

INSIDE



**Beach Chalet**  
*Artificial Turf is for the Birds—or is it?*  
—2

**Quentin Kopp**  
*Looking to the June Ballot*  
—3



Photo: Luke Thomas



**Mt. Davidson**  
*Natural Areas vs the Trees—again.*  
—3

**Steve Lawrence**  
*Wonders About Bureaucrats*—4





**Will Durst**  
*Santorum Defined*  
—4

**Laguna Honda**  
*More Trouble—Patick Monette-Shaw*  
—7



Sunshine Attack . . . . .	4
Tony Hall . . . . .	5
Ranked Choice Voting . . . . .	7
Lake Merced/SFPUC . . . . .	6
WOTP Central Council . . . . .	6
Arboretum Rebuild . . . . .	7
Joe O'Donoghue . . . . .	7
Money Matters . . . . .	8
Brian Browne . . . . .	8
Kay Tsenin/Travel . . . . .	9
Around the Town . . . . .	11
Calendar . . . . .	12
Film Noir City . . . . .	12
At the Movies . . . . .	13
On Stage/Theater . . . . .	13
Book Review/Annette Lust . . .	13
Sharon the Health . . . . .	15
Remember When . . . . .	16
Open Late . . . . .	16
Sudoku/Brain Füd . . . . .	16
Jack Kaye . . . . .	17
Kocivar on Education . . . . .	17
Best of the Net . . . . .	18
Gardening . . . . .	19

# Failed America's Cup Deal Sinks the Taxpayers

By George Wooding

San Francisco's real estate deal with the America's Cup has collapsed, but the actual race is still planned to be held locally. City administrators were stunned when the America's Cup event authority abandoned plans to overhaul piers 30-32 on February 27 due to financial questions and a lack of time to complete the project. With only nine months before the start of preliminary races, it was estimated that pier repairs would take over a year to complete.

On February 28, the Board of Supervisors, probably minus the votes of John Avalos and David Campos, were certain to finalize a deal struck between former Mayor Gavin Newsom and Larry Ellison, the head of the America's Cup Event Authority.

**Residents throughout San Francisco should celebrate the collapse of this deal as it would have led to an economic disaster that would have plagued the City's revenue and tax base for the next 66 to 75 years.**

The collapsed deal [give-away] struck between billionaire Larry Ellison — he owns the venue rights to the 34<sup>th</sup> America's Cup — and San Francisco's local politicians clearly demonstrates why San Francisco has a projected budget deficit of \$229 million for 2012 and \$364 million for 2013, and why Ellison is California's richest citizen. While San Francisco politicians' legislative skills are always questionable, the City's negotiating skills have proven to be abysmal. The Indians who sold Manhattan for \$24 in beads negotiated a much better deal than San Francisco.

It is important to understand that the America's Cup agreement that collapsed was really a long-term real estate deal that merely featured a flash-in-the-pan private boat race in 2013.

San Francisco was about to give Ellison the development rights for several ports and land for free, to help offset the costs of preparing for his yacht

race. These are some of the most beautiful, valuable land and port locations in San Francisco. Piers 26, 28, 29, 30-32, and Seawall Lot 330 were going to be given away as "infrastructure reimbursements" with almost no property taxes being paid on any of these Port properties for 66 to 75 years.

Pier 29 was taken off of the table at the February 22 Budget and Finance Committee meeting because Supervisor

David Chiu is running for re-election and the planned loss of Pier 29 angered his constituents intensely.

With no agreement between the America's Cup Authority and San Francisco, the City will now have to renegotiate a scaled-down agreement that will reimburse Ellison for only \$10 -15 million in expected port repairs.

According to Budget Analyst Harvey Rose's February 15 America's Cup analysis, "Ellison would have had to be reimbursed for at least \$111,306,520 in pre-match infrastructure work and additional work performed prior to the boat race." Foolishly, San Francisco had not negotiated a cap on the amount of money that the City would have to reimburse Ellison for repairs and additional work. A year ago, the \$111,306,520 costs were estimated to be just \$55 million, but repair costs had more than doubled.

**"I just don't see how we can commit the Port to financial instability by committing to these obligations. Frankly, the cruise terminal isn't worth the risk . . . I can't be the one who does this to the Port."— Monique Moyer, Executive Director San Francisco Port Authority**



Billionaire Larry Ellison appointed former San Francisco mayor Gavin Newsom as the America Cup's "Ambassador at Large." Newsom appointed Monique Moyer as the San Francisco Port Authority's executive director in 2004. Moyer now has serious concerns about the "Good Ship Lollipop" deal Newsom struck with Ellison.

How could the structural cost estimates have increased by over 102% in a year? The entire amount of Ellison's America's Cup repairs was fully reimbursable by the City through the Port's granting of free long-term leases and development rights. The more it cost to prepare the Port for the race, the more San Francisco would owe Ellison. As infrastructure costs increased, Ellison would continue to gain more Port land and concessions from the City.

In an earlier November 2010 analysis of the America's Cup costs, Rose showed that by granting reimbursable development rights to Ellison, San Francisco would receive only \$3.6 million in property tax revenues over the next 66 to 75 years from Port locations. If San Francisco had obtained a private developer through a competitive process, the City could have received estimated increased property tax and lease revenues of \$89.8 million on the same property over the same 66 to 75 years. Rose's first analysis showed that the America's Cup deal would have cost San Francisco at least an additional \$86.2 million in lost revenue.

As far back as December 8, 2010, the *SF Weekly* reported that Supervisor David Campos "was worried about the possibility of the city being dragged into litigation overseas or being bound to

Cont. p. 14

## Westside Observer's Reporter Gets Madison Award for Laguna Honda Series

By Doug Comstock

The Northern California Chapter of the Society of Professional Journalists (SPJ) will honor Patrick Monette-Shaw, long-time contributor to the *Westside Observer*, with its annual Freedom of Information Advocacy honor—the James Madison Award. The SPJ has conferred its FOI awards for the past 27 years to individuals and organizations who make significant contributions defending public access to meetings, public records, and the public's right to know.

Patrick Monette-Shaw has been reporting on the twists and turns of the money trail and the many scandals surrounding Laguna Honda Hospital for over two years, a subject that has been ignored, in large part, by the major news sources.

"Being honored along with the other 11 James Madison Award category winners is humbling, given the stature of the editors, lawyers, and other journalists also receiving awards this year," Monette-Shaw said, "I'm thrilled to receive this award in the same year as two of my mentors, lawyer Allen Grossman, a prominent Sunshine expert, and Larry Bush, editor of CitiReport.com, who focuses on ethics in City government."

Monette-Shaw began looking into the mismanagement of LHH's patient gift fund in May 2010 after KGO-TV aired Dan Noyes' I-Team investigation of the gift fund and termination of two LHH doctors who had first exposed it in a formal Whistleblower Program complaint over probable misappropriation of patient funds. "My continuing coverage of the gift fund scandal in the *Observer* helped to force an audit of the fund — which City Hall wanted to sweep under the rug — that eventually resulted in restitution of \$350,000 misappropriated from patient use," he said.

"It is a great honor to have Patrick's work recognized with the Madison Award," said Mitch Bull, publisher of the *Westside Observer* and *Castro Courier* newspapers. "In this day and age of 'sound bite' journalism San Franciscans are truly fortunate to have publishers and writers with truly-local neighborhood papers that are willing to investigate stories that otherwise wouldn't be touched by the dailies. That's our mission at the *Westside Observer* and I couldn't be more proud of Patrick and our entire team that brings important news stories to our readers each month."

"I'm grateful that the *Observer* has included me among their contributing



columnists for the past three years, providing me an outlet for my articles," Monette-Shaw said, "its an honor in its own right."

"Our monthly publications focus on what's important on a hyper-local level," Publisher Bull said. "Schools, zoning, crime, health-care and the local economy are all issues that affect each of us and are ones that we care about. In addition we aim to provide neighborhood specific information that might not interest the larger publications."



# Birds of the Beach Chalet Need Your Help

By Ilana DeBare, Golden Gate Audobon Society

Some of the Westside residents who would be most affected by the city’s Beach Chalet soccer field project haven’t shown up at any public hearings on the issue.

They’re too busy nesting, foraging, and migrating.

Over 70 species of birds have been identified in the western areas of Golden Gate Park, where city officials are planning to replace nine acres of natural grass soccer fields with artificial turf and powerful night lighting.

The proposed bright lights and artificial turf — made from plastic and recycled car tires—could threaten birds’ breeding and survival in a variety of ways:

Their food supply will dwindle. Robins live off worms in the soil, dark-eyed juncos eat grass seeds, and swallows hunt low-flying insects that are drawn to tiny flowering plants such as clover. None of these food sources exist in an artificial turf field.

Woodpeckers and other birds that nest in tree cavities will find fewer breeding spots, since the Beach Chalet project calls for the removal of fifty five trees and bushes.

Warblers, hawks and other migrating birds may be drawn inland and disoriented by the bright sixty-foot-tall lights as they travel down the coast. “On foggy September or October nights, migrating birds will fly into this maze of light towers, get disoriented, and smash into poles,” said Dan Murphy, a volunteer with Golden Gate Audubon Society.

The bright nighttime lighting may help predators like raccoons and skunks that eat bird eggs, making it harder for birds to reproduce successfully.

The Beach Chalet project represents another step in the gradual loss of wildlife habitat in San Francisco. Just

who are the birds who rely on the Beach Chalet area for food, shelter and breeding? Some that you’re likely to see there include:

**Red-tailed and Red-shouldered Hawks.** These majestic hunters nest in trees in Golden Gate Park and live off of gophers, mice, rats and other small mammals or birds that frequent the Beach Chalet fields.

**Pygmy Nuthatches and Downy Woodpeckers.** They nest in cavities of trees or stumps. Right now we’re entering their breeding season, which typically runs from mid-February through July.

**Black Phoebe**s. They live in Golden Gate Park year round and pick off small insects as they fly over open fields.

**Dark-eyed Juncos and White-crowned Sparrows.** They forage for grass seeds in the Beach Chalet fields and nest in nearby shrubs and trees.

**Warblers.** Yellow-rumped warblers and other kinds of warblers pass through the western edge of San Francisco as they migrate along the coast toward Mexico or Central America. “They come in off the ocean, see a big green patch, and decide to land,” Murphy said. “Most stay for a few days and then continue on. You could get any kind of warbler that’s recorded on the West Coast.”

**Barn swallows.** They nest in Golden Gate Park during the summer and spend the winters in South America. They should be returning to San Francisco sometime in the next few weeks. Like phoebes, they hunt for insects over open grassy meadows – of which very few remain in San Francisco.

**Anna’s hummingbirds.** Our most common local hummingbird, these four-inch birds eat flower nectar and small insects in flight. During breeding season, which is underway, the red-headed males do a courtship dive where they fly as high as 130 feet and then plummet at speeds of up to 51 miles per hour.

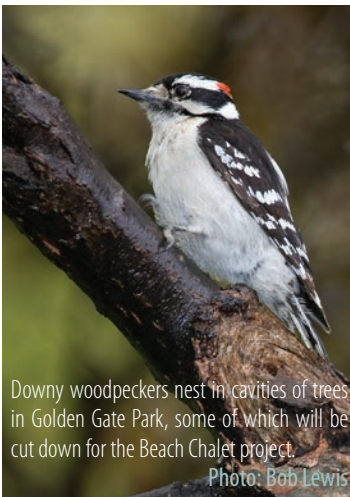
**Robins.** Some live here year-round, while others just come for the winter. You may spot them hunting for worms in the Beach Chalet grass, along with Brewer’s Blackbirds, Red-winged Blackbirds and California towhees which are also foraging for insects or seeds.

**Olive-sided flycatcher.** This bird may be harder to spot. It used to nest all over Golden Gate Park, but its numbers have dropped and it is becoming scarce locally.

**Black-bellied plovers** and other shorebirds. You won’t see these at Beach Chalet every day, but when Ocean Beach is flooded by storms, they have been known to take refuge on the wet grassy soccer fields.

The city’s Draft Environmental Impact Report for the Beach Chalet project did not adequately address the threat to birds such as these. The DEIR listed only seven bird species at the soccer field site. But San Francisco

Cont. p. 6



Downy woodpeckers nest in cavities of trees in Golden Gate Park, some of which will be cut down for the Beach Chalet project.

Photo: Bob Lewis



Red-shouldered Hawks hunt for prey in open fields like Beach Chalet.

Photo: Eddie Bartley

**R**  
**Recology**  
WASTE ZERO

WE ARE  
WHAT WE SAVE





Trouble on the Mountain

Fight Brews Over Future of Mt. Davidson’s Forest

Mt. Davidson is the subject of a heated debate once again due to potentially large proposed changes to the forest that could affect the recreation of park visitors. While it has yet to gain attention from a larger population, close observers of Mt. Davidson are warning that the park as we know it will be changed for the worse when at least 1,600 trees are cut down and more than half a mile of trails are closed as a long term plan goes into effect.

Many people know Mt. Davidson and the roughly forty acre park for its historic cross, annual Easter Sunrise service, hiking trails, sweeping views, active wildlife, location as an urban refuge, or for many other recreation-related reasons. Fewer people are aware that the park is considered to be one of San Francisco’s “Natural Areas,” therefore under the ambit of San Francisco’s Natural Areas Program. The Natural Areas Program has designed a plan to manage the natural areas of San Francisco in accordance with their objectives.

For those watching at home, that means the maintenance and alterations of Mt. Davidson (as well as Twin Peaks, Mt. Sutro, Golden Gate Heights, and other natural areas of SF) will be geared towards appeasing objectives that focus on:

- Loss of special status or unusual native species or habitats;
- Loss of diversity and components of a healthy ecosystem;
- Effect of nonnative invasive species on the local native flora and fauna;
- Erosion of Natural Areas from inappropriately located or constructed trails and access roads;
- Effect of human uses (recreation, poor trail location or too many trails, and a general increase in use) that conflict with conservation values; and
- Effects of feral animals and domestic pets on native flora and fauna.

With this focus, specific changes to Mt. Davidson include 1,600 trees to be cut

The trees will be felled with the intention of fostering native plants, not allowing any better views of the cross or from the mountain. Presumably nothing will be changed at the sliver of land at the top (as it is not owned by the city). The only change would be potentially reduced access to the cross due to reduced trails and wind impediments.

In addition to active landscaping, recreation may also be affected by other side effects. As most visitors are aware, conditions can be windy at the top of San Francisco’s highest point. While the tree-less side of the Eastern side can be very blustery, often visitors will retreat towards the forested portion for protection from the wind. Any reduction of trees would be a natural cause for an increase in windy conditions on the mountain. This can affect both hapless hikers and unprotected trees. Windthrow is the condition that occurred when previously wind-toughened trees are removed from a stand, leaving unprotected trees vulnerable to high and hazardous wind. The report examining the potential changes discounted the potential for increased wind on Mt. Davidson, despite a vast majority of trees being felled in a 3.8 acre section on the Western side, where the highest winds usually occur.

The finding of less than significant wind impact has raised concerns from neighbors, who say that the City’s reasoning is faulty. The reasoning behind a prediction of little wind changes includes an assertion that because the trees will be cut

“Many environmental groups support the changes to Mt. Davidson and other areas as necessary to preserve San Francisco’s natural historic areas. They promote urban ecological restoration as necessary to restore an ecological balance in the city. Trees such as the Eucalyptus and Monterey Cypress are non-native, and considered invasive by these groups. Not all neighbors of Mt. Davidson agree.”

down in concentrated areas that may be replaced in other areas of the city rather than Mt. Davidson. However, the unaccounted for tree losses make the total number of felled trees likely to be much greater than 1,600. Trees that might be cut down not included in the 1,600 count are any trees that are under 15 feet tall (which are not considered mature trees), trees that might be damaged when their wind barriers are altered, or trees that are within 50-100 feet of trails and might be cut down due to trail management. Sections of the forest are going to be remade as prairies, with some scattered large trees remaining.

As well as changing the natural landscape, recreation will also be altered. Changes include closing 2,867 feet of trails out of 15,456, while creating zero feet of new trails. It is unknown how these trail closures will affect some of the historic steps leading to Mt. Davidson. Some of those steps are in areas deemed to require high priority attention, and those areas are to be significantly altered to foster native plant growth. A viewing bench has already been removed from its prime viewing location near the cross.

The current appearance of Mt. Davidson is a byproduct of the century old border between Adolph Sutro and Leland Stanford. In promoting Arbor Days, Sutro had many Eucalyptus, Pine, and Cypress trees planted, in the process creating a non-native forest as well as an urban oasis. Stanford’s side remained unchanged, leaving a large piece of pre-European San Francisco native plants in place. By the time the city had purchased all of the land for the park in 1950, the two sides were clearly delineated, and the dualistic character of the park remains to this day.

Of course, no discussion of Mt. Davidson would be complete without considering the effect on the cross. No plans have been made to make the cross more visible.

down near the center of the park over a several year period, and trees that are cut would be small and medium, the wind increase will be less than significant. Critics note that because Mt. Davidson is 938 feet tall, and sharply sloping in many areas, holes in the windbreak will be exploited easily by the wind. They also note that the felled trees examined by the report only include planned cut trees, and the cumulative effect of a loss of that many trees and the western locations could make for high wind conditions throughout the park.

Many environmental groups support the changes to Mt. Davidson and other areas as necessary to preserve San Francisco’s natural historic areas. They promote urban ecological restoration as necessary to restore an ecological balance in the city. Trees such as the Eucalyptus and Monterey Cypress are non-native, and considered invasive by these groups. Not all neighbors of Mt. Davidson agree.

