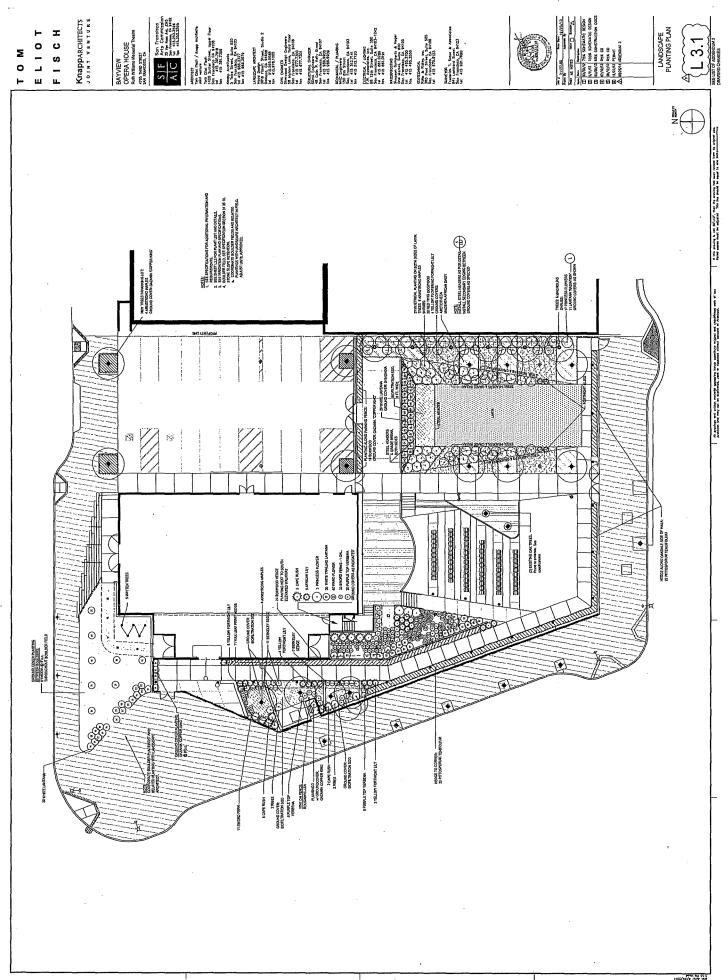


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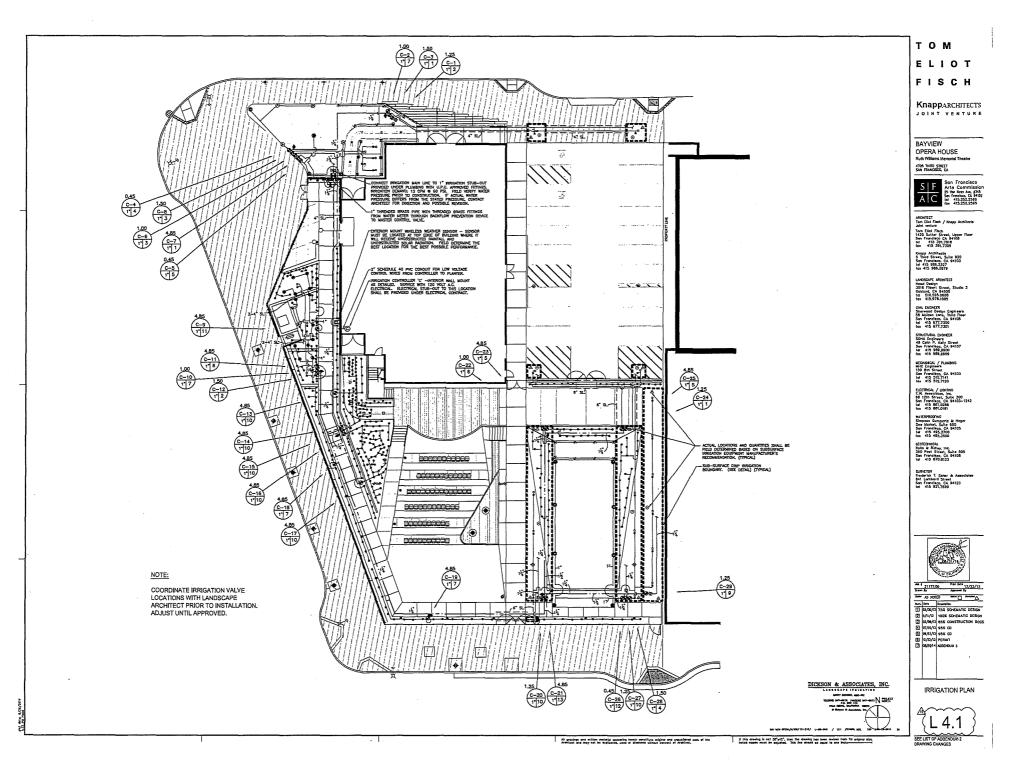