Jacquie Proctor, a neighbor of Mt. Davidson, co-founder of the Mt. Davidson Conservancy, noted historian and publisher of a book on the Mt. Davidson area, is considered one of the most knowledgeable people regarding Mt. Davidson and is troubled by the potential changes. “The high number of Monterey Cypress in the forest was greatly underestimated in the Natural Areas Plan. The clearing of these trees has fostered the growth of poison oak. New native plant seedlings require the ongoing application of toxic herbicides to maintain,” she said.

Avrum Shepard, a neighbor of Mt. Davidson, believes biodiversity is important, and that the current environment provides more biodiversity than native plants historically provided on Mt. Davidson. “Professor Arthur Shapiro’s research shows that attempting to restore the mountain to what it was in 1776, would provide less biodiversity and actually damage the

RUMINATIONS FROM A FORMER SUPERVISOR By Quentin Kopp

Vexing, Shamefaced Votes

It’s vexing to watch local politicians lead San Franciscans into mistaken votes. Examples abound, but two from last November’s ballot must suffice for now. While even City Hall predicts a \$229,000,000 budget deficit for the 2012-2013 fiscal year beginning July 1, 2012 and a \$364,000,000 deficit for the fiscal year 2013-2014, the city controller admits, probably shamefacedly, that city taxpayers’ pension expenses will increase by approximately 20 percent over the next 17 months. That is, the approximate \$363,000,000 pension contribution from taxpayers in this fiscal year will rise to \$435,000,000 by July 1, 2013. That will occur despite the fact that Mayor Ed Lee and other City Hall self-proclaimed savants induced voters last November to enact their secretly-contrived Proposition C as alleged pension reform at the expense of Public Defender Jeff Adachi’s Proposition D, which would have saved taxpayers tens of millions of dollars more annually. The San Francisco Employees’ Retirement System, even with about \$77,000,000 in additional contribution by government employees, cannot obtain sufficient revenue from its investment in stocks and bonds to cover expanding pension costs. As Mr. Adachi observed on February 21, 2012, “...the train wreck is coming.” Want an example from a nearby city? *The Wall Street Journal* reported on February 25, 2012 that Stockton’s City Manager informed City Council members that without “negotiated adjustments to the city’s financial obligations, the city will be insolvent and will have no alternative than to seek bankruptcy protection.” Stockton’s population is approximately 290,000. Its City Manager, according to *Bloomberg News*, made clear that pension obligations are “similar to a Ponzi scheme and Stockton bears an unfunded liability of \$450,000,000 for pension costs.” It can indeed happen here.



Photo: Luke Thomas/fogcityjournal.com

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The second example involves a policy declaration last November which provided that public school pupils shall be able to attend neighborhood schools instead of suffering transportation across the city. It reached the municipal ballot by reason of a citizen initiative, invigorated mostly by parents of children bused out of their neighborhoods under a complicated student assignment system, which uses a lottery for enrollment in supposedly superior schools. The school district establishment, led by the Board of Education and the teachers’ union, urged voters successfully to defeat the non-binding declaration of policy. On January 26, 2012, the *San Francisco Examiner* exposed the sorry situation in which two five-year old twin girls were assigned to different schools for kindergarten, one to Commodore Sloat Elementary School on Junipero Serra Boulevard and Ocean Avenue, the other to Alice Fong Yu Alternative School, about three miles away. Their mother died of cancer three years ago. Their grandfather must drive the little girls to and from two different schools, all because the school district for over 40 years has suppressed, either under the guise of racial balance or otherwise, the ability to attend neighborhood schools. That’s one reason the number of children enrolled in San Francisco public schools has declined almost by half since 1970.

The lesson? Don’t let City Hall fool voters again at the June 5, 2012 Municipal election. One measure awaiting approval by a voting majority is, for the first time in San Francisco history, competitive bidding for garbage collection and processing plus payment of a franchise fee by the successful bidder. San Francisco remains the only one of 72 Bay Area cities without competitive bidding or franchise agreements for garbage services. Except for Supervisors John Avalos and David Campos, Mayor Lee and City Hall cronies who like it that way, it’s an historical anomaly arising from conditions in 1932 at the time the modern city Charter was adopted, together with an Initiative Ordinance to regulate activity of then-existing 97 different individuals who collected garbage throughout various San Francisco neighborhoods. Thus, only residential, not commercial or apartment rates, are regulated by unaccountable City Hall bureaucrats. For example, in 2001 the monopoly garbage corporation, then Norcal Waste, Inc., now re-branded as “Recology, Inc.,” asked the Director of Public Works for a

52% rate increase. The DPW staff recommended, based upon the monopoly financial records, a 20% increase. Under the influence of then-Mayor Willie Brown, the Public Works Director, now-Mayor Ed Lee, granted a 44% rate increase. Residential rates have risen 236% in the last 11 years. San Francisco pays more than twice as much per capita resident for garbage/recycling as San Jose, with a population of 1,100,000 people compared to San Francisco’s 810,000 night-time residents. The monopoly collects over \$220,000,000 a year and pays no franchise fee. Oakland, a city of about 340,000, receives a \$24,000,000 franchise fee for its general fund, about 30% of the gross revenue from garbage collection for the winning bidder there. The Board of Supervisor’s budget analyst has been requested to estimate the amount of a similar franchise fee for San Francisco’s general fund.

The June initiative amends the 1932 garbage collection ordinance which created the monopoly and requires competitive bidding for residential and commercial collection, recycling and processing of waste, transportation to a landfill and the landfill itself. The five separate bids are designed to obtain the most value for the city from each part of the contract. At most, there will be two companies collecting waste and recyclables, as Norcal and Sunset Scavengers did just a few years ago, because bidders can seek and secure more than one of the five contracts. The initiative mandates a garbage company can’t, however, secure both the processing contract (deciding what goes to the landfill) and the landfill contract itself; that’s a clear conflict of interest. Recology, which bids competitively in tens of jurisdictions in California and elsewhere, could prevail in a competitive bid, particularly because the initiative specifically furnishes bidding advantage to local companies hiring local workers with high standards for workers and “zero-waste.” As noted by a progenitor of the initiative, if Recology truly is anything like the corporation portrayed in its television ads, it will win every bid it seeks!

Incidentally, studies commissioned by the Board of Supervisors last year found no correlation between our garbage rates and the recycling rate of Bay Area cities which demand competitive bidding. Actual bidding regulations will be prepared by the Director of Public Works and the Board of Supervisors



# Disassembling Government and Society

By Steve Lawrence

Civil society has come to mimic lawyers. Little lawyers, everywhere a little lawyer. No one more so than bureaucrats and those who work for government.

Nothing is quite as slippery as the English language. Twist it, shape it.

A few years ago I encountered a city attorney who found the word “four” ambiguous. Four could mean five, or even six or seven. A “four” year term of office might expand, if it was convenient.

That city attorney promised me a written explanation of how this feat was achieved. I looked forward to receiving it. Promised was a demonstration of verbal gymnastics beyond what I had imagined possible. But despite many follow-ups, I never did receive that explanation.

...the Revenue Bond Oversight Committee... is charged with overseeing the expenditure of billions of dollars of ratepayer money borrowed through the selling of bonds. Although this group is paid for its services, and would seem to have a significant responsibility, and although hardly any members of the public attend to its doings, still it pointedly ignores or actively puts down those few who do try. Even the lowliest bureaucrat wants to feel powerful and superior.”



City attorneys need not deal with “the little people,” mere members of the public. Promises made are unenforceable, and like bureaucratic expressions generally, slippery.

Most bureaucrats take themselves to be above the law, unaccountable to the little people of the general public.

One minor bureaucratic body is called Ree-bok, the Revenue Bond Oversight Committee (RBOC). It is charged with overseeing the expenditure of billions of dollars of ratepayer money borrowed through the selling of bonds. Although this group is paid for its services, and would seem to have a significant responsibility, and although hardly any members of the public attend to its doings, still it pointedly ignores or actively puts down those few who do try. Even the lowliest bureaucrat wants to feel powerful and superior.

Not only does RBOC diss those members of the public who try to approach, but also it dishonors its own simple bylaws. Bylaws require that each January, RBOC is to elect officers and adopt an annual report. Simple. But this year RBOC may have decided that “the first meeting of the year” could be the first meeting after Chinese New Year. Are words not a wonderful thing to twist and shape?

Imagine: the group on whom ratepayers rely to make sure bond funds are properly spent in accordance with law flips off its own bylaws. That’s accountability, SF style.

Each appointee to a public body such as RBOC takes an oath. Each knows that there are open government laws to encourage public participation in the decision making process of public business. Those taking their oath and accepting a public position should understand that extra listening and patience will be required. Why, then, do almost all “public servants” come to despise, avoid and put down members of the public who come before them?

US society has come to have low regard for rules and law, and ever higher regard for power. Words are ignored or manipulated. Get a lawyer, or be like one. Power up.

So it is with the “highest” of us in SF. Fourteen months ago when our Mayor wished to be appointed interim mayor, he pledged that he would not run for a full term. Mere words! With fingers crossed, and “Run, Ed, Run” encouragement, those words were left behind. The electorate’s verdict? Ratified, decisively. Every child, every citizen, every appointee was instructed in the importance of words.

Words have become plastic and disposable. Even the most clear and definite of them: “four”; clear and simple bylaws; a solemn pledge to the public and fellow public officials.

In governance—and I’ll contend in the wider society, too—we no longer expect words to have much meaning. All is relative.

As government enlarges, words multiply...and mean less and less.

According to the Supreme Court, our society’s highest interpreter of words, the Constitution, properly viewed, has “penumbras.” Penumbras are that faint ring that one sees around a winter moon, a sort of aura. If words are inconveniently absent in the Constitution then interpretation of penumbra makes law. Supreme justices just make it up. Does this differ materially from reading tea leaves?

Led thusly, perhaps it is little wonder that we citizens, bureaucrats emphatically included, have come to disrespect words, devalue honesty, and value only position and power.

## What Price Sunshine?

Supervisor Scott Weiner’s request to determine the “costs of compliance with Sunshine” is a fool’s errand. Especially the way he’s going about it. Wiener ordered a “Survey of the Costs of Compliance with the City Sunshine Ordinance.” All City departments received the 5-page “Survey” with directions to return it to the Board’s Budget Analyst by February 3, 2012.

It’s apparent that whoever designed the survey has little familiarity with the Sunshine Ordinance, a measure passed by the voters in 1999, and that’s not uncommon at City Hall. Few City workers know which requests are specifically required by “Sunshine” and which are required by the umbrella legislation, the California Public Records Act (CPRA). Most requests for information are required by CPRA, while the Sunshine Ordinance tweaks the response times, stops bureaucratic recalcitrance evoked “in the public interest,” a favorite abuse of Willie Brown’s administration, and provides a hearing mechanism for failure to respond.

Quantifying expenses has been discussed exhaustively at meetings of the Sunshine Ordinance Task Force for many years, yet Supervisor Weiner did not even contact the Task Force to design a useful survey. A valid cost analysis could be useful—not that we would ever want to go back to the bad old days.

So now legislative analysts are going through hundreds of pages of departmental responses to a faulty survey. From what we’ve seen, not a single department is clear on the concept. All requests are lumped together, whether a response is mandated by State law (CPRA) or City law (Sunshine). If Weiner wanted to find the cost of open government, his order should have spelled it out. CPRA costs should not be accrued to Sunshine. And we still wonder what purpose this expensive survey serves?

We would hope that City Budget Analyst Harvey Rose has a little round file at the end of his desk and that he files this waste of time and resources accordingly.



Attention! The Captain is Speaking Department

## MY TWO CENTS By Will Durst

### THE AYATOLLAH OF PENNSYLVANIA

Once again, the wacky wheel of destiny takes a mighty spin and the big red pointer lands smack on the name of the next Great White Republican Hope- Rick Santorum. The seventh or eighth candidate to vault into the lead of the GOP sweepstakes primarily because he is not Mitt Romney.

A similar phenomenon has lifted President Obama in the polls for cleverly positioning himself as not a Republican. Poor Mitt Romney, the more people see of him, the less they like him. His best chance to win this thing might be to slip into a coma for a couple months and emerge this August rested and refreshed.

Santorum however, is determined to make the road to Tampa a fight for the soul of America. Unlike some of his fallen compatriots, he doesn’t claim God told him to run for President. Rather, God is running with him for President. And you should know, neither of them is happy.

You could say Santorum is Old Fashioned. But it might be more precise to say he’s Old Testament. Women don’t have rights, they’re baby tunnels for Christ. Birth control is immoral, prenatal testing is depraved and gay marriage is an abomination. And anybody who campaigns in a sweater vest obviously knows a thing or two about abominations. The Ayatollah of Pennsylvania is on a mission to drag this country kicking and screaming back into the 50s. The 1850s.

Doesn’t believe in global warming, evolution or even public education. Actually said out loud in front of people with microphones, “For the first 150 years, Presidents home schooled their kids.” Yeah? So what? For the first 150 years, indoor plumbing was science fiction. For the first 150 years, Presidents were operated on by barbers whose instrument bags consisted mostly of leeches. For the first 150 years, the sheep barn and the living room were the same place. What’s your point?

Addressing contraception on CNN, Santorum’s biggest backer, Foster Friess, said back in his day, girls used aspirin as birth control. Hunh? “Yeah, they stuck it between their knees and tried to keep it there.” A bad 50s joke. And so is Rick Santorum. Mister Rogers with rabies.

He’s so conservative, his globe is flat. To him, erosion is a radical concept endorsed by extreme environmentalists whose phony theology is not based on the Bible. He’s so old school, his idea of progress is smelting a lighter alloy for the buckle on his hat. Wants to return America to its traditional values of burning people as witches because their tomatoes grew too big.

Reciting verbatim from Chapter Four of the conservative playbook, Santorum castigated the press for picking on GOP candidates. What these guys fail to understand is that Democrats don’t waste nearly as much political capital challenging science and logic. Don’t get me wrong, Democrats still say plenty of ludicrous stuff. But not with such vehemence and regularity. Besides, they only got one Joe Biden, Republicans have at least nine.

After the last Republican primary debate, more and more people are beginning to suspect the GOP isn’t just scraping the bottom of the barrel, they’re squeezing the goo from between the staves the leaked out of the bottom of the barrel. Yeah, right. The last debate. Promises. Promises.

The New York Times says Emmy-nominated comedian and writer Will Durst “is quite possibly the best political satirist working in the country today.” Check out: Redroom.com to buy his book or find out more about upcoming performances. Or willdurst.com.

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Laguna Honda Hospital

Amid Noise Complaints, City Sues Architects

By Patrick Monette-Shaw



Most homeowners in the neighborhoods surrounding Laguna Honda Hospital initially had no reason to believe that the \$584.9 million replacement hospital — which has actually cost \$615.8 million, including furniture, fixtures, and equipment and other costs — may end up lowering their property values.

The Tax Assessor’s Office has apparently informed some homeowners that they should ask for a \$50,000 reduction on their tax basis due to on-going noise problems LHH hasn’t resolved for over two years. Midtown Terrace homeowners have also been advised by a prominent San Francisco legal observer that they should sue.

Separately, the City is now suing Laguna Honda Hospital’s architects in Superior Court for professional negligence in a case filed against Stantec Architecture, Inc. on December 12, 2011.

Following a decade of listening to the construction noise during LHH’s rebuild, surrounding neighbors were happy the new hospital was substantially completed in 2009. But little did anyone realize that the real noise problems at LHH were just beginning.

Thousands of alarms and hospital bells had to be tested, an understandable noise annoyance. But aside from the alarms testing that went off continually throughout the day and night, a new noise began emanating from LHH that proved to make normal life almost unbearable for neighbors surrounding the new hospital.

The hospital installed air cooling equipment and several generators that emit continuous high pitched noises. Unfortunately, the generators and air han-

... a new noise began emanating from Laguna Honda Hospital that proved to make normal life almost unbearable for neighbors surrounding the new hospital. ... Hospital administrators claim the noise is just below the legal limit on decibels, but the noise is unbearable to many neighbors who can no longer use their backyards or parts of their homes.”

dling equipment were installed on the roof of the new hospital, at the same elevation as neighboring homes. Hospital administrators claim the noise is just below the legal limit on decibels, but the noise is unbearable to many neighbors who can no longer use their backyards or parts of their homes.

Neighbors have complained continually about the noise problem for the last two years. Although LHH tried a variety of methods to eliminate the source of the noise, all attempts have failed.

Compounding the new noise problem is the completely unfriendly attitude of LHH’s hospital staff. LHH’s director of communication, Marc Slavin, is now trying to blame the neighbors who complain about the incessant noise.

Terry Thompson, a neighbor on Dellbrook Avenue directly behind LHH, was told after making his first noise complaint that LHH had existed for over one hundred years and he should have known about LHH’s potential noise problem before purchasing a house adjacent to LHH in 2008. Arla Escontrias, LHH’s former Director of Community Affairs, reportedly callously told Thompson early on that he “shouldn’t have bought a house near a hospital.”

During the December 29, 2011 meeting of the LHH Joint Conference Committee (JCC) — a committee comprised of senior hospital managers and Health Commissions Sonia Melara, James Illig, and Margine Sako — hospital Executive Administrator Mivic Hirose reported to the JCC that there were only one or two neighbors who were complaining about the noise emanating from LHH. During that meeting, Commissioner Illig peppered Slavin about how many neighbors were complaining. Slavin sought to

minimize the problem, focusing principally on Mr. Thompson.

On January 31, 2012, eight neighbors attended the JCC’s next meeting to testify to the Health Commissioners that upwards of sixty-five neighbors had signed a petition circulated by Mr. Thompson regarding the noise nuisance. To Slavin — an expert in spin control — 67 means “2.” The three commissioners were joined by Health Commission president Dr. Steven Tierney on January 31. None of the four commissioners looked happy following testimony by neighbors who directly challenged Slavin’s and Hirose’s veracity, testifying that their calls are not being returned, and they aren’t getting honest answers about what LHH’s administrators are going to do about the noise.

One neighbor, who attended on January 31, was surprised by another item on the agenda, LHH’s Resident Satisfaction Survey. This badly designed survey was dreamt up to document that the “built

environment” — LHH’s new digs — may improve patient outcomes.

Neighbors were under-impressed by the marginal change in Resident Satisfaction scores between the old and new buildings, in part given that taxpayers paid \$615 million for the new buildings.

In the post-move survey in 2011, only 39% of patients rated their Overall Satisfaction as “excellent,” up from 28% who had rated their Overall Satisfaction as excellent in the old buildings in 2009. On another measure of Quality of Care, the survey moved just four percentage points — from 32% in 2009 to 36% in 2011 — for those indicating their Quality of Care was “excellent” post-move.

Former LHH physician Dr. Derek Kerr noted during the meeting that expenditures from the patient gift fund during the six-month period between July 1 and December 31, 2011 were just \$48,177, which may annualize to less than \$100,000 for the year. This is the lowest ever gift fund expenditure level, down from \$456,545 in 2006–2007.

Even health commissioners present on January 31 were skeptical about the results of the Resident Satisfaction Survey. Commissioner Illig commented that the drop in expenditures on patient activities could correlate with the satisfaction surveys regarding Quality of Life indicators.

During public comment, Kerr, who was terminated for blowing the whistle on LHH’s patient gift fund scandal, commented that one question in the survey reporting the least satisfaction involved staff responsiveness to patient concerns, since patients may mistakenly believe there isn’t enough staff even though LHH has the highest staffing ratio of any skilled

Cont. p. 14

Speaking Freely

A Few Good Men and a Self Promoting Clown

By Former Supervisor Tony Hall



Now that the mayor’s race is over, I will continue to post periodic columns of interest to those who believe that San Francisco can do better.

Again, I want to thank those of you who backed my candidacy for mayor last year. We ran as good a race as we could, considering the limited funds and voter confusion amid so many candidates. The importance of an independent voice articulating a divergent point of view cannot be underestimated, and I am very proud of the results and degree of support that we achieved.

The [Matt] Gonzalez examination of former Controller Ed Harrington, who now heads up the SFPUC, was nothing short of brilliant. In my opinion, Harrington has been one of the prime suspects for well over 20 years in questionable and deceitful dealings when it comes to City activity. (... Harrington’s manipulation of the independent Revenue Bond Oversight Committee that the voters passed as Prop. P in 2002, and ... the Treasure Island cover-up of 2005.) Who better to get to the truth ... than Gonzalez, the former president of the Board of Supervisors”

The issues of jobs, the economy, taxes and fee hikes, and a deteriorating quality of life seem to resonate with all except those currently or recently in office. The results came in, and now the jury is out as to how those elected will be judged. We wish them nothing but the best and can only hope that over time they will do the right thing for all the residents of our City.

One observation that I will share with you is this: Until the negative impacts of voter apathy, voter fraud, campaign financing, and biased media reporting are seriously addressed, it is unlikely we will see any real change in how we are governed.

And now on to the nexus of this column, which is to highlight the efforts of a just a few of the good men who continue their fight for the people.

Many of you might have read the article posted by the two gossip columnists in the Chronicle on 2/1/12 regarding an ongoing case in Superior Court, involving City employees that took part in a kick-back scheme. Having sat on the Board with then-Supervisor Matt Gonzalez, with whom I did not always politically agree, I thought I would witness the trial in person. Instead of writing about the proven corruption that sent a former city employee to jail, and the collusion involved in that process, the gossip columnists called into question the ethics of our Public Defender’s Office, and alleged a conflict of interest by the work that Matt Gonzalez was performing on the case.

The facts of the 10 year old case involved multiple levels of corruption and criminal conduct by various city employees in their effort to scapegoat and terminate a contract that a small business had with the City, resulting in the near demise of that business.

Gonzalez had represented the firm in private practice going back for at least eight years, and made it known to all when he accepted his current position at the Public Defender’s Office that he was obligated to at least advise and participate, should it ever reach trial. Although he was not lead attorney, he took unpaid leave from the Public Defender’s Office to fulfill his obligation to his former client to participate in an advisory capacity, the jury selection, and the examination of two witnesses. I might add that he did so while declining any compensation for the case.

Now this is where it gets interesting. The Gonzalez examination of former Controller Ed Harrington, who now heads up the SFPUC, was nothing short of brilliant. In my opinion, Harrington has been one of the prime suspects for well over 20 years in questionable and deceitful dealings when it comes to City activity. (Just two instances that come to mind are Harrington’s manipulation of the independent Revenue Bond Oversight Committee that the voters passed as Prop. P in 2002, and his involvement in the Treasure Island cover-up of 2005.) Who better to get to the truth of the matter in the above mentioned case than Gonzalez, the former president of the Board of Supervisors when the corruption took place! There is no question that Gonzalez’ skill in the courtroom scared the

living daylights out of the political establishment, that up until this time has never been held accountable in a legal setting. Who next might be called to the stand, a mayor or even a former mayor? Thus, the “city political machine” calls into play their favorite lap-dogs at the Chronicle, Matier and Ross, to manufacture a “conflict of interest” charge aimed at the Public Defender’s Office in an effort to back off Gonzalez. (Have we reached the point in San Francisco where internal City department policy is determined by a couple of rank political columnists? No wonder the Chronicle is losing subscriptions daily!) To the credit of Jeff Adachi, who partly campaigned for mayor on an anti-corruption platform, he did not let them bully him because he had bona-fide legal opinions that there was no conflict, and there was no breach of office policy. Even though Gonzalez was on leave, and not acting in any official capacity as articulated by the Judge to the jurors, and Adachi was not involved in the case, they were both true to their perspective missions as Pubic Defenders by representing those who have been accused of some wrong doing, even when, as in this case, the accusers are themselves the perpetrators.

I congratulate Matt Gonzalez for his courage in defending the public’s true interest, and Jeff Adachi for standing up.

Yes, there are in San Francisco today, many individuals who live their lives in the spirit of the finest of San Francisco values. Another such person is Bob Squeri. As a life long San Franciscan, Bob grew up west of Twin Peaks, attended St. Ignatius, City College, and Cal State where he was a Standout athlete. He then went on to build a successful building services company employing over 200 local residents. He has a special appreciation for the uniqueness of our City, but his real passion has been his dedication to helping children in third world countries through the founding in 2006 of his philanthropic organization called “One Child at a Time Inc.”

Bob’s mission began on a medical trip to Tajikistan in 2005. He was traveling with the Heart To Heart International organization and the Academy of Family Physicians, groups that worked in the independent states around Soviet Russia to set up medical facilities in neglected regions. During a brief visit to an orphanage, Bob encountered a young boy who needed to have surgery to repair a deformed cleft pallet. When he realized there was no provision in the trip to pay for the surgery that would change this young boy’s life, he took it upon himself to raise the funds for the operation. That’s when it all began for Bob Squeri and One Child at a Time.

Since then, One Child at a Time Inc. has established over ten major missions in countries like Tajikistan, Haiti and Peru. Bob and his family have supervised and built outdoor kitchens in Mozambique that feed 250 children a day, a safe house in Thailand for children to escape the sex slave industry, and a school for 50 students in the mountains of Peru where Bob funds the teachers’ salaries. In Moldova, a small

Cont. p. 17



# Deafening Silence at Lake Merced

By Jerry Cadagan

The December edition of the *Observer* expressed optimism that the Commissioners at the SF Public Utilities Commission might be close to abandoning the 60-year history of shared management responsibility at the lake with the Recreation & Park Dept. (A result of an unfortunate decision in 1950 by the Commissioners of the SFPUC to delegate limited and vague authority to Rec & Park.) Our optimism was prompted by the fact that in November, the Commissioners declined to adopt a staff proposal perpetuating the “two-headed monster” management structure. Shortly after that rejection, the Committee to Save Lake Merced and other activists submitted to the Commission and senior SFPUC staff a written proposal under which SFPUC would reclaim full management authority at the lake, with Rec & Park being given an advisory role only on recreational matters. It must be remembered that SFPUC owns the lake and has ultimate responsibility for its welfare.



**We were shocked to learn that absolutely no effort has been made to replace the concession, despite the fact that lake levels rebounded in 2005 and fishermen now need a place to buy a license; rent a boat; and get bait, tackle and a snack.”**

It is saddening to report that neither SFPUC staff nor the Commissioners responded with comments on our proposal; nor did they acknowledge receiving it; nor have they responded to follow-up communications inquiring about the deafening silence.

It would be helpful here to give a rather dramatic example of why we believe Rec & Park no longer should have any direct responsibilities, and SFPUC should take full charge. The single biggest need for years at the lake is a fishing concession. The last concessionaire pulled out in 1999. We recently did a records request of Rec & Park to determine what it has done in the intervening thirteen (13) years to find a new concessionaire. We were shocked to learn that absolutely no effort has been made to replace the concession,

despite the fact that lake levels rebounded in 2005 and fishermen now need a place to buy a license; rent a boat; and get bait, tackle and a snack.

Despite its refusal to talk to us, SFPUC staff has indicated that it intends to take another management proposal to its Commission on March 27. We fear it again will perpetuate the two-headed monster, effectively giving Rec & Park another 13 years to find a fishing concession. Please call SFPUC GM Ed Harrington at (415) 554-3155 and email the SFPUC Commissioners c/o Mhoush [at] sfwater.org and ask that SFPUC take back full management responsibility at Lake Merced, and make the first order of business retaining a fishing concessionaire.

*Jerry Cadagan co-found Committee to Save Lake Merced*

## Beach Chalet Birds (Cont. from p. 2)

ornithologist Dominik Mosur has personally seen 70 to 80 species in the Beach Chalet area, and the online eBird database has records of more than 120 species of passerines (perching birds) in Golden Gate Park.

Even many frequent users of Golden Gate Park are unaware of the importance of “plain grass fields” to birds and other wildlife. In reality, grass fields like the existing ones at Beach Chalet serve multiple purposes – recreation for people, habitat and food for birds, as well as other environmental functions like absorption of rain water.

“When soccer fields are not in use and standing empty, they only look like they’re standing empty,” said Mosur, a field trip leader for Golden Gate Audubon Society.

## Mt. Davidson Plan (Cont. from p. 3)

balance that exists now. Eliminating the non-natives would harm the environment, not enhance it, and stress the existing mix of plants, animals, and air quality. To eliminate the number of trees planned would decimate the forest and reduce its carbon absorbing benefits. The NAP plan is not environmentally sound. It is a disaster that would do irreparable harm,” he said.

Don Enochson, a long time West of Twin Peaks resident, and neighbor of Mt. Davidson, is concerned with both the cost and purpose of the change. “I have not seen a specific plan with architectural landscape drawings so it is difficult to see what they plan to do. But cutting down healthy trees does not seem justified. The value of restoring Mt. Davidson to some past natural state is questionable. The eucalyptus forest does provide a meditative environment. Removing trees would be like destroying a cathedral. I also find the concept of restoration to be questionable. Fighting nature to restore nature is a fool’s errand,” he said.

At the very local level, this fight is about the future of Mt. Davidson. On a citywide level, people are concerned about the purpose of the Natural Area Program itself. For a department that is continually said to be broke by its director, some wonder why money would be spent to cut down trees while recreation clubhouses

“In reality, they’re being used by a whole number of species.”

*Want to learn more about the birds of Golden Gate Park?*

Golden Gate Audubon Society offers free bird walks at the Botanical Gardens on the first Sundays in March and April. For information, see <http://www.goldengateaudubon.org/field-trips/fieldtrips/>.

*Want to ensure that your children and grandchildren can see thriving populations of birds in Golden Gate Park too?*

Make your voice heard on the Beach Chalet project. Call or write to your supervisor and Mayor Lee. Insist upon an alternative solution, such as better-maintained grass fields, that will meet the needs of both people and wildlife.

*Ilana DeBare is Communications Director for Golden Gate Audubon Society.*

remain closed. Others argue that people deserve to see San Francisco in its natural state as much as possible, and point to Twin Peaks as an example of a natural area enjoyed by many.

Recently, neighborhood activists from the West of Twin Peaks area and other areas of the city have joined together to form the SF Forest Alliance. The stated purpose and goals are “halt destruction of city park trees and wildlife habitat, reverse plans that deny public access to trails and natural areas, eliminate unwarranted toxic hazards to children and wildlife, [and] stop abuse of tax revenue and funding within city natural areas.”

No matter one’s views, trees will be felled and trails will be closed if the current plans go through. The plans are still under review, and need to be approved by the Planning Commission, and then possibly appealed to the Board of Supervisors. If you are in support of, or are concerned about the changes, contacting Planning Commissioners or Supervisors would be the most effective way to make your opinion known.

*Further information:*  
*SF Natural Areas Program (Supporting the Changes) – [www.sfnap.org](http://www.sfnap.org)*  
*SF Forest Alliance (Opposing the Changes) – [www.sfforest.net](http://www.sfforest.net)*  
*SF Planning Department (For a full copy of the Citywide Plans) – [www.sfplanning.org](http://www.sfplanning.org)*

## WEST OF TWIN PEAKS CENTRAL COUNCIL By Mitch Bull

Transportation, the America’s Cup, open space, Coit Tower, bond funding and candidate evaluation all factored into the dialogue on February 27 along with a dose of disaster planning and a journalism award.



Supervisor Sean Elsbernd addresses the members of WOTPCC

Following the meeting being brought to order by President **Matt Chamberlain**, Vice President **George Wooding** announced to the audience the awarding of the **James Madison Freedom of Information Award** by the Society of Professional Journalism to local writer **Patrick Monette-Shaw** of the *Westside Observer* for his on-going work detailing the problems at **Laguna Honda Hospital** and the administration of the **Patient Gift Fund**. Writer Monette-Shaw and I made comments about the importance of community journalism and that we are both very honored to have been involved with this prestigious award. As a result of Monette-Shaw’s work, and inquiries from the WOTPCC board, an audit was conducted on the LHH fund, finding problems that have been partially redressed by the hospital management.

Committee reports were given with **Paul Conroy** speaking about the ongoing **by-laws revisions**, and Wooding detailing two **ballot measures** that will be on the **June ballot**, one addressing marketing and maintenance issues relating to the operation and preservation of **Coit Tower** by the SF Recreation and Parks Department, and the other addressing an initiative to change charges for **garbage and recycling**.

District 7 Supervisor **Sean Elsbernd** gave an extended report on current supervisory events, including the decision by the **America’s Cup Organizing Committee** to drop the renovation and leasing of **Piers 30 and 32** from the package that was previously negotiated with the city, to be voted upon by the **Supervisors on February 28**. A smaller, revised agreement will be voted upon within 3-4 weeks. It is fully expected that the races will continue, scheduled for late 2012 and 2013.

The Supervisor also commented on the progress of the pension reform, citing that **Proposition C**, passed last November, has helped the cost structure somewhat, but has done little or nothing to address the bigger cost issue of health care benefits. Questions were also directed at the Supe on the proposed **Recreation and Park bond** issue to upgrade local Parks and replace unsafe playground equipment. Elsbernd stated that the Rec and Parks department seemed to have heard the feedback regarding clubhouses, as this bond measure is not slated to repair or upgrade any clubhouses, but is targeted to **playground equipment**, regional parks and port properties.

A question from the audience asked Elsbernd to describe a “**litmus test**” that voters should use to evaluate candidates running to succeed him. His thoughts focused on evaluating candidates that have

a track record in the district; are involved in the district; have made a true commitment to the issues and people of the district and not to so-called “special interests.”

He said the “slimming down” of **Sloat Boulevard** from 6 lanes to 4 lanes by Caltrans, to improve the safety of children and others who have to cross the busy intersection. He reiterated that the project has made crossing the street safer for pedestrians, especially the **children from Mercy**, and while bike lanes were added, it was not the reason that the street was modified.

Finally he alerted the crowd to possible **new fees** to support transportation in SF—\$5.50 per square foot for residential projects that is being considered, termed the “**Transit Impact Development Fee**.”

**Susan Yik** followed. She asked the audience to get involved with **NERT** (Neighborhood Emergency Response Training) starting in March. Classes over 6 weeks will teach attendees disaster preparedness procedures, while giving them a feeling of empowerment. The classes will be held at Aptos Middle School over six sessions, starting on **March 15** and continuing on **March 22**, and **April 5, 12, 19** and **26**. All are between 6-9 PM and are open at all. “New” students will not be allowed to join after the second class. Info: 415.970.2024, or visit [www.sfgov.org/sffdernert](http://www.sfgov.org/sffdernert).

**Gus Guibert** raised the issue of a 20 year plan to restore parts of the city that are deemed “**open space**” to a natural plan reflecting what existed prior to the arrival of the Europeans. Part of the plan, which is yet unfunded, is to “restore” **Mt. Davidson** by removing approximately 1600 non-native trees such as eucalyptus, and replacing them with natural grasses, native oaks, and other vegetation.