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PLANT LIST	DETAIL 5 - STEEL EDGE ALONG PLANTING	PREPARED SOIL	HE HANCAL / PLUKENC
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			SIFCREAL / UDITING F.W. Areocolies, Inc. 68 1216 Street, Suite 300 Son Francisco, CA 94103-1242 ret 415 451.025 fox 415 451.0191
			No. Martin a service
	CURB		Enternation Gumperts & Heger One Market, Suite SOO Son Francisco, CA 94105 tell 415 455.3700 fax 415 455.3550
		· · ·	fox 415 495.3500 GEOTECHNICAL Rolio & Ricley, Inc.
		NOTES: 1. ALL BOXED TREES SHALL BE SELECTED © NURSERY BY	CEOTEONICAL Rotio & Ricky, Inc. 300 Port Street, Suite 505 Son Frenchen, CA 94108 ret 415 670.0123
	EQUAL PLANTING	OWNER /LANDSCAPE ARCHITECT.	SURVEYOR Frederick I Seher & Associates 841 Lombard Sircel San Francisco, CA 84123 161 415 927-7690
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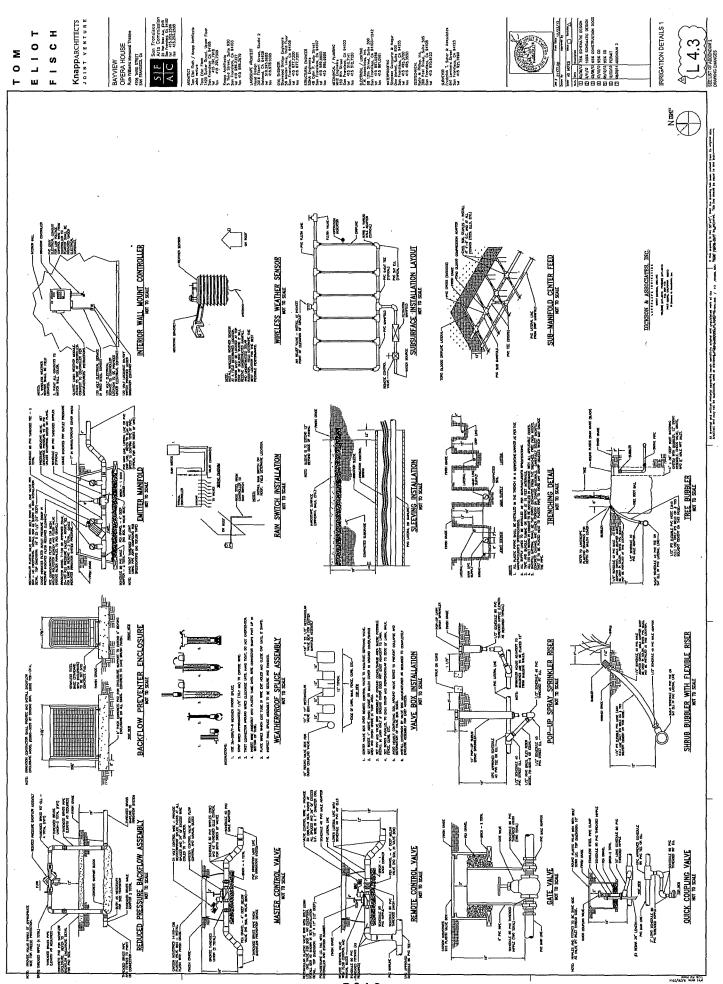
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Looker framelik and framelik framelik La postar framelik framelik La postarista framelik frameli	אורכו להוא הקרבושים הוא להאשה איש האו כובושים לה כאשון שירוא אור ארייאל. ער האוראנים הקרוק עם לא אורך היו ביורקים או עון האיראה (זא לא היו בא האור ארייאל). אורכו איז האוראנים אורכו איז לא האיבילים היו באור אור אור אור אוראני שוואר היו באוראנים אורכו אורכו אורב אורב או	ון, הרבוען באער בטרות, שאר מיל אדודמטר הנונא אנאבר לאל מחודל שאו שני. נוסא אל הכוכה של היה ומנו אנאבר אנגל הניה או היה לה של שני אנו או מינה אנו מיל או האו מינה וואו אנג או מינה או מינה שוון או מינה או מינו שנו אנגל או זי - שאומי או אנו שוון או מינה או מינה שאוריות היהוא או אני מוויז אנו שוון שהוו מינה שוון או או מינו או או	The start of the formation for the start start is because for a process that it to be process and a full component of the start start is the start sta start start	הפרה ההוד שהיה השיבו עם להיום האותות. 1. היותן הפרוד הסיבו און על היותה האות ביות היותה האות היות היותו היותו היותו היותו היותו היותו היותו היותו היו 2005 על היותו היותו היותו היותו ביותו ביותו היותו ה	וין אינג המשכה אומי או אינג או אינגע אין אינגע אין אין מסויס מעלויאע אינגע אינגע אינגע אינגע אינגע אינגע אינגע אין אינגע אינגע אינגע אינגע אינגע אין אינגע אין אינגע אין אינגע אינגע אינגע אינגע אינגע אינגע אינגע אינגע אינגע אינגע אינגע אינ	היה כוהדה באת הסובותה של 10 לאפרוונו לאה (השו הסודה, אין נוסא ואעי, 10 מושא ויא מיושא שימושה ארבואע (זא נוסו דולו אין אפרוונון אין באיינטון אינון אי ג'נן מאפרונון אינון א	ור הספור אומנה או היה אנו אנו או	Another and a start and a sta A start and a st	<ol> <li>мелом станков то клиги А. 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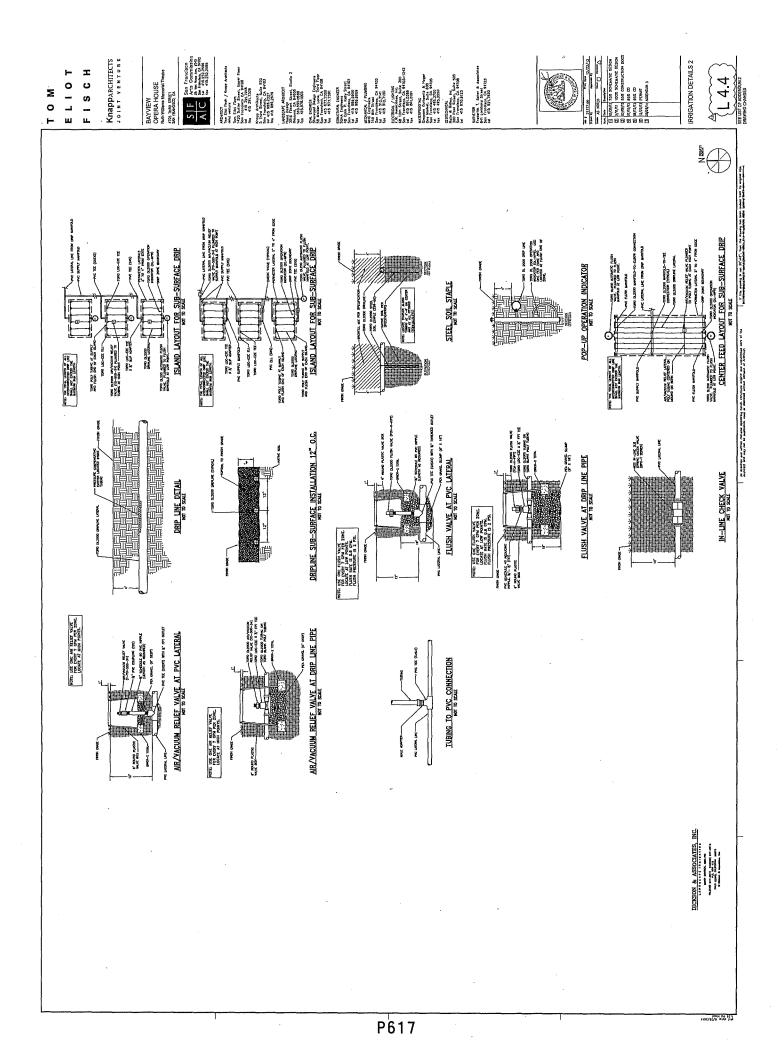
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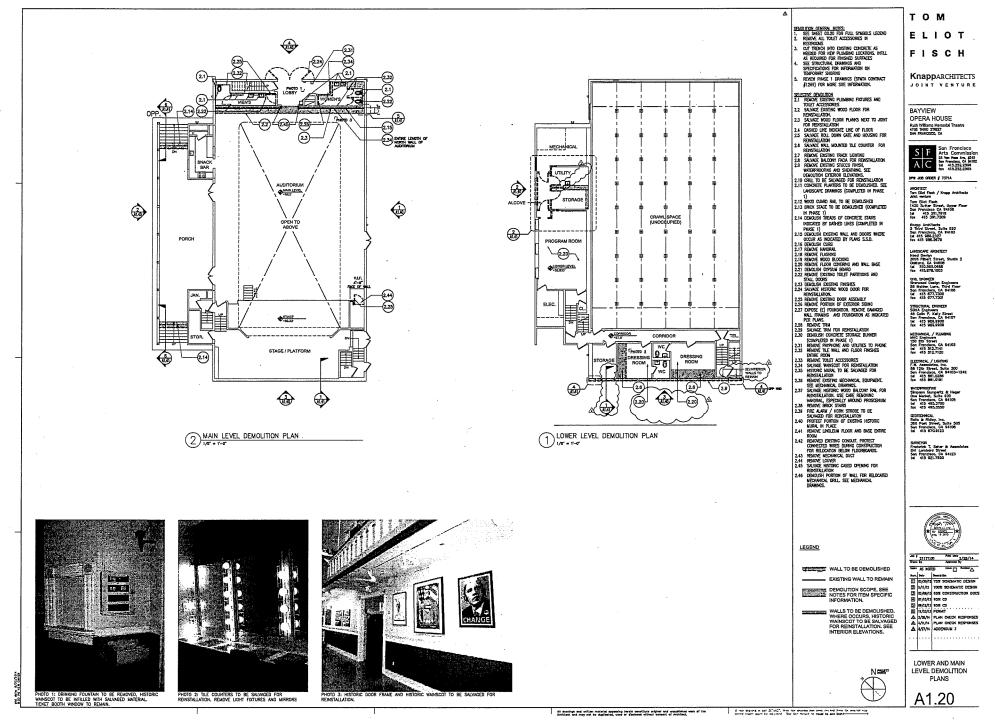
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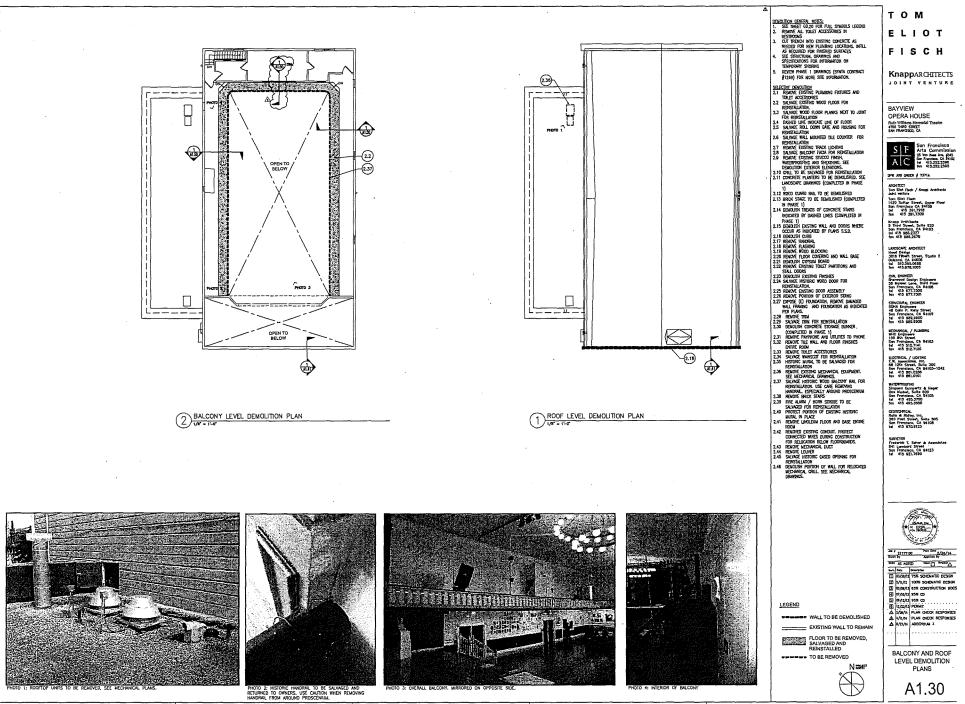