**Chris Bowman** spoke briefly on the need to be present at the **redistricting** meetings, as discussions and decisions are still being formulated on the final proposals to amend the district lines within the city.

A lively debate followed on the preparation and approval of a ballot argument in favor of the June initiative that calls for a portion of the monies collected at **Coit Tower** to be invested in the maintenance of the **WPA-era murals** and other repairs at the landmark structure. The motion to support the Coit Tower preservation initiative by submitting a ballot argument (not to exceed \$500) was passed 9-2 with 4 abstentions.

With that, Council President Chamberlain adjourned the meeting at 9:05 P.M.

*The next scheduled meeting: Monday, March 26th at 7:30 in the Forest Hill Clubhouse. Info: [www.westoftwinpeaks.org](http://www.westoftwinpeaks.org)*

## Kopp (Cont. from p. 3)

Budget Analyst, the uncorruptable Harvey M. Rose and Associates. The initiative allows a five-year transition period to accommodate any operational changes and can be amended, as appropriate, by the Board of Supervisors without continuing voter approval, but *only* to advance the objective and goals of competitive bidding. As a sponsor of the measure, I expect the monopoly will flood television, radio and print media with, literally, millions of dollars to stop progress and deprive San

Franciscans of savings from the American principle of competitive bidding. Already endorsed by the Coalition for San Francisco Neighborhoods and San Francisco Tomorrow, this initiative enables us to enjoy the same economies as 71 other Bay-area cities.

*Quentin Kopp is a former Supervisor, State Senator and Judge living in District 7.*





Candidate for District 7 Supervisor, F.X. Crowley greets supporters at a fundraiser as SFPUC Manager Ed Harriington looks on

## \$14 Million Set For Rebuild

By Jonathan Farrell

Executive Director Sue Ann Schiff of the San Francisco Botanical Society presented the \$14 million dollar plans to rebuild the SF Botanical Gardens and Arboretum to the Sunset Heights Association of Responsible People (SHARP).

“The current nursery and greenhouse facility was built in 1960 only as a temporary facility and it has outlived its function,” said Schiff.

Schiff and public relations coordinator Sam Lauter reassured those gathered that the plans for the new nursery, Headhouse (at 4,230 square feet), Greenhouse, (2,800 square feet) Shade-house (2,800 square feet) and Learning Court (at 2,650 square feet) for visitors and schools are “very much needed.”

Lauter of Barnes, Mosher, Whitehurst, Lauter and Partners, a strategic communications and public affairs firm, was hired about three years ago after the SF Botanical Society encountered an out-cry of opposition to charging an admission fee.

More-than-two-dozen people showed up for the presentation. They were in unison in understanding that the outdated facility needed renovation. Yet they were interested in some of the details, especially the impact the renovations would have upon the 55-acre facility’s future. “Will it retain its essential integrity as a public garden?”

Since the spring of 2009 when the botanical society and Recreation and Park Department proposed an admission fee charged to non-city residents, the debate has been ongoing. Lauter said that other cities with botanical gardens charge an admission fee and that he welcomes it as a way to help cover costs.

Eleven gardeners work the 55 acres that contain thousands of various plants and flowers from all over the world. A portion of those gardeners, noted Schiff “are City gardeners paid for by Rec. and Parks, through the non-residents admission fees collected.”

Schiff also explained that many residents might not understand that the botanical garden and arboretum is part of Golden Gate Park and is City property managed through Rec. and Parks. “The plans to renovate the botanical gardens has its roots in the 1995 Master Plan for the gardens and arboretum and is linked to the Golden Gate Park Master Plan of 1998,” said Schiff.

This perhaps conveys part of the complicated arrangement the SF Botanical Garden has with Rec. and Park. Yet, the founding of the beloved garden space has a more extensive background. Local historian Woody LaBounty later explained, “Helen Jordan Strybing, who died in 1926, left a bequest for gardens in the park in memory of her husband Christian M. Strybing. First payment was \$100,000, the second, in 1939 after the death of her last heir, that was for \$150,000. Some plantings were done in the 1930s, and after using Works Progress Administration (established by then president Franklin D. Roosevelt) money and workers, the arboretum officially opened in 1940 with about eight acres of plants,” he said. “Now it is at 55



acres,” added LaBounty.

Schiff said that originally, the cost for the new nursery and learning center, etc. was estimated at about \$12 million. But with all the process involved costs have gone up since the initial estimate was presented more than five years ago.

“What was originally supposed to be an exotic garden with plants from around the world has metastasized into a major multi-million dollar project and the Strybing name has become secondary after the botanical society in the legacy of the garden,” said long-time Richmond-Sunset District resident, Nancy Wuerfel.

Wuerfel has served on many advisory and budget-auditing committees for the City. When this reporter asked for her perspective, she is wary of costs and plans that become elaborate. “The intent of the garden is getting fuzzy,” she said. “More buildings and pavement equals less garden and plant life for visitors to enjoy.”

Some, like inner-Sunset resident and local realtor John Barry, wondered what exactly are the capital funds and the revenue raised for the botanical gardens? And, if the SF Botanical Society is eager to proceed with the renovation plans as if private funds are available,” noted Schiff, then why did the SF Botanical Society apply for a grant?”

Schiff said that the application for a state grant was denied. Reasons for denial were not disclosed. Schiff said that half of the money needed has been obtained.

“It would not surprise me if the estimate of cost goes beyond \$14 million,” said Wuerfel. She and other local advocates like Kathy Howard of the Golden Gate Park Alliance, fear the natural beauty of the park will be out of the reach of residents. Many others in the community view construction in the park as detrimental to its purpose as open space.

They also consider many of the revenue gaining attempts as a way to commercialize the park. “The current administration setting the pace at Rec. and Park wants to train the public to get used to paying for just about everything,” Wuerfel said.

The fine line between capital improvement funds available and revenue earned seems complex. Several people after the meeting while in support of renovation for the botanical gardens expressed concerns, hoping that everything about the project will be transparent. Schiff reassured that it would, saying that if all goes well in the process, “we hope all is finalized by the end of 2013,” she said.

The \$14 million plans which aim for LEED Platinum certification (in environmental sustainability standards) will take about more than a year to complete, “about 14 months or so,” said Schiff.

To learn more about the SF Botanical Gardens <http://www.sfbotanicalgarden.org/>

Plain Talk—Straight Talk By Joe O'Donoghue



## We Can't Stop Singing

San Francisco in the late ‘50’s and ‘60’s was known not just as a drinking town, but as a Mecca for jazz, dance, and sing-along establishments. The City’s nightlife pulsated everywhere to musical vibrations—vibrations that enervated people to harmonious interactions, much like the Castro Theatre organ-playing did in the ‘70’s and ‘80’s. During this period, bartenders and cocktail waitresses did not want for tips as business was better than brisk.

San Francisco was also then a city whose population was still basking in the aftermath of the country’s WWII successes: the Marshall Plan, the enormity of its population influx, and the vastness of its industrial, financial, and union membership expansion. The City, like the country, was buoyed by a spirit that was truly Promethean, a spirit that was larger than life.

**The simple reason is that our collective experience has been subsumed to the silence of Facebook interactions.”**

This spirit, infectious and enriching, was transmitted nightly from the key-boards of San Francisco’s many piano bars, piano bars that proliferated in every neighborhood in every city throughout the U.S.

Laurel Village, by way of example, had three such bars, the most favored being the Shadow Box. On Broadway in North

venues involve active singing audiences while the American ones are generally passive. Sadly, a tradition which we gave the world is now not only frayed, but to paraphrase Donne, “tis all in pieces.”

While this very significant part of our heritage has been dying for some years, all is not lost, as the sheer volume of this country’s musical composition, unmatched worldwide, remains. Our potential to revive our singing tradition to its past greatness was demonstrated just last week when a collective outpouring of voices opposed the shutting down of the Gold Dust Lounge. What was unusual is that the opponents were a conflux of people that would ordinarily be rivals in political and personal interests.

Following this, the lawsuit filed by Joe Cotchett is claiming a wrongful eviction, one motivated by greed and deceit. As some of us



Beach, the Red Garter, a banjo-based establishment, was packed nightly to capacity, while long lines outside awaited entry. On Powell Street, the Gold Dust Lounge was also popping to familiar songs—it was Mitch Miller time, as every song was sung in unison, some to harmonizing. These songs ranged from George M. Cohan and Al Jolson to the Steven Foster and the Cal and Stanford fight songs. The patrons, regardless of their backgrounds, schools or home states, were fused to singing as one—unified in a unity of expression. As in the “Sound of Music”, this City then was truly afloat to the “sound of music”—vocalized music.

For me, this spirit of song was the emblem of what symbolized America. It was a feeling that as a 10 year old I experienced in my home town of Limerick. This was despite the fact that our home, like most others, was without a TV, and had only one radio—a radio with a single station, playing only intermittently. Yet, because of that infectious American spirit of great song, when I arrived in L.A. in 1957 at the age of 19, I already could sing many of America’s great songs—those of Nelson Eddy and Jeanette McDonald, as well as the great spirituals of Paul Robeson.

What was clearly an American legacy became an Irish legacy soon after my arrival in L.A. Having encountered a bunch of Limerick immigrants like me, Friday and Saturday nights became an engagement of sing-along in the many piano bars in the Hollywood area.

Today that tradition is still carried on, but in a very limited capacity...usually only after a dinner at a private home. Sadly, over four or five generations, America’s capacity for communal sing-alongs has become lost. One need only compare the singing musical concerts of Andre Rieu in Europe to those held in America; the European

know, these vices have long been practiced with impunity, unchallenged until now. There is no question that the Bovis brothers, the owners of the Gold Dust Lounge, are victims of greed and deceit, but you could say that the real victims, if this landlord is permitted to proceed unchallenged, will be all San Franciscans, as we would be among the first to actively and consciously



allow the elimination of a rich legacy and tradition.

Many people know that I have always viewed preservation with a jaundiced eye. In fact, I sometimes feel that those who buy “a period house” embalm themselves in a graveyard for life. Nevertheless, there are situations that truly demand preservation and this is one of those cases.

The simple reason is that our collective experience has been subsumed to the silence of Facebook interactions.

Feedback: [joeo@westsideobserver.com](mailto:joeo@westsideobserver.com)



# Recovering from Identity Theft

You’ve read about it, and you thought it would never happen to you. But suddenly your bank account is empty, your credit card bills are through the roof, and you’re getting late notices for accounts you don’t own. Your identity has been stolen. What now?



**Time is money** To minimize your losses, act fast. Contact, in this order:

- Your credit card companies
- Your bank
- The three major credit bureaus
- Local, state, or federal law enforcement authorities

**Your credit card companies** Credit card companies are getting better at detecting fraud; in many cases, if they spot activity outside the mainstream of your normal card usage, they’ll call you to confirm that you made the charges. But the responsibility to notify them of lost or stolen cards is still yours. If you do so in a reasonable time (within 30 days after you discover the loss), you won’t be responsible for more than \$50 per card in fraudulent charges. Ask that the accounts be closed at your request, and open new accounts with password protection.

If an identity thief opens new accounts in your name, you’ll need to prove it wasn’t you who opened them. Ask the creditors for copies of application forms or other transaction records to verify that the signature on them isn’t yours.

Follow up your initial creditor contacts with letters indicating the date you reported the loss or theft. Watch your subsequent monthly statements from the creditor; if any fraudulent charges appear, contest them in writing.

**Your bank** If your debit (ATM) card is lost or stolen, you won’t be held responsible for any unau-

thorized withdrawals if you report the loss before it’s used. Otherwise, the extent of your liability depends on how quickly you report the loss.

credit report, any user of your report is required to verify your identity before extending any existing credit or issuing new credit in your name. For extended fraud alerts, this verification process must include contacting you personally by telephone at a number you provide for that purpose.

Most states now allow you to “freeze” your credit report. (In the few that don’t, the credit bureaus allow state residents to freeze their reports voluntarily.) Once you freeze your report, no one—creditors, insurers, and even potential employers—will be allowed access to your credit report unless you “thaw” it for them.

To freeze your credit report, you must contact all three major credit reporting agencies. In many cases, victims of identity theft are not charged a fee to freeze and/or thaw their credit reports, but the laws vary from state to state. Contact the office of the attorney general in your state for more information.

If you discover fraudulent transactions on your credit reports, contest them through the credit bureaus. Do so in writing, and provide a copy of the identity theft report you file. You should also contest the fraudulent transaction in the same fashion with the merchant, bank, or creditor who reported the information to the credit bureau. Both the credit bureaus and those who provide information to them are responsible for correcting fraudulent information on your credit report, and for taking pains to assure that it doesn’t resurface there.

**If you report the loss within two business days after you notice the card is missing, you’ll be held liable for up to \$50 of unauthorized withdrawals. (If the card doubles as a credit card, you may not be protected by this limit.**

**If you fail to report the loss within two days after you notice the card is missing, you can be held responsible for up to \$500 in unauthorized withdrawals.**

**If you fail to report an unauthorized transfer or withdrawal that’s posted on your bank statement within 60 days after the statement is mailed to you, you risk unlimited loss.”**

thorized withdrawals if you report the loss before it’s used. Otherwise, the extent of your liability depends on how quickly you report the loss.

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- If you fail to report an unauthorized transfer or withdrawal that’s posted on your bank statement within 60 days after the statement is mailed to you, you risk unlimited loss.

If your checkbook is lost or stolen, stop payment on any outstanding checks, then close the account and open a new one. Dispute any fraudulent checks accepted by merchants in order to prevent collection activity against you. And notify the check-guarantee bureaus:

- Certegy (FIS) [www.certegy.com](http://www.certegy.com)
- Check Rite [www.checkritesystems.com](http://www.checkritesystems.com)
- ChexSystems [www.chexhelp.com](http://www.chexhelp.com)
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- SCAN [www.nobouncedchecks.com](http://www.nobouncedchecks.com)
- TeleCheck [www.telecheck.com](http://www.telecheck.com)

**The three major credit bureaus** If your credit cards have been lost or stolen, call the fraud number of any one of the three national credit reporting agencies:

- Equifax (888) 766-0008
- Experian (888) 397-3742
- TransUnion (800) 680-7289

You need to contact only one of the three; the one you call is required to contact the other two.

Next, place a fraud alert on your credit report. If your credit cards have been lost or stolen, and you think you may be victimized by identity theft, you may place an initial fraud alert on your report. If you become a victim of identity theft (an existing account is used fraudulently or the thief opens new credit in your name), you may place an extended fraud alert on your credit report once you file a report with a law enforcement agency.

Once a fraud alert has been placed on your

**Follow through** Once resolved, most instances of identity theft stay resolved. But stay alert: Monitor your credit reports regularly, check your monthly statements for any unauthorized activity, and be on the lookout for other signs (such as missing mail and debt collection activity) that someone is pretending to be you.

Brandon Miller, CFP and Joanne Jordan, CFP are financial consultants at Jordan Miller & Associates, A Private Wealth Advisory Practice of Ameriprise Financial Inc. in San Francisco, specializing in helping individuals and families plan and achieve their financial goals.

More info: [/www.ameripriseadvisors.com/brandon.j.miller/profile](http://www.ameripriseadvisors.com/brandon.j.miller/profile)

## All in the Family II Let the games begin (cautiously)

By Brian Browne

Turning on the City TV channel I was surprised to hear a former City Attorney complain to members of Budget and Finance Committee, 2/15/12, about the attachment of the 8 Washington Street project to Item 9 “Resolution to Intention to Form Waterfront Infrastructure Financing District.” This poison pill was excised at the request of David Chiu and members of the public.

Anyone living in the Financial District is aware that the 8 Washington Project (Sea Wall Lot 351), diminishing existing open access tennis courts, swim pools, and recreational areas with a high-priced and a very tall condominium complex is roundly opposed by many as both a bayside eyesore and a further depletion of city sporting and recreational facilities.

The huge public-development expenditures to refurbish the Embarcadero were intended to create wonderful externalities to be internalized by the greatest number of citizens. These public funds were not intended to create an environment for an exclusive few who can afford these well-situated condos. To allow the waterfront to be obstructed by this complex will be to rob a great number of folks of their current heritage – the very beautiful Embarcadero. It represents a significant wealth transfer which is being perpetrated as a function of political muscle. This one project is the beginning of a slippery slope of high rise clutter.

**To ensure voters no longer participated in issuing these type revenue bonds, Tom Ammiano’s 2002 Proposition E explicitly gave this power to the Board. Oversight will never return to the City until voter rights to issue debt are returned as prior to 2002 Proposition E. ”**



Disney learned this when he built Disneyland in Anaheim. He did not buy the surrounding area. Hotels rushed in and internalized the revenues associated with Disney’s concept. When he developed Disney World in Orlando he wisely purchased vast acres of surrounding land to ensure opportunistic types could not internalize the external effects of being near Disney World.

When city planners received public funding to develop the Embarcadero, it was understood that opportunistic developers would not be able to profit by crowding out the promised beauty. If the city allows 8 Washington to be developed, it should make the developers pay the full opportunity cost of explicit development funds and implicit loss of public-good access to the existing ambience. In other words – 8 Washington approval will mean a massive wealth transfer from all citizens to a very few, possibly buying these condos for speculative purposes.

This unexpected insertion of 8 Washington raised the questions of what is this special district and why do we need it? A more bottom line question: Who will benefit from the planning, financing and implementations of the expanded America’s Cup project? Who will pay?

This special district, submitted by the mayor to the BoS, is authorized by California AB 664 (2.17.12); entitled, “Ammiano. Infrastructure and financing districts. America’s Cup venues.” This Act declares, among other things: “... portions of the San Francisco waterfront, are characterized by deteriorating conditions that cannot be remedied by private investments alone, and require the use of public financing mechanisms to finance the rectification the deteriorating conditions....”