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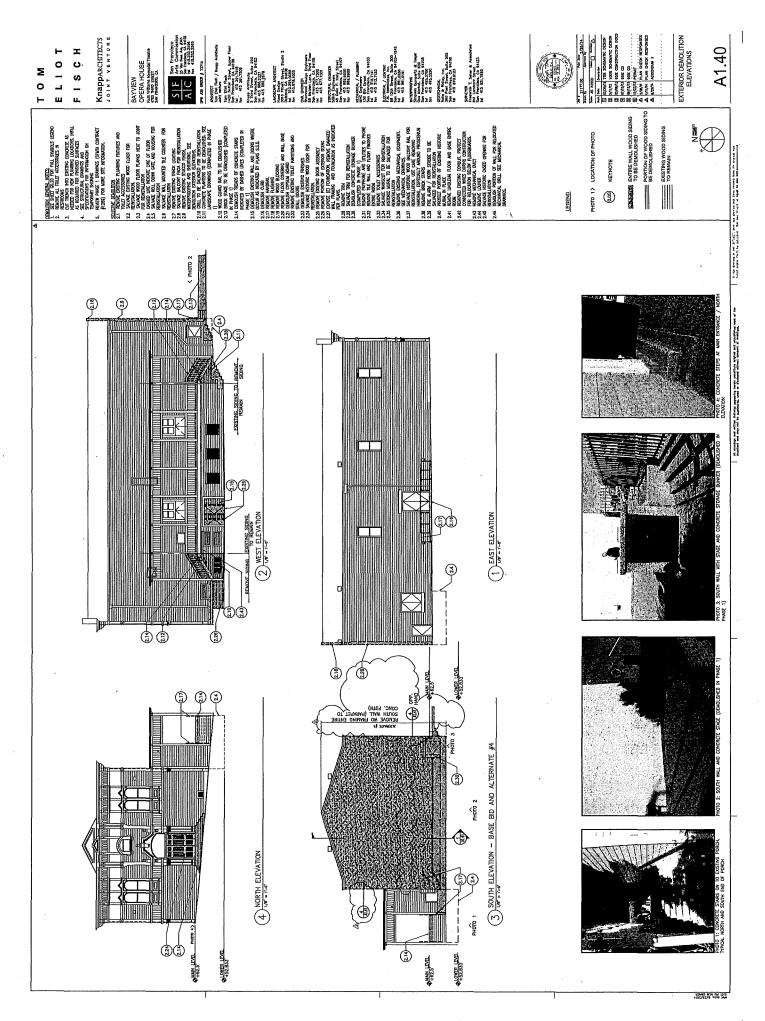
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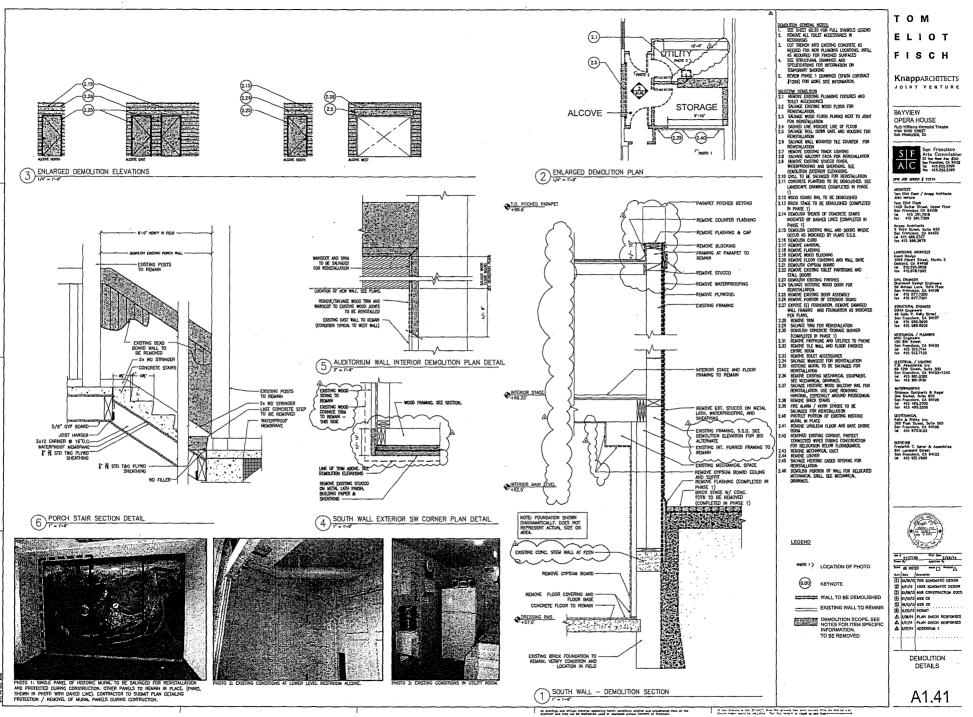
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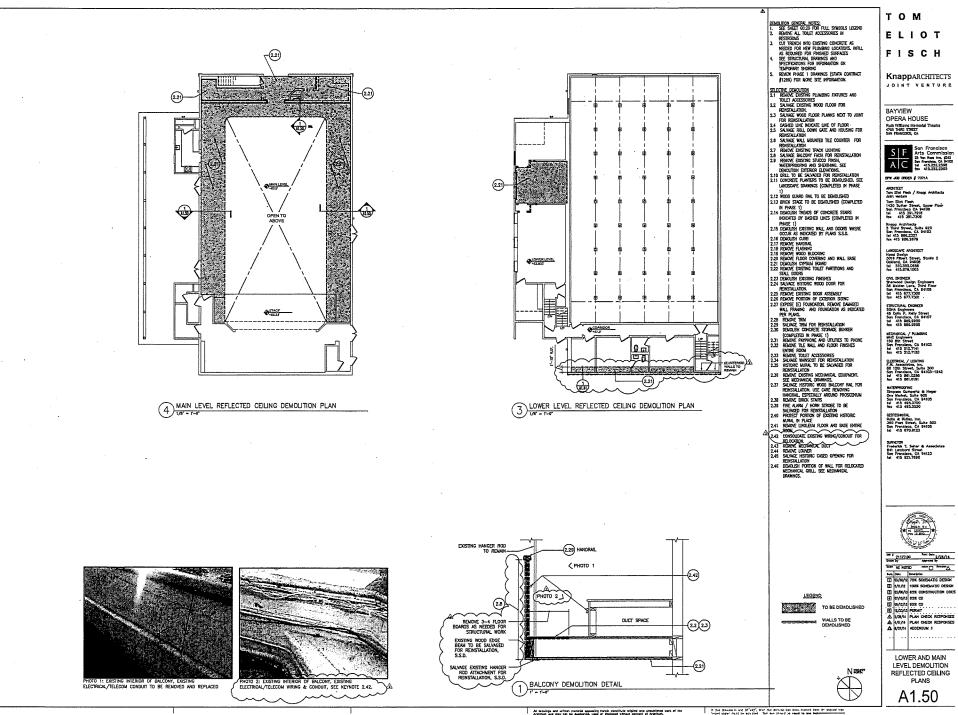
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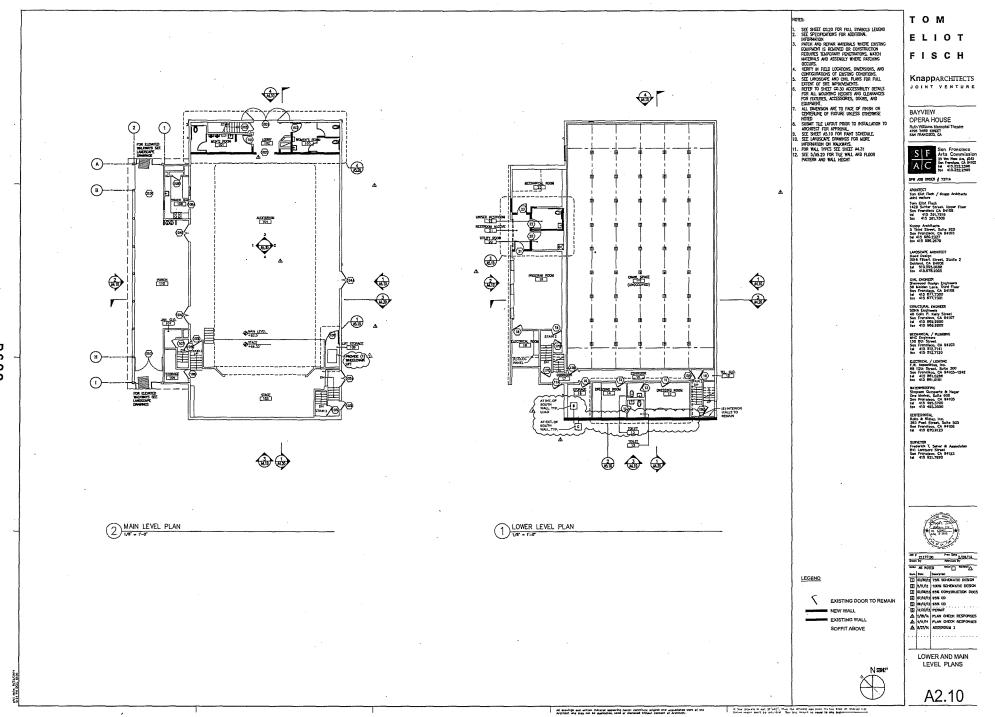
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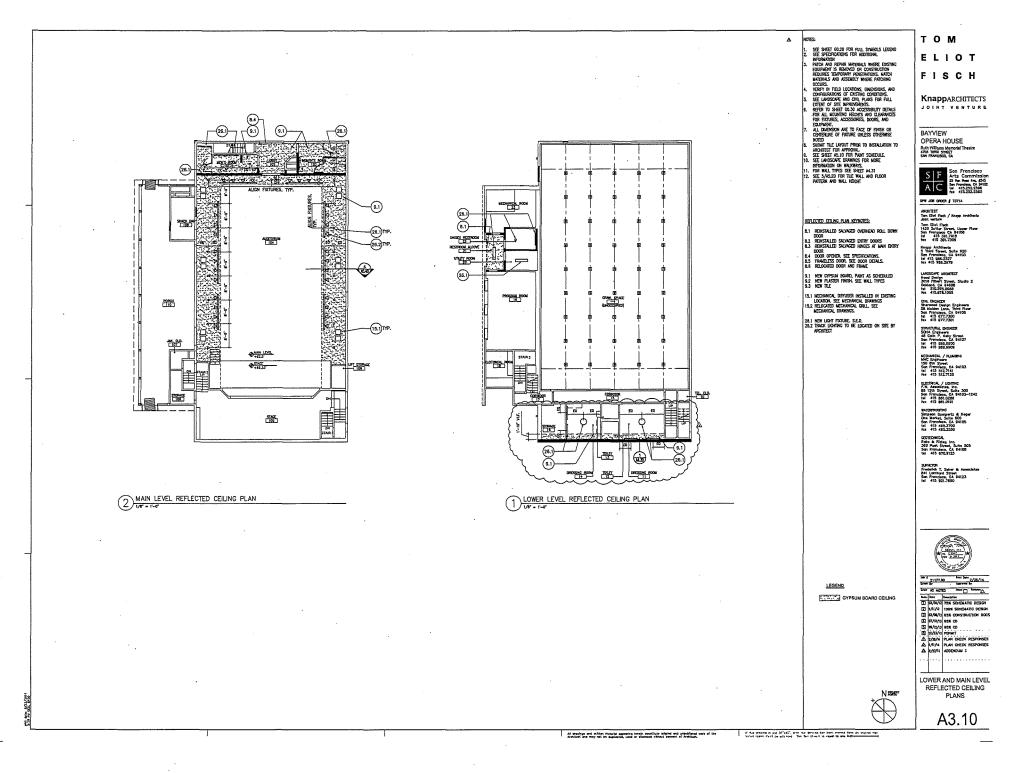


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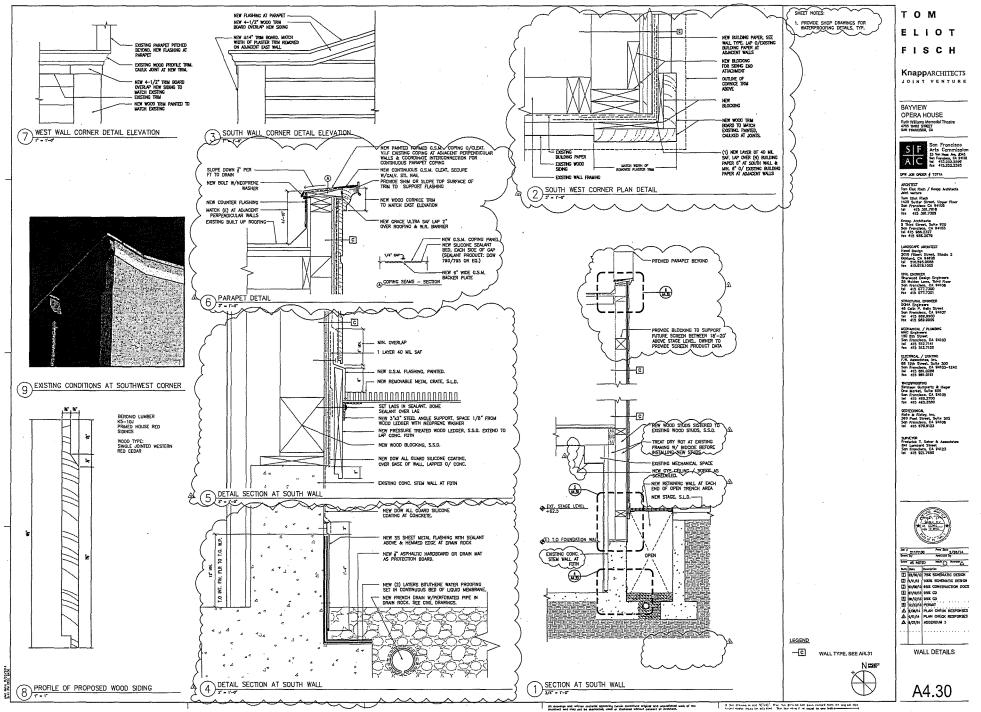