The financing mechanisms allowed under the Act are similar to the menu of municipal financing approaches currently employed by San Francisco for developing projects. Revenues identified in AB 664 are “--- taxes, fees, charges, and other revenues....” Implementation of this financing district may fall under 1996 Proposition 218 and must be voted on.

One innovative approach being offered by the America’s Cup proponents is philanthropy to offset City expenses. The organizers have promised \$32 million in three payments \$12MM, 10MM, and \$10MM spread over approximately three years. What, if anything, will these generous folks want in return for their donations? The city proceeding with the promise of \$32 million in revenue funding from possible charity should be analyzed as a viable funding approach.

One public speaker made a reasoned comment that the race could proceed with minimal public involvement. Adding the Bay, basically—asis—was ready to stage the race. Based on his experience in sailboat racing, he delineated reasonable and affordable logistics that minimized

Cont. p. 16

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Real Travel By Judge Kay Tsenin

To Krivuha—With Love

Despite my Russian background and my fluent Russian, Russia is not on my list of favorite places to visit. I had been back numerous times, even before my adopted daughter Eva and I became a family. She wanted to go, and I knew we would have to do this to move forward—and the frequent flyer miles were expiring. We had talked about returning to see the women who had “given her food,” to see what was there. She wanted to knock on the door where she lived. What if her mother came to the door? What if it was someone else? Did she want to see her mother? What would she say to her mother? There were many questions.

She wanted me to see the village, but I had my own fears. What if we found her mother? I hoped she wanted to say “good bye” to a village from which she was yanked, by “people in black in a black car.” Sometimes I worried she wanted to brag about what she had become and how much better her life is now. I could tell that she wanted to find her younger brother, taken before she was, and adopted by a Russian family. None of it made me comfortable. But my “cousins” from Moscow would make the 15-hour trip over pot-holed roads to meet us in Pskov, the nearest town to Krivuha. And I would get to see “the team,” two women who held my hand as Eva and I became a family.

The treat at the end, I told myself, was London, and five days in a city I love.

So off we went. We have been a family for over three years. I’m blessed with a 14 year-old daughter, a caring, courageous, extremely confident, loving and great traveling companion. We flew into St. Pete and spent the first 4 days there. I have never enjoyed it so much because I got to see it through her eyes.

Eva is proudly Russian. She marveled that people on the street spoke a language



Eva reunites with a villager from Krivuha wild mushrooms —chanterelles. But this is early spring and only a few onions and potatoes were for sale. Potatoes, mostly

like a war zone. Undaunted, Eva headed thru the mud and strewn garbage. Before we were even out of the car, she was where the door used to be. “This is where the store was! Where is everyone? What happened?” Scrambling to the second floor where she lived, garbage and bricks everywhere, the glass “repurposed,” the building was being dismantled brick-by-brick by anyone who needed bricks or could sell them. Then she cried out gleefully, holding a dirt-covered cup that was once light blue with flowers on the front, “This is my baby cup! My grandmother pasted the flowers on the front.” Among the rubble were pictures—treasures to my daughter. As she collected the raggedy, dust-covered, torn and discarded pictures, we wondered, who were the people in the pictures? Were they her mother, her grandfather? We made up stories about the girl in the white scarf to give them

search of answers. Why did everyone leave? Did her mother or grandmother live here? Heading up the hill to some dreary abandoned-looking houses, a barking dog on a chain greeted us as we knocked on the door. Barely cracking the door, a red-eyed woman, holding a cigarette, voice raspy from too many smokes and probably too much alcohol, said “What do you want?” “Do you remember Eva?” No longer reticent, the woman leapt out to hug Eva, tears flowing down her cheeks. “I am Natalia, I dressed you for your first day of school.” Does Eva remember her? No, Eva recognized only one person in the village.

Natalia tells us the dairy closed and the whole village is dying. She would leave too, but she must care for her husband’s mother. She hadn’t seen Eva’s mother, but knew she lived six hours away on the other side of Pskov. She hadn’t attended the grandmother’s funeral. “Eva has an uncle, she should go see him.” Heading back to the “main” part of town—two muddy streets dissected by a gravel road on which we had traveled for the last 10 miles—we stopped. A man leaning against a car yelled gruffly, “I am her Uncle.” Repulsed, Eva does not want to talk to him. Turning to go, I asked Eva “are you sure you don’t want to talk to him?” “No, he is just like my mother, drunk and smoking,” she said, with an unfamiliar firmness.



meaning. She carefully collected those rolled up, faded, torn scraps and the cup, remnants from her life before me. Today, they are proudly displayed on a shelf in her room, dirt and all. Lovingly unfurling these pictures, she will discuss who they might have been. After a thorough search we went in

As we walked down the muddy, water-filled, rutted road past houses ready to fall down any second, two women come out to us. Being strangers—people don’t come to Krivuha—I introduced Eva. “Do

Cont. p. 15

“Eva and I have been a family for about 4 years. Eva is now 14, earlier this year we decided to go back to her village in Russia from which she had been taken some 6 years ago. We are both very glad we did.” . . . Judge Kay Tsenin

she understood. She thought everyone was friendly and most were. This was not the Russia I had visited alone as an American. This was my daughter’s country and she was reveling in it. St Pete has a limited metro system. When our feet gave out we discovered “Marshrutki.” The word “Marshrut” in Russian means “route.” These vans have prescribed routes but for a few rubles you can get anywhere. Eva ate lots of borscht and pelimeny. Avoiding the “prettied” up tourist areas, we shopped for toys for her schoolmates. On the 5th day we were picked up by our driver. We packed the car full of toys, cramming in the hula hoops and basket balls for the four-hour ride to Pskov, through endless miles of fallow fields that once were dairy farms but now are acres of weeds with dark grey dilapidated houses, many leaning heavily to one side. I am still amazed by the vast vacant land that’s used as a garbage dump everywhere along the road. “What do people do here?” I ask the driver. “They drink to oblivion.” It always makes me sad. In times past there were ladies along the road who put out make-shift benches, selling foraged or grown produce, berries, cucumbers, tree branches for the Russian “banya” (the equivalent to our sauna), and

imported from Spain, their steep increase in price —tripled or quadrupled— is the hot topic of conversation. Yet, all this vacant land that had once been farms. Arriving at the ole “Rizh,” the bastion of all American adoptive families staying in Pskov, we were greeted by “the team.” Shortly, the exhausted cousins arrived. We couldn’t find Krivuha on a local map. However, we knew it was between two villages that were on the map, so we began our three-hour journey into the depths of Russia. Surprisingly, even on roads filled with pot-holes, new gleaming gas stations have appeared, with perfectly good bathrooms, and snack bars selling wonderful piroshky-type Chimburri (meat or chicken-filled pies), a Georgian treat, left over from the days of Stalin. My political cousin lamented the poverty, dilapidation and ruin of Russia, and, of course, the price of potatoes, all explained by graft, bribes and kickbacks. We finally made it to a small white town marker that read “Krivuaha,” after numerous directions from people along the road. Cresting the little hill, Eva cried out “that’s my house”—the only two-story brick building in town. Her jaw dropped when she saw it. We had been warned that it was going to look

From time to time we have a guest traveler for our Real Travel feature. We thank Superior Court Judge Kay Tsenin for sharing this with us. If you have a special travel experience to share, we invite you to submit it. Our own intrepid traveler, Sergio Nibbi will be back next week.



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# Congratulations 2011 Zephyr Real Estate Top Producers!



Front Row/Seated (left to right): **Don Woolhouse** (Noe Valley Top Producer), **Danielle Lazier** (#1 Companywide Top Producer), **Robin Hubinsky** (West Portal Top Producer), **Mollie Poe** (Company Top 10), **Chris Sprague** (Company Top 10). Back Row (left to right): **Bill Kitchen** (Upper Market Top Producer), **Anna Spathis** (Company Top 10), **Tim Gullicksen** (Pacific Heights Top Producer), **Richard Meyerson** (Company Top 10). Not pictured: **Tim Hawko** (Company Top 10). Shot on location on the roof deck of 829 Folsom (829folsom.com).



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All hail the **Balboa Theatre**, which is in the process of celebrating the 86<sup>th</sup> anniversary of its opening in 1926. In this age of 20 and 25 screen venues showing first run selections on multiple screens, the “Bal” continues to show first-run and indie fare for interested SF movie goers. Long run by former Landmark theatres executive **Gary Meyer**, who is also the Director of the **Telluride Film Festival**, the theatre operation was recently ceded to a new group who is dedicated to keeping the venerable two-screen Cineplex open for the foreseeable future. It’s a great place to see a movie, have dinner and a nightcap across the street at “Hockey Haven” or one of the other establishments. With the buzz around the annual Academy Awards, it’s great to keep our local pieces of movie magic alive with visits to our neighborhood theatres that are still operating such as the **Vogue**, the **Bridge**, the **Clay**, the **Empire**, the **Roxie**, the **Lumiere** and the **Balboa**. Don’t forget the fabulous **Castro** while you’re at it. Their film programming is superb.

District 7 native son **F.X. Crowley** hosted a fundraising get-together at his home last week to kick off his entry into what looks to be an ever-growing field for the contest to replace termed-out **Supervisor Sean Elsbernd**. Over 130 attendees squeezed into his Lakeshore home to rub elbows with the candidate and hear what he had to say to the assembled audience. Citing the need to create jobs, strengthen the city infrastructure, preserve neighborhood character and keep SF safe—all well-received by the partisan crowd. Crowley becomes the fourth declared candidate to join the race.

Other declared candidates vying for the seat include **Joel Engardio**, **Michael Garcia** and **Norman Yee**. Engardio and Yee have the early lead in fundraising as reported by the Ethics Commission. With the election taking place on November 6<sup>th</sup> it is expected that the field will become a bit more crowded as other hopefuls enter the race.

**Hetch-Hechy** redux...a showdown is looming over the future of the Hetch-Hechy Reservoir in Yosemite National Park between the **SF Public Utilities Commission** and its opponents, who wish to drain the valley to “restore” it to the time prior to the building of the dam. Questions abound, such as: where is all of the water currently sitting in the reservoir going to go, be collected and held; are the other reservoirs equipped to handle the storage needs; and can the proponents of the restoration ensure that the City, as well as most of the Peninsula (as clients of the **SFPUC**) will have the water resources this very important region needs to function? An important issue that we will face. Of course, we will cover this and other election issues as Election Day moves closer.

Do you have an interesting story, idea, or some insights you’d like to get in the paper? Just drop it to us in the mail, or email me at: [mitch@WestsideObserver.com](mailto:mitch@WestsideObserver.com). Be sure to check out the Observer online @ [www.WestsideObserver.com](http://www.WestsideObserver.com), or on Facebook and Twitter.

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# The Cult of Beauty: The Victorian Avant-Garde, 1860–1900

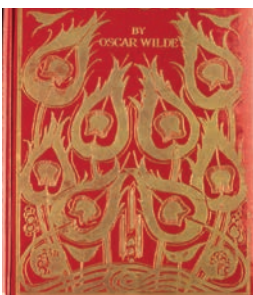
Comes to the Legion of Honor in February 2012

*The unconventional creativity of the British Aesthetic Movement* tracing its evolution from a small circle of progressive artists and poets, through the achievements of innovative painters and architects, to its broad impact on fashion and the middle-class home. Over 180 superb artworks express the avant-garde attitudes that permeated Victorian material culture: the traditional high art of painting, fashionable trends in architecture and interior decoration, handmade and manufactured furnishings for the “artistic” home, art photography and new modes of dress. Previously on view at the Victoria and Albert Museum in London and the Musée d’Orsay in Paris. The Legion of Honor is the exclusive U.S. venue.

British Aestheticism radically redefined the relationships between the artist and society, between the “fine arts” and design, and between art and both ethics and criticism. The iconoclastic belief in that art’s sole purpose is to be beautiful on its own formal terms stood in direct opposition to Victorian society’s commitment to art’s role as moral educator. Aestheticism is now recognized as the wellspring for both the Arts and Crafts and Art Nouveau movements. The Cult of Beauty showcases the entirety of the Aesthetic Movement’s output, celebrating the startling beauty and variety of creations by such artists and designers as Dante Gabriel Rossetti, James McNeill Whistler, Edward Burne-Jones, E. W. Godwin, William Morris and Christopher Dresser. Like a fine Victorian novel, the story of the Aesthetic Movement is one centered around serious social debates—shifting class structures, the confrontation between science and religion, art’s place in society, the impact of new market forces and a unique emphasis on the middle-class home.”

**“One clear and revolutionary aim emerged from the confusion of styles and cacophony of conflicting theories . . . : the desire to escape the ugliness and increasingly vulgar materialism of the age and create a new ideal of Beauty.”**

—Stephen Calloway



Explore this search for a new beauty both in the design creations and paintings of Dante Gabriel Rossetti, William Morris and their circle. The necessity of decorating their own homes, led these bohemian characters to create furnishings of elegant and forthright form—furniture, wallpaper, textiles and decorative objects of every type—utilizing traditional methods of construction and incorporating stylized motifs into their surface ornamentation. William Morris’s Fruit (or Pomegranate) wallpaper (1866) combines plant forms observed both first hand and those more stylized representations found in woodcuts, illuminated manuscripts and tapestries. Exhibition visitors will delight to Morris wall-papers and then wonder why exquisitely beautiful aesthetic paintings, such as Frederic Leighton’s sensual Pavonia (1858–1859) and the Pre-Raphaelite William Holman Hunt’s, Il Dolce Far Niente, (1866), shocked the conventional Victorian public. The Cult of Beauty continues to unfold in sections exploring significant aspects of the Victorian Avant-Garde aesthetic and its movement from the artist’s studio to middle-class drawing rooms.



Dante Gabriel Rossetti, The Day Dream, 1880, oil canvas

## EVERY • SUNDAY FARMERS MARKET

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Social Ballroom Dance classes for couples - 6 lessons for \$70. per couple. Forest Hill Christian Church, 250 Laguna Honda Blvd. 661-2746.

## EVERY • THURSDAY—NIGHTLIFE

6 pm–10 pm | Every Thur night, the Academy of Sciences is transformed into a lively venue filled with music, provocative science, mingling, and cocktails. GG Park/Tickets \$12 (\$10 members). calacademy.org/nightlife.

## EVERY • FRIDAY NIGHT

Friday Night Jazz Fri | 7–11 pm | Cliff House, Balcony Lounge – 1 Seal Rock. Performances: www.cliffhouse.com/home/jazz.html

## EVERY • FRIDAY NIGHT AT THE DEYOUNG

5–8:45 pm | Live music, poetry, films, dance, tours, and lectures. Cafe: special dinner, no-host bar. Art-making for children and adults. de Young Museum, GG Park. www.deyoung.famsf.org/deyoung/calendar/category/89

## TUE • AUTHOR PAMELA DRUCKERMAN

**Tue Mar 6 | 7 pm** | Author Pamela Druckerman will discuss *Bringing Up Bebe*. Former *Wall Street Journal* reporter explores the secret behind childrearing in France’s well-behaved children. BookShop West Portal, 80 West Portal 564-8080.

## TUE • FREE DAY CONSERVATORY OF FLOWERS

**Tue Mar 6 | 9 am–4:30 pm** | First Tuesday of each month is free at the Conservatory of Flowers, Special Exhibit fees, if any still apply. JFK Dr. Golden Gate Park.

## TUE • GREATER WEST PORTAL-GWPNA

**Tue Mar 6 | 7:30 pm** | West Portal Playground Clubhouse, 139 Lenox Way. We welcome new members at any time who are interested in the vibrant life of this community in the “Western Heart” of San Francisco. gwpna.org

## TUE • @MERCED JULIA MORGAN’S COHERTS

**Wed Mar 7 | 7 pm** | Inge Horton, author of *Early Women Architects of SF Bay Area: The Lives and Works of 50 Professionals*. The unknown women who worked at

the time of Julia Morgan. Merced Branch Library, 155 Winston Dr. 355-2825.

## THU • AUTHOR CARA BLACK

**Thu Mar 8 | 7 pm** | Author Cara Black reads from *Murder at the Lanterne Rouge*, her latest in the Almee Leduc series. BookShop West Portal, 80 West Portal.

## THU • SUNSET DIST COALITION MEETING

**Thu Mar 8 | 7 pm–9 pm** | Meets 2nd Thu each month. Info or to be added to the agenda please call Susan at 415.586.8103 or ssual@sbcbglobal.net Taraval Police Station, 2345 24th Ave

## MON • SUNSET PRESCHOOL AUCTION

**Sat Mar 10 | 5:30–11 pm** | Sunset Cooperative Nursery’s 11th benefit auction. “California’s Gold!” Old West attire is encouraged. St. Anne of the Sunset, 850 Judah St. Info: www.sunsetcoop.org

## SAT • OUTER SUNSET TREE PLANTING

**Sat Mar 10 | 9 am–1 pm** | Friends of the Urban Forest Tree planting: www.fuf.org

## TUE • AUTHOR GREGORY CROUCH

**Tue Mar 13 | 7 pm** | Author Gregory Crouch discusses *China Wings*, the untold story of the American-backed China National Aviation Corp. BookShop West Portal, 80 West Portal 564-8080.

## WED • 37 AVE SAFE NEIGHBORHOOD WATCH

**Wed Mar 14 | 7 pm** | 2nd Wed each month. Meet your neighbors, discuss ongoing neighborhood concerns. Sunset Ministry, 3010 Noriega St. at 37th Ave. Art 452-7804/Art.Tom@cbnocal.com..