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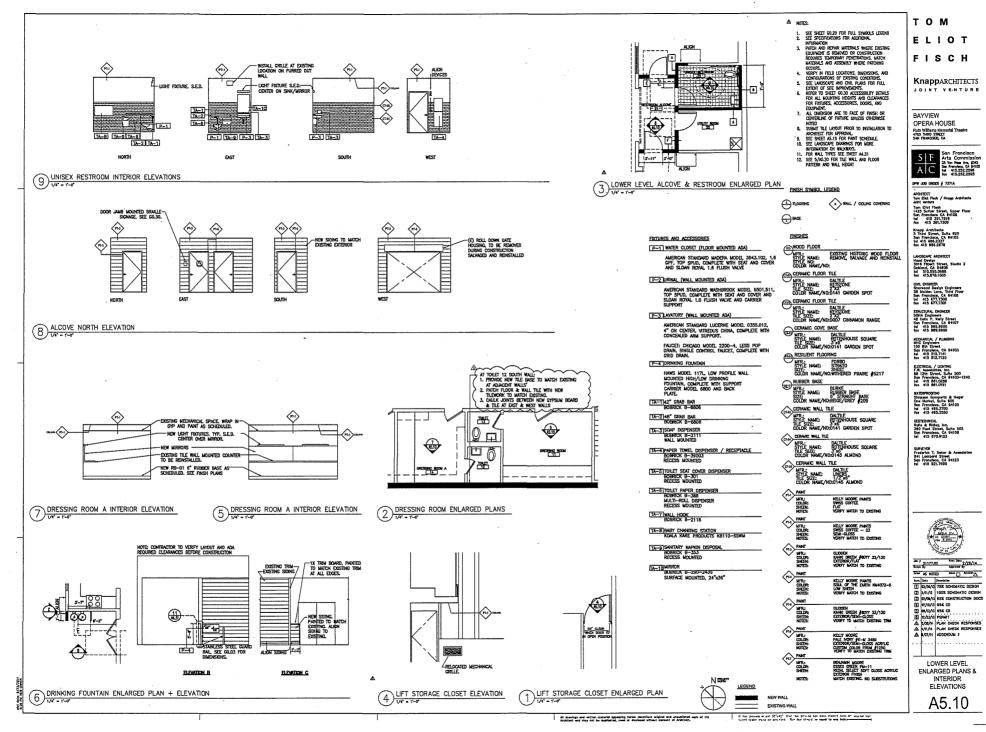
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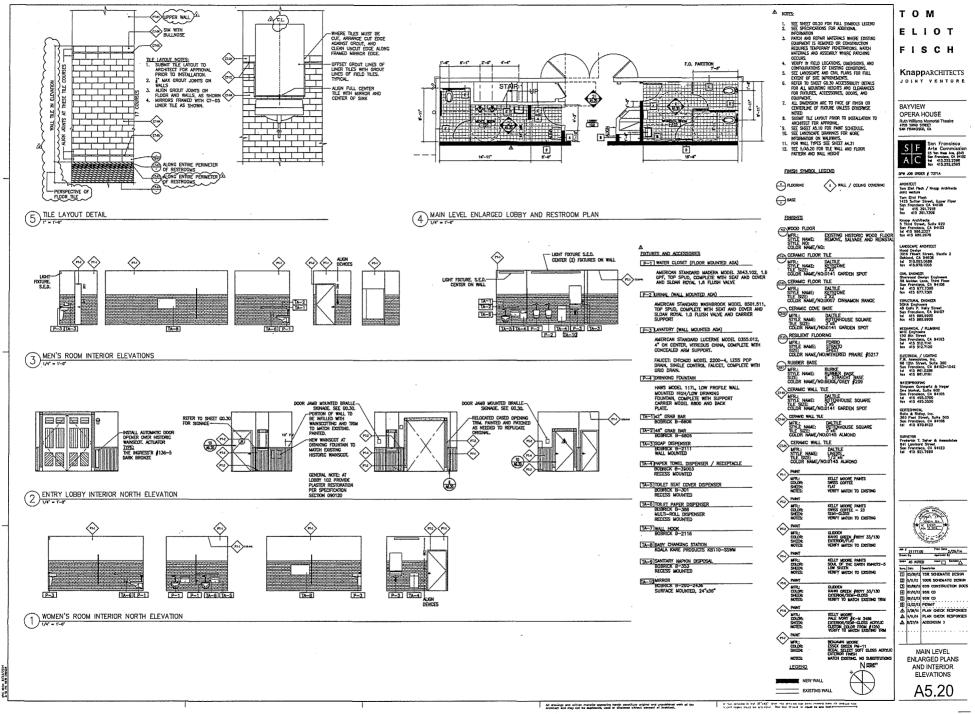


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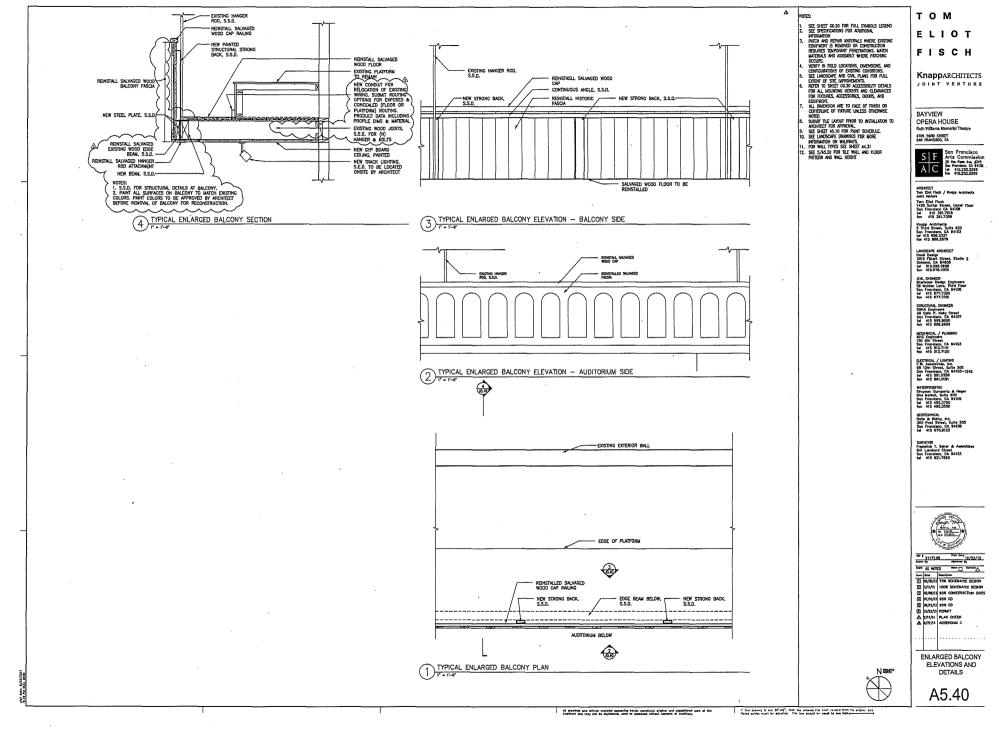


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**Knapp**ARCHITECTS JOINT VENTURE



SF ACS F ACS San Francisco Arts Commissic 23 Van Isan Arg 8042 San Francisco CA 9410 Int 412.2522.2595

ARCHIECT Tom Elict Fleck / Knopp Architectu John winturs Torn Ellot Flach 1420 Sutter Street, Upper Floor Son Francisco CA 94105 bet 415 391.7309

1994 JOB ORDER # 7371A

Knopp Architects 5 Third Street, Sulte 920 San Francieco, CA 94103 tel 415 985.2327 fex 415 985.2679

LANDSCAPE ARONTEUT Hood Dealgn 3016 Filbert Street, Stu-Dokland, CA 94608 tel 510,595.0688 fox 415.978.1005

CML ENGNEER Sharwood Dasign Engineers 55 Maiden Lors, Third Flor Son Francisco, CA 94108 tai, 415 677,7300 fox 415 677,7301 STRUCTURAL ENGINEER SCHA Engineers 40 Calin P. Kelly Street Son Francisco, CA 94107 141 413 959,9909 fox 415 959,9909

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WATENPROFING Simpson Gumpertz J Des Market, Suite 6 Son Frencisco, CA 5 tel 415 495.3700 fex 415 495.350 COTECHICAL Rato & Ridey, Inc. 360 Post Street, Suite 505 San Francisco, CA 94102 tel 413 870.9123

SURVEYOR Frederick T. Seher & Assoc 841 Lombard Street San Francisco, CA 94123 tel 415 921.7650



 
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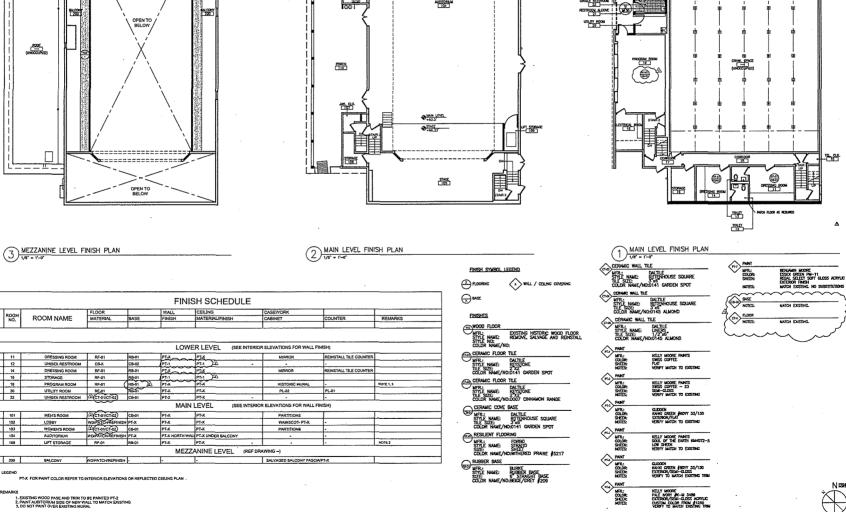
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#### City and County of San Francisco Department of Public Works TABULATION OF BIDS