## THU • N.E.R.T. TRAINING

**Tue Mar 15 | 6 pm–9 pm** | Free Disaster Preparedness Training for Ingleside, Oceanview, Merced and Lakeview at Aptos Middle School, 105 Aptos Ave. RSVP 970-2024/sffdnert@sfgov.org.

## THU • AUTHOR ADAM HOCHSCHILD

**Thu Mar 15 | 7 pm** | Discussing *To End All Wars*, a new history of the Great War that raises the question of why? BookShop West Portal, 80 West Portal. 564-8080

## MON • SUNSET-PARKSIDE MEETING

**Mon Mar 19 | 6 pm** | SPEAK aims to educate Sunset/Parkside residents on public safety, zoning, planning etc. 3201 Ulloa St. (Grace Lutheran) 3rd Mon each month. speaksanfrancisco@yahoo.com

## THU • DISTRICT 4 REDISTRICTING

**Tue Mar 20 | 7 pm** | Taraval District Police 3rd Tue of the month. Taraval Police Station Community Room, 2345 24th St. at Taraval St. 759-3100.

## TUE • COMMUNITY SAFETY MEETING

**Tue Mar 20 | 7 pm** | Taraval District Police 3rd Tue of the month. Taraval Police Station Community Room, 2345 24th St. at Taraval St. 759-3100.

## MON • CENTRAL COUNCIL MEETING

**Mon Mar 26 | 7:30 pm** | West of Twin Peaks Central Council | A resource for neighborhood organizations. 4th Monday each month. Forest Hill Clubhouse, 381 Magellan.

## MON • BEACH CHALET@ SHARP

**Mon Mar 26 | 7 pm** | Sunset Heights Assoc. of Responsible People features a panel discussion on the Beach Chalet Field. 1736 9th Ave. ( Moraga)

## TUE • LAKE MERCED

**Tue Mar 27 | 1:30 pm** | SF PUC to resolve the control issues with Rec & Park at Lake Merced. Rm 400, City Hall.

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A Word for Word Production from the Z Space Studio

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Written by T.C. Boyle  
Directed by John Fisher  
March 6, 7:30pm, McKenna Theatre

Written by José Rivera

Directed by Roy Conboy

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Logo, left, designed by SF State design students



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## AT THE THEATER • By Dr Annette Lust and Flora Lynn Isaacson

## FARCING UP MOLIÈRE'S DOCTOR IN SPIE OF HIMSELF AT BERKELEY REP

A *Doctor in Spite of Himself*, by the 17<sup>th</sup> century French playwright, a lighter, less psychological oeuvre than Molière's *Imaginary Invalid* about Alceste, who attempts to force his daughter to marry a doctor to cure his own imaginary ailments, adapted by Stephen Epp and Christopher Bayes, co-produced with Yale Repertory Theatre.

Molière's farce about a woodcutter named Sganarelle (Steven Epp), who prefers the bottle over wood cutting and who is a despotic husband to Martine (Justine Williams)—she soon gets her revenge on her husband, when two servants (Liam Craig and Jacob Ming-Trent) of the wealthy lord GÉronte (Allen Gilmore) looking for someone to cure their master's daughter Lucinde (Renata Friedman), who has become mute since her father has decided to marry her to a rich suitor while she prefers the penniless Léandre (Chivas Michael). Martine informs them that she knows of an extraordinary doctor who will not admit that he is one unless you beat him. The two servants find Sganarelle and beat him until he admits he is an ingenious doctor. From then on the farcical action is fired up with Sganarelle ending up in wealthy seigneur GÉronte's home pretending he is a doctor, flirting with the pretty married wet nurse (Julie Briskman), and plotting with Lucinde to cleverly match her up with her beloved Léandre.

Expertly directed by Christopher Bayes in a highly visual updated commedia dell'arte physical style, is a satire based on the quackery of the doctors of Molière's time and beyond that can stand on its own as a light classic comedy both content and

form-wise. This production is also enriched by delightful miniature puppets (manipulated by Renata Friedman) who momentarily step in to replace the live characters. It also includes pop music and songs performed by Greg C. Powers and Robertson Witmer and directed by composer/music director Aaron Halva.

Yet this production goes beyond commedia dell'arte to transform the action into hilarious physical and verbal improvisations that delight in boldly jeering contemporary happenings and personalities such as our present Republican candidates. In so doing the play ends up being less of a Molière farce than a clown show utilizing slapstick, vaudeville, and verbal banter that includes scatological references.

Yet, laughing for the sake of laughing no matter how it is derived, may be a saving factor in this production. Just what the doctor ordered for physical and mental health. In the ending scene the cast sobers up to offer this wise message that also comes across like a humble apology for their playful hamming up of Molière's farce. In a gracious and happy manner they extol the importance of laughter and then send us off in good cheer and humored by their upbeat buffoonery.

A *Doctor through March 25<sup>th</sup>. Info 510-647-2949, or [berkeleyrep.org](http://berkeleyrep.org) or 888-4-BRT-TIX*



Dr. Annette Lust



Flora Lynn Isaacson

## AURORA'S BODY AWARENESS A COMEDY OF COLORFUL ECCENTRICS

Annie Baker's Bay Area premiere of *Body Awareness*, referring to lectures by an energetic feminist college teacher (Amy Resnick) during Body Awareness Week, has less to do with her academic lectures than her relationship with her partner, the Mom (Jeri Lynn Cohen) of a repugnant 21 year old (Patrick Russell), who constantly and defiantly denies he has Asperger's syndrome. When a strange visiting artist and traveling photographer (Howard Swain) is invited to stay in their home and offers to take nude photos of the lesbian Mom, the college teacher is disturbed by her partner's willingness to allow a male to view and photograph her nude body. Meanwhile son Jared has been enticed into opening up to Fred the photographer, who suggests Jared stop continually twirling around an electric toothbrush and find a girlfriend. But Jared's first attempt to approach a girl has him showing his body parts to her and ending up falling into a pond.

Baker's play, sharply directed by Joy Carlin, has the audience enjoying the

spontaneity of these eccentric characters and the comic situation and repartee. With rapid set changes, the actors move from the Body Awareness lectures that seem superfluous in that they do not connect much with the dramatic action, to the lesbian couple's intimate home where the comic events take precedence over the upheaval that Fred's presence. If there is a lesson to be learned, or any enlightenment over lesbian relationships or bringing up a recalcitrant 21 year old, it is buried under the sparkling humor Baker employs to portray the eccentricities of the characters.

Sets and lighting by Kent Dorsey and costumes by Christine Dougherty and sound by composer Chris Houston.

Annie Baker brings an original voice to new playwrights exploring today's issues, that the Aurora initiated in its Global Age Project of life in the 21<sup>st</sup> century.

*Body Awareness through March 4<sup>th</sup>, Info 510-843-4822: [auroratheatre.org](http://auroratheatre.org) for future Aurora productions. Annette Lust*

## Now At the Movies • By Don Lee Miller

## CONTRABAND

With help from his best friend Sebastian: Ben Foster, Chris Farraday: Mark Wahlberg must protect his brother-in-law Andy: Caleb Landry Jones from evil Tim Briggs: Giovanni Ribisi after his drug deal goes bad. Chris quickly assembles a crew, including Danny: Lukas Haas, and leaves his loving wife Kate: Kate Beckinsale and kids to go to Panama on a freighter. Once there, he has minutes to get a pallet-load of uncut big bills smuggled aboard his ship and return safely back home to New Orleans to pay off Briggs. Capt. Camp: J.K. Simmons doesn't trust Chris. Of course, some things go awry en route and it's touch-and-go with suspicious customs. Directed with suspense by Baltasar Kormácur. Profanity. Violence.

## HAYWIRE

Always daring director Steven Soderburgh spotlights martial-artist Mallory Kane: Gina Carano as his unlikely covert op heroine who has more lives than a cat. Her rescue mission in Barcelona successful, she is immediately dispatched to Dublin on an assignment that turns sour. Betrayed and angry, she goes for payback when set up for a fall in Lem Dobbs' screenplay by teammate Kenneth: Ewan MacGregor and employers Rodrigo: Antonio Banderas and Coblenz: Michael Douglas. She and Paul: Michael Fassbinder have the shortest "marriage" on record. Mallory returns to the US, seeking to protect family and get revenge. Aaron: Channing Tatum shows up along the way. John Kane, her father: Bill Paxton finds his New Mexico home invaded by men seeking his daughter on the run. Profanity. Extreme violence.

## MAN ON A LEDGE

Nick: Sam Worthington is the title character, whose presence on an NYC hotel ledge 11 floors up proves a distraction for his team (including Joey: Jaime Bell and Angie: Genesis Rodriguez) at work in the building next door which is the HQ for his nemesis, a corrupt wealthy businessman, Englander: Ed Harris, current possessor of a fist-sized diamond he stole from Nick. As the police psychologist tries to talk Nick inside, Lydia: Elizabeth Banks has backup from her partner Jack: Edward Burns; and her former partner, Mike: Anthony Mackie. In the crowd gathered on the street below, there's TV news reporter Suzie: Kyra Sedgwick (taking time off from Closer, her popular TV series). Asger Leth directed the breathtaking thriller from a screenplay by Pablo F. Fenjves. Profanity. Violence.

## ONE FOR THE MONEY

Stephanie Plum: Katherine Heigl, recently divorced and unemployed, takes on a bail bondsman job to seek out wrongdoers and get paid for it. The first task is to find ex-cop Joe Morelli: Jason O'Mara, a past romance, who has a warrant out. Scenes with the leads wearing handcuffs and a smile will keep you awake. As her ditzzy Grandma: Debbie Reynolds almost steals this comedy romance film. The cast also includes Jimmy: John Leguizamo and a hilarious streetwalker, Lulu: Sherri Shepherd. It was directed by Julie Anne Robinson with a flair for comedy from a screenplay by Stacy Sherman + 3. Profanity. Brief nudity.

## WE BOUGHT A ZOO

Cameron Crowe's latest directorial effort stars Benjamin: Matt Damon as the title character, with his cute daughter, Rosie: Maggie Elizabeth Jones and disinterested son, Dylan: Colin Ford. Kelly: Scarlett Johansson has been running the zoo and stays on to help Benjamin. Could romance be in the air? His brother, Duncan: Thomas Haden Church also lends a hand. This charming family story will bring laughs and a few tears as they have a tight deadline to meet before the season starts to open to the public. Crowe co-wrote the screenplay with Aline Brosh McKenna from Benjamin Mee's book. Mild profanity.

## THE WOMAN IN BLACK

Given a last chance by his London solicitor employer, circa 1910, lawyer Arthur Krips: Daniel Radcliffe is sent to a Yorkshire village to settle a large estate. In a flashback, three teen girls jump from high windows to their death below; their souls still haunt the mansion as Krips arrives for his assignment. From the outset, villagers are unwelcoming to him. He is befriended by the local nobleman Mr. Daily: Ciarán Hinds, who has a sickly wife, Janet McTeer. The creepy, morbid eeriness forebodes an entertaining, unsettling horror film that gives Radcliffe his first post-Harry Potter role with facial hair and period costumes. It takes a while for him to learn the secret of the title character who preys on the young and how to make things right. Director James Watkins provides tension from Jane Goldman's screenplay adaptation of Susan Hill's novel. Profanity. Scary scenes.

## WANDERLUST

George: Paul Rudd and Linda: Jennifer Aniston live in NYC; he has a corporate job which he hates and Linda peddles her documentary about penguins with testicular cancer! When he loses that work, they drive (hilariously) to Atlanta to his obnoxious brother's, Rick: Ken Marino. They join a hippie commune with a bunch of characters: the flower child Almond: Lauren Ambrose, the angry ex-porn actress Karen: Kathryn Hahn, the nudist Wayne: Joe Lo Truglio, and an elder almost senile burnout Carvin: Alan Alda. George soon finds himself competing for Linda's affections with goofy Seth: Justin Theroux. A highlight is George's mirror chat! He finds solace with sexy Eva: Malin Akerman. Director David Wain also co-wrote [Role Models] this delightful romp with Marino. Graphic nudity. Sexual content. Drug use. Profanity.



Annette Lust of San Francisco—theater critic, educator, longtime student and chronicler of mime and the founder of the Fringe of Marin One-Act Play & Solo Performance Festival at Marin's Dominican University—has authored and edited a dense, fascinating and useful book on the "key element in performance."

## Bringing the Body to the Stage and Screen by Dr. Annette Lust

This new book by the author of *From the Greek Mimes to Marcel Marceau and Beyond* (Scarecrow, 2002) is a trove of information and examples—including exercises, improvisation techniques, original pantomimes, nonverbal acting, mime and physical theater methods, as well as chapters and an appendix on teaching movement and creating a movement education program, plus appendices on resources (schools, festivals, publications, DVDs ...).

In addition, nearly a quarter of the body of the text consists of conversations, interviews with and essays by a wide range of artists, scholars and critics in the field, many associated with theater in the Bay Area—famed clowns and actors Bill Irwin and Geoff Hoyle, Joan Schirle of Dell'Arte International, dancer-choreographer Joe Goode, puppeteer Liebe Wetzels (who originated Lunatique Fantastique), Clown Conservatory founder Jeff Raz, playwright-director Mark Jackson—and this writer's short piece on film acting. Other international artists, such

as Bernie Schurch (who also provided a foreword) and Floriana Frassetto of Mummenschanz, and filmmaker-theater performer Katerina Epperlein are also represented.

Dr. Lust provides a wealth of examples, references and quotes to expand the spectrum of her argument that "movement is fundamental to the life of all theater, whether it is movement theater or theater movement." Moreover, she maintains that "the spoken word was born from movement rather than the contrary."

Dr. Lust refers to both ancient theater and ritual—"From the ancient ceremonies emerged the actor who was also a dancer, singer and mime"—also citing the modern performance visionaries who worked to restore and update this primal situation: "The twentieth-century French actor, poet, and drama theoretician Antonin Artaud criticized Occidental theatre for being a branch of literature engaged primarily in performing plays with emphasis placed on the playwright's text." (Artaud's ecstatic proclamation, "To know the parts of the body for dramatic expression is to

throw the spectator into magic trances" serves as epigraph to the book.)

For those familiar with her history of mime, the present book will provide moments of recognition, in which Dr. Lust doesn't just reprise what she's written before of the history of the physicality of theater, but casts new light on its essential role, giving a new perspective on the phenomenology of movement in performance from the standpoint of practical education and production concerns.

Her collaborators also give more than tips and pointers: Karina Epperlein notes "moving my body puts me easily into an ecstatic state ... movement is like a river, moving with gravity ... flows, nourishes, connects, and tells stories"; Mark Jackson refers to the human body as theater's "*raison d'être*"; performer, coach and author Dan Kamin valorizes Charlie Chaplin in *The Gold Rush* as seeming to be "thought incarnate, expressing his every thought with his entire body." Dr. Lust herself concludes with: "as the movement of the body liberates creativity and gives

Cont. p. 15



**America’s Cup** (Cont. from p. 1)  
empty its general fund during a budget shortfall.” Fifteen months later, Campos’ concerns remain valid.

Originally, Ellison was only going to be reimbursed on rent credits for long-term leases. The City then agreed to issue infrastructure finance bonds and rent credits for ten-year leases. The long-term bonds/lease payments would most likely have been Certificates of Participation (COPs) that would feature higher interest rates than general obligation bonds. The COP interest and principal payments would have been paid out of San Francisco’s already ailing discretionary general fund.

The City would not have listed the COP interest payments as an America’s Cup expense. The one great advantage of COPs is that the Board of Supervisors could approve this long-term debt without either the knowledge or approval of the voters. (San Francisco is already on the hook to repay over a billion dollars in COP principal and interest that few voters even know was issued without voter approval, even though it was a major factor in Moody’s downgrade of the City’s bond rating in 2010.) We should all be thankful that the financing of the America’s Cup deal through the use of long-term payments and interest will probably not happen now that the original agreement has collapsed.

The broken America’s Cup deal also means that the City will no longer have to pay Ellison the agreed upon 11% interest rate on the accrued value of Ellison’s expenditures. Normal interest rates are between 4% and 5%.

As the *SF Weekly* reported on February 15, 2012:

“In a January e-mail to staff obtained by *SF Weekly*, Port Director Monique Moyer laments about the prohibitive cost — which, she worries, may sink the port. ‘I just don’t see how we can commit the Port to financial instability by committing to these obligations. Frankly, the cruise terminal isn’t worth the risk,’ reads the e-mail. ‘Sorry to be the ‘Debbie Downer’ on this, but I spent a sleepless night and I came to the conclusion that I can’t be the one who does this to the Port.’”

The Board of Supervisors should have listen closely to Ms. Moyer, who was appointed by Gavin Newsom in April

2004, and was paid \$234,275 in fiscal year 2011-2012 to expertly lead the Port. If she’s gravely worried about the risk, she’s not a “Debbie Downer,” she’s expressing fiduciary and ministerial restraint to which the Supervisors should have paid close attention, given her salary and experience running the Port. Like lemmings going over a cliff, a majority of the Supervisors were not listening to Ms. Moyer.