ID No: CONTRACT No:	FCA14116 7371A										
TITLE:	Ruth Williams Memorial Th Bayview Opera House	eatre									
BIDS RECEIVED:	October 1, 2014					Huey Construction		·			
BIDDERS (in the order received & opened):	Wickman Development and Construction Sva	la Construction Inc**	CLW Builders, Inc.	Roebuck Construction Inc	Anvil Builders, Inc.	Management Co Inc dba M H Construction Management Co.	Average Bid	Architect's Estimate	% of Architect's Estimate vs. Low Bid Received	% of Architect's Estimate vs. Average Bids	
LBE Bid Discount Claimed:	MLBE/10%	MLBE/10%	SLBE/MBE/10%	MLBE/OBE/10%	MLBE/OBE/10%	MLBE/MBE/10%					
Total Base Bid Price	2,750,000.00	2,285,050.00	2,588,000.00	2,505,000.00	2,549,000.00	2,286,000.00	2,493,841.67	2,152,005.00	106.23%	115.88%	
Alt. No. 1 Alt. No. 2 Alt. No. 3 Alt. No. 4 Alt. No. 5 Alt. No. 6 Total Bid Brice - Alternates	75,000.00 45,000.00 25,000.00 30,000.00 15,000.00 110,000.00	123,000.00 120,000.00 14,000.00 12,000.00 20,000.00 120,000.00	86,000.00 52,000.00 34,000.00 6,400.00 12,000.00 143,000.00	70,000.00 40,000.00 40,000.00 20,000.00 2,000.00 45,000.00	80,608.00 95,000.00 3,500.00 75,000.00 50,000.00 105,000.00	111,000.00 31,000.00 37,000.00 75,000.00 17,000.00 100,000.00	90,934.67 63,833.33 25,583.33 36,400.00 19,333.33 103,833.33	63,400.00 71,200.00 24,000.00 23,200.00 42,300.00 204,000.00 2,580,105.00	175.08% 43.54% 154.17% 323.28% 40.19% 49.02% 102.98%	143.43% 89.65% 106.60% 156.90% 45.71% 50.90%	P630
Total Bid Price + Alternates	. ,	2,694,050.00	2,921,400.00	2,722,000.00	2,958,108.00	2,657,000.00	2,833,759.67	2,580,105.00	102.98%	109.83%	<u>u</u>
** Non-responsive bid. Bid Bond's Power of Attorney is limited not to exceed \$250,000 that is less than 10% of the total amount bid. = Indicates a correction of the bid price after review. "The construction budget for this project is \$2,217,005 and the priority of alternates is Alt No. 2, 6, 3, 1, 4 and 5."											

http://mission.sfgov.org/OCABidPublication/BidDetail.aspx?K=8400

Oscar Gee Mark Dorian Jan-Kevin Lacsina	Mohammed Nuru Maurice Williams All Bidders	Edgar Lopez Albert J. Ko	Fuad Sweiss Selormey Dzikunu	Julia Laue Tony Ng	
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For complete subcontractor listings, check:

SC:sl

cc:

October 1, 2014

ID No. Contract No. Project Title: FCA14116 7371A Ruth Williams Memorial Theatre Bayview Opera House

Date of Bid:

10/1/2014

BID ITEMS	Estimated Quantity	BID	Wickman Development and Construction	BID	Svala Construction Inc	BID	CLW Builders Inc
1	LS	163,780.00	1,637,800.00	688,050.00	688,050.00	1,719,110.00	1,719,110.00
2	LS	1,000,000.00	1,000,000.00	1,332,400.00	1,552,400.00	828,300.00	828,300.00
3	LS	107,200.00	107,200.00	39,600.00	39,600.00	35,590.00	35,590.00
4	AL	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
TOTAL BID PRICE:			2,750,000.00		2,285,050.00		2,588,000.00
Alt. No. 1	LS	75,000.00	75,000.00	123,000.00	123,000.00	86,000.00	86,000.00
Alt. No. 2	LS	45,000.00	45,000.00	120,000.00	120,000.00	52,000.00	52,000.00
Alt. No. 3	LS	25,000.00	25,000.00	14,000.00	14,000.00	34,000.00	34,000.00
Alt. No. 4	LS	30,000.00	30,000.00	12,000.00	12,000.00	6,400.00	6,400.00
Alt. No. 5	LS	15,000.00	15,000.00	20,000.00	20,000.00	12,000.00	12,000.00
Alt. No. 6	LS	110,000.00	110,000.00	120,000.00	120,000.00	143,000.00	143,000.00
Total Bid Price + Alternates			3,050,000.00		2,694,050.00		2,921,400.00

BID ITEMS	Estimated Quantity	BID	Roebuck Construction Inc	BID	Anvil Builders Inc	BID	Huey Construction Management Co Inc dba M H Construction Management Co
1	LS	1,250,000.00	1,250,000.00	1,644,000.00	1,644,000.00	1,095,000.00	1,095,000.00
2	LS	1,195,000.00	1,195,000.00	820,000.00	820,000.00	1,115,000.00	1,115,000.00
3.	LS	55,000.00	55,000.00	80,000.00	80,000.00	71,000.00	71,000.00
4	AL	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
TOTAL BID	PRICE:		2,505,000.00		2,549,000.00		2,286,000.00
Alt. No. 1	LS	70,000.00	70,000.00	80,000.00	80,608.00	111,000.00	111,000.00
Alt. No. 2	LS	40,000.00	40,000.00	95, <u>000.00</u>	95,000.00	31,000.00	31,000.00
Alt. No. 3	LS	40,000.00	40,000.00	3,500.00	3,500.00	37,000.00	37,000.00
Alt. No. 4	LS	20,000.00	20,000.00	75,000.00	75,000.00	75,000.00	75,000.00
Alt. No. 5	LS	20,000.00	2,000.00	50,000.00	50,000.00	17,000.00	17,000.00
Alt. No. 6	LS	45,000.00	45,000.00	105,000.00	105,000.00	100,000.00	100,000.00
Total Bid Price + Alternates			2,722,000.00		2,958,108.00		2,657,000.00

= Indicates a correction of the bid price after review.

### Young, Victor

From: Sent: To: Cc: Subject: Attachments: Patterson, Kate (ART) Thursday, August 31, 2017 5:01 PM kevin williams Mumby, Barbara (ART); SOTF, (BOS); Barbara Ockel FW: Part 4 FW: Memorial to Ruth Williams and Mary Booker Sunshine Ordinance Request for Public Records.docx.pdf; FCP14116-7371ATabulation of Bids October 1, 2014.pdf; 7371A-Addendum-4.pdf; 7371A-Addendum-5.pdf; 7371A-Legal Notice.pdf; 7371A-QBD-FORM question Alex Svidler Question.pdf; 7371A-QBD-Form question Wickman Development and Construction pdf, Anvil Builders Inc.pdf; CLW Builders Inc.pdf; CLW-Subcontractors listing submitted within 24Hrs..pdf; DPW Order#182808 Advertisement.pdf; Ecobay Form 6.pdf; Ecobay Qoute.pdf; FCA14116 7371A- Award Letter.pdf; FCA14116-7371A CMD Recommendation for Award Form.pdf; FCA14116 7371A-DPW Contract Administration Bid Review Notes.pdf; FCA14116 7371A- DPW Order 183136 -Award of Formal Construction Contract.pdf: FCA14116 7371A- Ruth Williams Memorial Theatre Bayview Opera House.pdf; FCE14028 2143J(R)-NTP Distribution.pdf; FCE14116-7371A- Worksheet to Determine Preliminary Apparent Low Bidder pdf; FCP14116-7371A- Bidder's Reminder.pdf

Kate Patterson-Murphy Director of Communications

San Francisco Arts Commission 401 Van Ness Avenue, Suite 325 San Francisco, CA 94102 T: 415-252-2229 sfartscommission.org

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**NOTICE:** Please be mindful that all correspondence and documents submitted to the San Francisco Arts Commission are public records and as such, are subject to the <u>Sunshine Ordinance</u> and can be requested by the public. If this happens, all sensitive personal information, such as Social Security numbers and phone numbers, will be redacted.

From: Taylor, Rommel (DPW) Sent: Thursday, August 31, 2017 4:51 PM To: Steinberg, David (DPW) <david.steinberg@sfdpw.org> Cc: Patterson, Kate (ART) <kate.patterson@sfgov.org> Subject: Part 4 FW: Memorial to Ruth Williams and Mary Booker

**Rommel Taylor** 

Building Design and Construction | San Francisco Public Works | City and County of San Francisco 30 Van Ness Suite 4100 | San Francisco, CA 94612 | (415) 557-4615 | <u>rommel.taylor@sfdpw.org</u> <u>sfpublicworks.org</u>

#### Young, Victor

From:	
Sent:	
To:	
Cc:	
Subject:	
Attachments:	

Patterson, Kate (ART) Thursday, August 31, 2017 5:01 PM kevin williams Mumby, Barbara (ART); Barbara Ockel; SOTF, (BOS) FW: Memorial to Ruth Williams and Mary Booker GY Form 6 & Quote pdf: M H Construction Co.pdf: M H

GY Form 6 & Quote.pdf; M H Construction Co.pdf; M H Construction Co\_SubContractor List.pdf; Pilot Form 6 & Quote.pdf; Pre-bid Agenda.pdf; Prebid Conference Sign In Sheet.pdf; Ranis Form 6 & Quote.pdf; RE: APOLLO THEATRE photos and work scope for bid for 7371A (Ruth Williams Memorial Bay View Opera House) by SFDPW; Re- APOLLO THEATRE photos and work scope.pdf; Response to DPW letter.pdf; Roebuck Construction Inc.pdf; SCI Form 3.pdf; Svala Construction Inc.pdf; Svala Construction-Subcontractors listing submitted within 24Hrs..pdf; Wickman Development and Construction.pdf

Kate Patterson-Murphy Director of Communications

San Francisco Arts Commission 401 Van Ness Avenue, Suite 325 San Francisco, CA 94102 T: 415-252-2229 sfartscommission.org

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From: Taylor, Rommel (DPW) Sent: Thursday, August 31, 2017 4:52 PM To: Steinberg, David (DPW) <david.steinberg@sfdpw.org> Cc: Patterson, Kate (ART) <kate.patterson@sfgov.org> Subject: FW: Memorial to Ruth Williams and Mary Booker

Rommel Taylor

Building Design and Construction | San Francisco Public Works | City and County of San Francisco 30 Van Ness Suite 4100 | San Francisco, CA 94612 | (415) 557-4615 | rommel.taylor@sfdpw.org sfpublicworks.org

## Young, Victor

From: Sent: To:	SOTF, (BOS) Friday, February 23, 2018 1:50 PM 'Patrick Roddie'; Acosta, Linda (DPH); Vien, Veronica (DPH); Chawla, Colleen (DPH); 'savethesandsf@gmail.com'; Pawlowsky, Eric (REC); 'mpetrelis@aol.com'; Lim, Victor (MYR); Breed, London (BOS); Patterson, Kate (ART); 'kevin williams'
Cc:	Calvillo, Angela (BOŚ)
Subject:	SOTF - Notice of Hearing - Sunshine Ordinance Task Force: March 7, 2018, 4:00 p.m.

### Good Afternoon:

You are receiving this notice because you are named as a Complainant or Respondent in one of the following complaints scheduled before the Sunshine Ordinance Task Force to: 1) hear the merits of the complaint; 2) issue a determination; and/or 3) consider referrals from a Task Force Committee.

Date:	March 7, 2018
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Location: City Hall, Room 408

Time: 4:00 p.m.

Complainants: Your attendance is required for this meeting/hearing.

Respondents/Departments: Pursuant to Section 67.21 (e) of the Ordinance, the custodian of records or a representative of your department, who can speak to the matter, is required at the meeting/hearing.

Complaints:

**File No. 17129**: Complaint filed by Patrick Roddie against the Department of Public Health for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.21, by failing to respond to a public records request in a timely and/or complete manner.

**File No. 17132**: Complaint filed by Anonymous against Eric Pawlowsky and the Recreation and Parks Department for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to allow to respond to an Immediate Disclosure Request in a timely and/or complete manner.

**File No. 18007:** Complaint filed by Michael Petrelis against Former Acting Mayor London Breed and the Office of the Mayor for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25 by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

# SPECIAL ORDER

#### The hearings on File Nos. 17096 will not begin earlier than 5:30 p.m.

**File No. 17096:** Complaint filed by Kevin Williams against Kate Patterson and the Arts Commission for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

## **Documentation (evidence supporting/disputing complaint)**

For a document to be considered, it must be received at least five (5) working days before the hearing (see attached Public Complaint Procedure).

For inclusion in the agenda packet, supplemental/supporting documents must be received by 5:00 pm, February 28, 2018.

Victor Young Assistant Clerk Board of Supervisors 1 Dr. Carlton B. Goodlett Place, City Hall., Room 244 San Francisco CA 94102 phone 415-554-7724 | fax 415-554-5163 victor.young@sfgov.org | www.sfbos.org

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