Shhh ... don’t tell anyone, but some of the real money in this City give-away is hidden in the ubiquitously named Seawall Lot 330. The City will now have to decide if they should still transfer to Ellison title to Seawall Lot 330, a 2.8 acre waterfront parcel at the corner of Bryant Street and the Embarcadero, with no cash contribution to the City. San Francisco had agreed to allow Ellison to build 250 luxury condominiums at the Bryant Street site. These condominiums would be leased from the Port rent free for the next 75 years. The City had also given Ellison the rights to build a marina near Brannan Street, rent free for 66 years, adjacent to his condominiums. While Ellison would make hundreds of millions on this property, the City will lose millions in lost lease revenue. This part of Ellison’s agreement with the City may still happen.

City officials knew that they were in deep water financially, actually drowning in their own expenses. The new estimated upfront event cost for San Francisco had been \$51.8 million, a 42% increase over the original upfront cost estimate of \$31.4 million. San Francisco had expected to generate at least \$1.2

billion for the local economy; \$22 million in tax revenue based on sales tax, hotel tax, parking tax, and payroll tax revenues; and over 8,000+ full- and part-time jobs. The \$1.2 billion, based on an estimated 5.4 million visitor days, no longer will be feasible, since attendance is now predicted to be much lower. Former Board of Supervisors president, Aaron Peskin states, “We should be delighted if we get 25% of the City’s pie-in-the-sky estimates.”

The only way the City could possibly have paid back its estimated \$51.8 million in upfront costs was if contributions from the America’s Cup Organizing Committee (ACOC) had added up to \$32 million over the next three years. The ACOC, led by philanthropist Mark Buell — who is concurrently president of San Francisco’s Recreation and Parks Commission — had only been able to generate \$8 million in pledges over the last year. You can’t spend pledges, so people downtown were starting to panic. Ignoring sudden, palpable panic, Supervisors

Jane Kim and Carmen Chu, two of the three members on the Budget and Finance Committee, voted on February

22nd to continue the America’s Cup deal based on an ACOC promise that they would have \$12 million in real money in their bank account by June 30, 2012 to cover City costs projected to be \$9.8 million at that point. Buell states, “We’re going to have a cash flow that’s timely to meet the City’s needs to spend that money.”

John Avalos, the third member of the Budget and Finance committee and one dissenting vote against the agreement stated, “There is such tremendous pressure to pass this that I don’t feel we’re putting our best foot forward... There’s always some imminent deadline that’s before us, almost like a gun to our heads.”

Mark Buell has our respect. Wishing him success is sort of like wishing a kamikaze pilot success. Imagine the sales pitch he is going to have to give to his philanthropic friends: “Look, I know that according to *Forbes* magazine, Larry Ellison is worth over \$27 billion; and yes, we were going to give him huge chunks of the Port for free; and yes, we have to donate \$32 million dollars so that the City can earn \$2.3 million; and yes, Gavin

Newsom made a horrendously bad deal so that he could pad his political legacy and receive future political

donations from Larry Ellison, but here’s the deal: If you donate a million today, you get to sit at the ACOC’s exclusive viewing center and eat caviar with heads of state, local and State officials, maybe Obama, mayor Ed Lee, and important people like Rose Pak and Willie Brown. Thank you for your pledge.”

Buell currently has pledges from 16 donors. The most interesting donor is Larry Ellison. He already owns the international America’s Cup rights to solicit sponsors, while the ACOC had owned the rights to solicit local sponsors. Ellison paid Buell an undisclosed sum of “donor” money to purchase the local sponsorship rights. Ellison may be Buell’s largest donor, but Buell is running out of things he can sell.

Budget analyst Harvey Rose isn’t buying what Buell is selling. Rose stated in the *Chronicle*, “We don’t have the money. In fact, we don’t have this \$8 million that we’re giving him [ACOC] credit for ... You can buy a lot of stuff with hard cash, but not with pledges.” According to Rose’s report, if ACOC/Buell contributes the \$32 million, San Francisco will actually make \$2.3 million on the America’s Cup. But if ACOC/Buell contributes only the \$8 million they now have in pledges, the City would have lost \$21.7 million. This is only the money that the City has agreed to spend upfront on the America’s Cup; it does not include the \$100 million+ the City would have lost over the long term.

On February 24, Aaron Peskin filed

**Laguna Honda** (Cont. from p. 5)  
nursing facility in the area.

The Eden Alternative, a philosophy of humanizing facilities as places where Elders live in habitats designed for human beings rather than facilities for the frail and elderly, believes that staff treat patients the way that staff are treated by their supervisors. So, if staff isn’t treating patients well as reflected by patient satisfaction surveys, observers need to look at the way administration treats staff. In other words, Mivic Hirose’s top-down management style may not be working well.

Hirose claims LHH has sent 40 staff for Eden Alternative training, but Dr. Kerr and his colleague Dr. Maria Rivero may have been the only trained Eden Alternative Associates at LHH since 1998. Rather than listening to Kerr and Rivero, LHH hired Lumetra Consulting for \$250,000 to teach staff that patients are experts in patient care, and staff knows the most about patients.

Logically, LHH’s administration should support staff so its staff can better care for patients, but observers agree that no amount of training will fix LHH with Hirose in place, in part because she doesn’t dare make a move without Slavin’s consent. Her management style, (and possible role in abuse of the patient gift fund), is the antithesis of Resident-Centered Care, a mantra foisted on staff for the past decade with scant improvement in resident satisfaction.

That brings us to the lawsuit the City has filed against Stantec Architects, Inc., a joint venture that began when Anshen + Allen Architects, in a partnership with Gordon H. Chong Partners, were first awarded the contract to design LHH in 2000. In 2007, Stantec acquired Chong Partners when it dissolved. Throughout construction of LHH’s new campus, Turner Construction has also been involved.

The City’s lawsuit filed on December 12 alleges, among other issues, that the replacement project’s costs exceeded the budget by at least \$100 million, and that architectural design defects include improper building envelope waterproofing; lack of coordination between mechanical, electrical, and plumbing systems; cooling system design deficiencies; building code non-compliance; lack of compliance with the Americans with Disabilities Act; incomplete design of the radiology suites; deficient design of cart-wash areas in the kitchen that resulted in water damage and mold; and other eye-popping defects.

The lawsuit also alleges that the “change order” process — design changes that occur mid-way through a project — resulted in excessive design modifications reflecting an incomplete, inaccurate, and inadequate design that fell below the standard of care. The City alleges construction drawings and specifications in formal Construction Documents were incomplete, inaccurate, inadequately coordinated, not compliant with applicable codes, and contained numerous conflicts, ambiguities, and other design errors and omissions.

As readers may recall, I wrote about LHH’s change order snafus in the Observer’s May 2010 issue (“LHH Lessons Unlearned Impacts All Bond-Financed Projects”). At that point, LHH claimed just

\$71.6 million in change orders. As recently as January 26, 2012, LHH now admits the change orders total \$87.45 million, a \$16 million increase in change orders between May 2010 and December 2011 that still doesn’t address the full \$183 million in costs overruns.

The lawsuit claims about \$70 million in change orders that the City wants to recover, plus compensatory damages and general damages, among other demands for relief. But there’s no relief for LHH’s neighbors mentioned in the lawsuit, who have had enough with the noise problem emanating from LHH.

And there’s no relief offered for patients, who express dissatisfaction with basic services, like operational elevators.

The City’s lawsuit surprisingly alleges it was the architects who recommended eliminating 420 of LHH’s planned beds, in order to control costs. Is San Francisco now this much poorer for skilled nursing beds for our frail elderly because an architectural firm (that may not have understood the patient environment it was designing) made multiple goofs?

Along the way, there have been extensive design scope reductions, many of which may have unwittingly contributed to the Resident Satisfaction Survey responses.

For instance, LHH’s morgue, which was designed to house a stainless-steel upgrade, was outsourced to Emeryville when the 16-unit freezer was delivered, only to discover that it was too tall to fit into the space the architects had designed. Now, families have to travel 11 miles out of the City to recover the remains of deceased family members.

Galley dining — long touted as an Eden-like alternative to being fed by tray in patient rooms — has been eliminated. A dialysis center at LHH has still not been built, causing patients to still undergo transport off site for dialysis treatment.

Lights in the main lobby of LHH’s new entrance periodically and unexpectedly go out, worrying security staff. The two new elevators in the hospital’s new entrance have failed on more than one occasion, both at the same time, jeopardizing safe patient transport during emergencies. For that matter, stroke and brain-injured patients admitted for physical medicine rehab at LHH — including physical, occupational, and speech therapy — cannot be transported from their patient rooms to the Rehab Services department on the floor below when elevators go missing in action.

Indeed, LHH staff was shocked to learn in early 2005 that the architects had been unaware when they first designed the buildings that fully 60% of LHH’s patients used wheelchairs for mobility. That percentage may have increased since then.

This may explain why one entrance to the Rehab Services training kitchen was built too narrowly to allow wheelchair users to access that training area, and why the Rehab training bathroom was built with a shower too narrow for most patients to enter, or use, safely.

LHH has never enumerated what design scope reductions have been made at each step of the way. San Francisco’s Citizen’s General Obligation Bond Oversight Committee charged with monitoring bond expenditures, has never inquired

Cont. p. 15

a lawsuit saying he was a member of an unincorporated group of “persons and entities that objected to approval” of San Francisco hosting the America’s Cup. Peskin’s lawsuit alleges the City failed to properly review the environmental impacts that the event will have on the San Francisco Bay and the City. It asks a judge to order a halt to construction until the lawsuit is resolved. This may have finally killed the America’s Cup deal and saved the City millions.

The next time you hear Mayor Lee talk about how broke the City is, or listen to a department head complaining about budget cuts, or see another

general obligation bond soliciting property taxes for maintenance services that our taxes should have already paid for, remember what San Francisco planned to give to Larry Ellison at the expense of the San Francisco taxpayers. If Ellison hadn’t cancelled the agreement, our Board of Supervisors and Mayor were fully prepared to give Ellison everything he wanted.

Who is representing the San Francisco taxpayers?

*George Wooding lives and works in the District 7. Feedback: wooding@westsideobserver.com*



**Tsenin/From Kruvuha** (Cont. from p. 9)  
you remember her?” “Of course we do. We used to bring in the cows together, I dressed her for her first day of school (it seems it was a village affair). I used to give her what food I could spare.” The other woman said, “I was the one who called the authorities.” Telling this story today, Eva calls this lady “her angel.” Heading down the road, we meet a man sitting on a village bench (a board on two tree stumps). He called out to his wife “Masha, come see lost have been found.”

She wanted to see her old friend Sasha and finally found his house. The last house on the street, it has a huge pile of freshly-chopped wood in front, chickens, a cow and a huge vegetable garden. A smiling woman, significantly younger than the others we had met, greeted us. The house is big. It is painted and well maintained. Still, it has only three rooms: kitchen, main room and a room where her first husband’s mother lay ill. It is stifling hot inside, and humid. She is cooking potatoes and making cottage cheese. Small TVs are on in every room—there is electricity in the town, and a cell phone tower, though no running water or paved streets. She immediately recognized Eva.

Then came a prize—a picture of Eva and Sasha on their first day of school. Eight boys and Eva, decked out in pink, a bow three times the size of her head on top, a fluffy dress and pink socks, sitting in the front row, smiling that smile I know so well. At six, when Sasha’s mom said he must go to school, the women of the village must have said “what about Eva.” At seven, they dressed her up and sent her, too.

Eva wanted to see Sasha, so we set out for his school where ultimately, thanks to my cousin’s bravado (growing up communist you don’t get anything unless you demand it), we’re in a class with six boys. One boy in the back, jaw gaping, eyes wide open and red-faced said, “I’d recognize her a kilometer away” — it was Sasha.

We returned to Pskov to learn that someone had found word of her brother in closed documents. He doesn’t know he has a sister or that he is adopted. The parents did not want a meeting. Eva was crushed — she desperately wanted to find him. She remembers playing with him and the day he was taken. As a compromise, she decided to write a letter when she returned home, send a picture, and by passing it through several hands, thought it might eventually get to his new parents. That way, someday he might know where to find her.

I hardly remember the trip to London. It’s been months since our return home and Eva has not written the letter, nor have I mentioned it. Perhaps we will this summer. Eva proudly shows her classmates the pictures of her village. “Eva must have been loved a lot when she was little,” a counselor once confided to me. Now I know she was, by a whole village. Eva found something in the rubble of her past, something the people in the black car yanked out six years ago. It’s intangible, but there is something different about her.

*Judge Kay Tsenin presides in the Superior Court of San Francisco*

**Review / Dr. Annette Lust** (Cont. from p. 13)

birth to expressivity, the gestures of the body evolve in silence or between words or musical notes ... so are born the lyricism of the body and the poetry of movement.”

The breadth and depth of the material can be indicated by a few headings: under “Utilizing Movements to Create a Visual Image,” there are sections on “Imaginary Object and Color Exercises” and “Evoking Movement Through Sound and Sound Through Movement;” examples of “Physicalizing the Word” come from the founder of modern “corporeal” mime Etienne Decroux’s “Mimo-Verb Class,” his original partner (and star of *Children of Paradise*) Jean-Louis Barrault’s “Use of Metaphoric Physical Imagery in Speaking Theatre”—and San Francisco’s “Word For Word Company’s Use of Movement to Dramatize Novels and Short Stories.”

There are charts with simple drawings

**Laguna Honda** (Cont. from p. 14)

about, and has not followed up on for over two years, either the change order debacle or project scope reductions at LHH that may contribute to power patient satisfaction scores.

Notably, the City’s lawsuit doesn’t bother mentioning the Board of Supervisor’s approved “design-build” and so-called “value engineering” approach that permitted contractors to suggest cost saving design changes during bidding in

to illustrate exercises and a gallery of practitioners of the art, past and present.

*Bringing the Body to the Stage and Screen* constitutes a generous contribution to the teaching, production and appreciation of the performing arts, both in live performance and those captured on tape and film.

To sum up the intention of this book in all the diversity of its forms, yet with the concentration of spirit in this uniquely human endeavor, Dr. Lust quotes the words of lyric poet Theodore Roethke: “God bless the roots! Body and soul are one.”

Ken Bullock, S.F. Bay Area Theatre Critics Circle

*Bringing the Body to the Stage and Screen, Expressive Movement for Performers, just out from Scarecrow Press (\$49.95 paper/\$99 cloth).*

2004, and whether either approach contributed to design defects.

No small wonder the City is belatedly suing LHH’s architects. Will neighbors be the next ones to sue?

*Monette-Shaw is an open-government accountability advocate, a patient advocate, and a member of California’s First Amendment Coalition. Feedback: monette-shaw@westsideobserver.com.*

**SHARON THE HEALTH / By Sharon Caren**



**Ultrasound Bone Density Testing May Save Your Life**

Seven of ten people who have Osteoporosis don’t know it. This problem must be rectified by education and public awareness. Early detection is the key. A simplified scanning process, effective, affordable and available to everyone

who wants it, is a great way to start turning around those numbers.

The DXA scan is the most commonly used devise to directly assess bone density, which in turn assesses your resistance to fracture. I had my first DXA (Dual energy X-ray absorptiometry) scan in 2004, ordered by my gynecologist, and was diagnosed with severe osteopenia (-2.5 T-score). The T-score is a comparison of a patient’s bone material density to that of a healthy thirty-year-old of the same sex and ethnicity.

At that time my doctor prescribed Fosamax, a fairly new drug, to increase bone density, with no information available regarding the long-term side effects. However the known ones, nausea, abdominal cramping, ulceration of the esophagus, were enough for me to know I was not taking the drug! Recent studies link femur fractures and Fosamax use.

I retested in 2006 and 2010 with a -2.2 T-score that shows an increase in density of .3 using nutritional supplements and exercise. Yes, it can be done. I’m looking forward to a UBDT test to see where I am

[www.nof.org/aboutosteoporosis/detectingosteoporosis/medicineboneloss](http://www.nof.org/aboutosteoporosis/detectingosteoporosis/medicineboneloss))

I recently met Dr. Ken Howayeck who brought this underutilized form of testing to my attention. He’s a distinguished podiatrist of 22 years. In June 2010 he lost his mother to complications of an Osteoporosis hip fracture. Now his mission is to simply educate the public on preventative ways to combat what could turn into a horrible life-threatening disease.

Dr. Ken believes going out and testing everyone he can with the UBDT preventive method will help in his own way to turn the corner on this massive health challenge. Using education and awareness, he explains to the recipient the advantages of the test results. Based on his 22 years of practicing medicine he also will suggest natural methods of strengthening bones. When the body gets what it needs environmentally and internally, the body can heal. He will also point out when a scan needs immediate medical attention.

You might be asking, “Where can I get the UBDT test done?” Five Star Onsite Testing ([www.fivestartesting.webs.com](http://www.fivestartesting.webs.com);

“When bone density starts to decline, it can happen and be detected in a short 6 month time period. If we are on the 2 year DXA plan time schedule, this decline is missed and could prove detrimental in certain cases.”

in 2012!

To have a DXA scan, your doctor must order it, your insurance company must approve it, or your budget must allow for it (approximately \$250.00). There is also the X-ray factor that, if given the choice, I’d rather choose a procedure more natural. At the time I didn’t know about UBDT testing being used all over the world.

UBDT is quick, comfortable, affordable and available. No doctor visits, no waiting for insurance approval. It requires less training so the cost is a tenth of the DXA, ranging from \$20 to \$45 typically. This way the scans can be done more frequently to keep track of what’s happening inside bones.

When bone density starts to decline, it can happen and be detected in a short 6 month time period. If we are on the 2 year DXA plan time schedule, this decline is missed and could prove detrimental in certain cases.

- Things to Avoid for Stronger Bones:**
- Smoking
  - Excessive alcohol
  - Excessive caffeine
  - Excessive protein
  - Excessive sodium
  - Sedentary lifestyle
  - Being indoors most all the time
  - Delaying decision to have at least one bone density test
- Medications that may cause Bone Loss:**
- Aluminum-containing antacids
  - Anti-seizure meds – Dilantin or Phenobarbital
  - Cancer chemotherapeutic drugs
  - Heparin
  - Lithium
  - Contraception – Depo-Provera
  - PPI’s - Nexium, Prevacid, Prilosec
  - SSRI’s - Lexapro, Prozac, Zoloft
  - Steroids – cortisone, prednisone
  - Thyroid hormones in excess
- (Source: National Osteoporosis Foundation:

925.858.5696; [dr.kenh@yahoo.com](mailto:dr.kenh@yahoo.com)) is a mobile service that provides these programs with high quality and economy, and even provides a doctor to perform them himself. The doctor is readily available immediately to answer questions about your own personal situation.

There is no good reason to avoid testing so why not do it and rest assured?

Doesn’t it make sense to have current test results more frequent to keep track of our structural, skeletal system? We cannot live without it!

Reference: “Bone Health Made Easy” written by Dr. Kenneth Howayeck 925.858.5696 or: [dr.kenh@yahoo.co](mailto:dr.kenh@yahoo.co)

**UBDT Bone Density Testing Event \$20.00**

**Saturday March 24th, 2012**

**From 1:00 to 3:00 PM**

**Location: Adele’s Hair Design**

**2366 – 19<sup>th</sup> Ave.**

(between Taraval and Santaigo)

**San Francisco**

Dr. Ken and I will both be there to assist you. Please put March 24th on your calendar and bring your friends and family.

*I welcome your feedback. If you have any questions or comments, contact me at 650.359.6579 or email [Sharon@sharonthehealth.com](mailto:Sharon@sharonthehealth.com) . Also visit: [www.sharonthehealth.com](http://www.sharonthehealth.com)*

*“The views expressed are those of the writer. If you have any questions about your health, you should always consult with your doctor.*

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Remember When?



View of the West Portal district from Claremont Avenue and Taraval Street. 1945 Aug. 4. By permission SF History Center: Caption "Here's a shot of the West Portal District taken from Claremont-Av. and Taraval-St. The West Portal School is in the center of the picture."

	4				5			
2	7							6
					1	5	4	7
		1		8				9
		7	3		2	4		
4				1		6		
7	5	8	9					
6							7	5
			2				6	

Sudoku-fun!

**Rules:** Each puzzle is a 9 by 9 grid of squares divided into nine 3 by 3 square blocks, with some of the numbers filled in for you.

**The Object:** Fill in the blank squares so that each of the numbers 1 to 9 appears exactly once in each row, column and block.

**Answer:** The answer appears below.

4	9	8	7	5	2	3	1	6
5	7	6	8	3	1	4	2	9
1	3	2	9	4	6	8	5	7
3	5	9	6	1	7	2	8	4
8	1	4	2	9	3	7	6	5
6	2	7	4	8	5	1	9	3
7	4	5	1	2	9	6	3	8
9	8	1	3	6	4	5	7	2
2	6	3	5	7	8	9	4	1

Browne (Cont. from p. 8)

much of the planned expenditures. Voices like this would gain greater access to the public awareness should the “final plan” be brought before the voters.

Of great concern is the naming spree by politicians of publicly-financed facilities. Residents are voicing increasing concern that they have no say in the naming of facilities, which they helped birth and for which they are paying. All proposed public facility (parks, buildings, walkways, etc.) names or name changes should be submitted to the public for voter approval. We all own these facilities, not just inside politicians with political clout.

A historical review of public financing and its efficacy might provide some clues as to expected outcomes from this new financing authority. In 2001 Senate Bill 1870 became law. SB1870 established a Regional Financing Authority (RFA), basically telling San Francisco voters that even if they disapproved or wanted mitigated the proposed billion (\$) in the proposed fix-up debt for the Hetch Hetchy system, their will would be ignored via SB1870 financing. SB1870 was sponsored by peninsula water wholesale customers with much support from San Francisco regionalists.

To ensure voters no longer participated in issuing these type revenue bonds, Tom Ammiano’s 2002 Proposition E explicitly gave this power to the Board. Oversight will never return to the City until voter rights to issue debt are returned as prior to 2002 Proposition E.

What was originally intended as a sailing race has become an expensive and difficult to decipher development project. The secretive insertion of 8 Washington into approval of the financing district may be the tip of the iceberg. Yes, the America’s Cup is a brilliant spectacle – but at what price? The real cost is what we have to give up. To paraphrase Adam Smith, when folks speak of the public good I fear for my own personal well being.

Brian Browne is a former member of the Revenue Bond Oversight Committee, feedback: browne@westsideobserver.com

Phyllis’ Findings / Phyllis Sherman

Phyllis will be back next month.



BRAIN FÜD

A man worked for a high-security institution, and one day he went in to work only to find that he could not log in to his computer terminal. His password wouldn’t work. Then he remembered that the passwords are reset every month for security purposes. So he went to his boss and they had this conversation:

Man: “Hey boss, my password is out of date.”  
Boss: “Yes, that’s right. The password is different, but if you listen carefully you should be able to figure out the new one: It has the same

amount of letters as your old password, but only four of the letters are the same.”

Man: “Thanks boss.”  
With that, he went and correctly logged into his station.

What was the new password?  
BONUS: What was his old password?

new one when he said: “The password is different”  
He said: My password is “Out of date.” And the boss told him the  
The new one is: Different  
The old one was: Out of date

Answer

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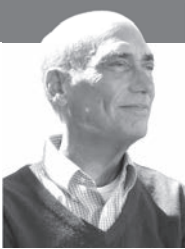
OPEN LATE



By Julie Casson



SECOND THOUGHTS / By Jack Kaye



Numbers Count But Only If We Can

In a previous column entitled: “Numbers Count and Size Matters,” I lamented our culture’s movement away from using math and numbers and toward our dependence on gut feelings and descriptive adjectives. That column focused more on the size of American family cars, recommending reductions to specific car lengths instead of generalizing adjectives like “mid-size” or “compact.” I also took the opportunity to decry the excessive size of men’s bathing suits and shorts as well as most of the watches available to these gender-specific consumers.

But now I want to address our culture’s inability to do simple math on a routine basis. Here are some recent examples:

There much ado about extending the 2% reduction in payroll taxes deducted from workers’ paychecks. Everyone has agreed how vital this was for the working people and for our economy. Their payroll tax payment will continue to be reduced from 7.65% of their earnings (6.2% for Social Security plus 1.45% for Medicare contributions) for earned incomes of up to about \$106,800 to only 5.65% for another 10 months if approved by Congress. Workers will continue to keep 2% more of their gross earned income as they did last year.

The man on the street was interviewed and in each case declared his joy for the much-needed extra money. The news media couldn’t seem to figure out how much of a real difference this \$120 billion program would make for 160 million workers. While the media not only incorrectly said that the average savings was \$1,000 a year when it is more like \$750, the media also couldn’t figure that this was less the \$14.50 a week or about \$2 a day. Not one report that I saw, and I watch most of them, ever mentioned this measly amount. Instead of having \$721 a week, the average worker will have \$735. The \$2 a day difference won’t even pay for a cup of Starbucks’s coffee.

And in order to give 160 million workers an average of \$2 a day more, we should lose \$120 billion in revenue (\$10 billion a month) when we are trying to reduce our annual one trillion dollar deficit.

Has anyone done the math?

Also in the news lately, we’ve heard about mandatory cuts of \$45 to \$55 billion a year from our defense budget. Is that a lot or is that a small matter? How much do we spend on defense and what does it include? While the budget for the Defense Department is about \$650 billion, it is not the total cost of our defense. We also have the Veteran’s Administration, which pays the pensions and provides medical services to active and retired vets. There are costs for defense-related programs in the CIA, the Energy Department, NASA and the State Department. The actual total cost of defense is a little over \$1 trillion, or about one third of the federal budget.

And what does that money buy and what can be lived without? No one has given us the numbers. How many military bases do we run around the world? We never hear. Estimates vary from more than 700 to as many as 1,000. The other 195 sovereign nations combined have a total of less than 200 foreign military bases. How many more war ships, fighter jets, atomic bombs, etc., do we have than the whole world combined? Ten times as many, twenty times as many?

We have not been given any of these numbers, without which we cannot measure or judge the significance of our cuts.

Then there is the multi-millionaire running to be his party’s unsuccessful opponent to our incumbent leader. We have learned that in 25 years of working for a private equity company he was able to amass more than \$200 million. When he reluctantly released his tax return for 2010, we learned that he invested some of his fortune in Swiss banks and in companies on the Cayman Islands, not helping our struggling economy. We also learned that he paid less than 14% of his \$21 million annual unearned income on taxes. But what no one mentioned is that he made over 10% interest on his \$200 million. Who else gets that kind of return? If you put your money in a regular account at a major bank, as most of us do, you get .1%, if you are lucky. If you put one million dollars into CDs or a maximum savings account, you might get 1%. If you invest in stock and do real well, you might get 3% return. How does he get 10% every year now that Madoff is in prison and Milken is out but has reformed? This is the real outrage. He makes more in a day in interest (\$57,500) than the average American worker earns in a year (about \$33,000).

And lastly, there is the Occupy Wall Street movement. The occupiers have echoed the concern of many Americans that Wall Street has become too powerful, too greedy and too corrupt. They sense that the bonus system has encouraged otherwise decent, well-educated people to take outrageous risks with other people’s money for their own personal gain, with some ruinous results.

But some people in the movement came up with this 1% versus 99% theme. They said that our country’s problems are caused by the richest 1% of our population subjugating the unfortunate, defenseless 99%.

In all this time, I have heard no one say who comprises the 1%. The top 1% of households in the United States, accounting for fewer than 1.5 million households, earns at least \$386,000 a year. This top 1%, therefore, includes every professional athlete and coach, every person we watch regularly on T.V., most surgeons and all the professional couples who each earn \$200,000 a year. They are what most would call the high end of upper-middle class. Surely, they are not the problem.

The top .1%, representing the top-earning 150,000 households, earned at least \$1 million a year. This includes many top professional athletes, news anchors, T.V. stars, movie stars as well as CEOs of large companies, Wall Street investment bankers, lawyers, hedge fund managers, and private investors. Many of these people give generously to charity and non profits like schools, hospitals and public projects. But some of these high earners pay lobbyists to coerce legislators to relax regulations and reduce personal and corporate taxes. It is these people and their lobbyists who are in part to blame for our country’s economic and political woes.

Then there is the top .01%, the billionaires like Warren Buffet, Steven Jobs and Bill Gates who are the most generous in their donations and have lobbied for the rich to pay more taxes.

So then who is the problem, now that we know the numbers? It is the Wall Street money managers and the influence they bring to bear on our legislators, on our country. It is the system driven by greed for ever bigger bonuses to own ever a bigger slice of the American pie without any real concern for their fellow citizens. The problem includes an electoral system that always requires more money in donations to win continued reelection, which becomes more important than the reason for which our politicians were elected—to help the people. It is lobbying, using hundreds of millions of dollars to seduce legislators into doing the special interest’s bidding. Also, it has been the conservative wing of the Republican party that has taken advantage of its constituents’ failure to understand what is in their own best interests, convincing blue collar party faithful that they too will be rich someday, something that will probably never happen, but hope springs eternal, especially when we don’t know the facts.

Our problems can not be properly addressed by an inadequate free press and a public unwilling to ask to see the numbers so that decisions can be based on fully-disclosed facts, and not by gut feeling or senseless adjective-filled slogans.

Numbers count, but only if we know what they are and what they mean.

Feedback [kaye@westsideobserver.com](mailto:kaye@westsideobserver.com)

PTA Supports “Our Children Our Future” School Funding Initiative

By Carol Kocivar



Within moments of each other, two important education news flashes recently hit the internet:

State Schools Chief Tom Torlakson: “One Student in Three Attends a School District in Financial Jeopardy”

Our Children Our Future Education Initiative Launches Signature Drive

One sets out the problem. The other sets out the path to a solution.

The state’s First Interim Status Report for fiscal year 2011-12 indicates that 127 districts are either in negative or qualified financial status, totaling 17 more than at this point last year. Combined, nearly 2 million students attend school in a district with serious financial challenges.

“The financial emergency facing our schools remains both wide and deep,” Torlakson said. “The deep cuts made to school funding—and looming uncertainties about the future—are driving school districts to the brink of insolvency. Plain and simple, our schools need new revenues to get back on solid financial ground.”

This is not news to parents throughout California. Anyone who has stepped into a school or has a friend or a neighbor with children in a California public school knows the impact of billions of dollars in cuts to our schools over the last few years. Per-pupil funding in California is 47th in the nation.

And now, in a neighborhood near you, parents are not only getting mad, they are getting organized.

PTA volunteers throughout the state are asking their friends and families to help with a signature drive to qualify Our Children, Our Future: Local School and Early Education Investment and Bond Debt Reduction Act for the November ballot.

Here is what the initiative does:

Raises approximately \$10 billion to \$11 billion a year in new revenue for local public schools and early childhood programs.

Revenues would be deposited into a newly created California Education Trust Fund.

Money would be allocated 85% for K-12 public schools and 15% for early childhood programs.

Gives local school boards the authority to decide, with community input, how new education funds will be spent at each public school site.

No more than one percent of the K-12 funds may be spent on school-district administration, with the rest going directly to school sites on a per-pupil basis.

Tony Hall (Cont. from p. 5)

country that borders Romania, One Child at a Time has funded and helped supervise the construction of a vocational center that will teach the trade skills of ceramics, rug weaving, and musicianship to help children rise out of poverty while revitalizing the local economy. Bob believes it is important to not only help the children, but the economy as well, by spending money locally, hiring local contractors for projects.

Even though his missions take him around the world, Bob Squeri has always left his heart in San Francisco. As a District 7 resident, he has created a scholarship fund for low-income students at Sacred Heart Cathedral, and has plans in the works for similar funds at Riordan and St. Ignatius high schools, in addition to volunteering and partnering with many organizations to help the residents of Laguna Honda Hospital, and Project Open Hand in our City.

Like so many San Franciscans, Bob Squeri is thankful for all the good things he has received from his life in San Francisco and he is committed to giving back where he can. He knows that many residents in San Francisco are struggling with a poor local economy, increased taxes and fees, a high cost of living, and a dysfunctional social service program

The initiative also spells out what the K-12 money can be used for:

Instruction in the arts, physical education, science, technology, engineering, mathematics, history, civics, financial literacy, English and foreign languages, and technical, vocational or career education;

Smaller class sizes;

More counselors, librarians, school nurses and other support staff at the school site;

Extended learning time through longer school days or longer school years, summer school, preschool, after school enrichment programs and tutoring;

Additional social and academic support for English language learners, low income students and students with special needs;

Alternative education models that build students’ capacity for critical thinking and creativity; and

More communication and engagement with parents as true partners with schools in helping all children succeed.

Training, technology, and teaching materials grants will be provided on a per-pupil basis and can be used for professional development activities, new technology, or teaching materials.

Because it will be taking effect as California grapples with one of the worst economic downturns in its history, it will be implemented in two stages.

For the first four years, thirty percent of the funds, about \$3 billion, will go to pay school bond and other bond debt-service costs, freeing up a like amount to meet other budget needs critical to the overall well-being of children, families and communities.

How is this paid for?

The initiative raises income tax rates on a sliding scale from four-tenths of one percent to 2.2% on multi-millionaires. It applies to incomes after deductions are taken, and before tax credits are given. The proposed additional tax rates would expire at the end of the tax year 2024.

For more information:

Legislative Analysts Office:  
[www.lao.ca.gov/ballot/2011/110816.aspx](http://www.lao.ca.gov/ballot/2011/110816.aspx)

Our Children Our Future:  
[www.ourchildrenourfuture2012.com/](http://www.ourchildrenourfuture2012.com/)

that has left over 10,000 people living on the streets. Bob sees the unfortunate turn in San Francisco over the last thirty years, but remains optimistic because of the amazing people he meets who share his views on what the City could be with the right leadership.

“I remember what a privilege it is to live here, and I am excited to be part of a group of San Franciscans that want to help the City become great again. I am going to do what I can, even if it’s just helping one child at a time, because I believe with that philosophy, we can all make a huge difference.”

To find out to help Bob’s mission how at [www.onechildatatimeinc.org](http://www.onechildatatimeinc.org)

And now a little closer.

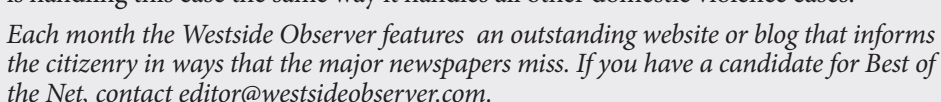
Every parade needs a clown, and this year’s Chinese New Year’s parade certainly scored big by allowing Rose Pak to M.C. the review stand. Whatever humor that this self-promoting political puppet-turned-clown tried to impart was over-shadowed by her stupidity and crassness as she hurled insult after insult at our electeds. I am told that even our Chinatown leaders were embarrassed. Time to make changes.

Tony Hall is the former Supervisor for District 7.



*By Larry Bush / citireport.com*

It also was the case for the partner of Julius Turman, a political activist named first to the city's Human Rights Commission and now serving on the Police Commission. His partner originally filed a police complaint but later withdrew it and accepted an out-of-court settlement for damages he suffered in an alleged beating. In that case, Turman was arrested on a felony domestic violence charge.



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From the Border Hilary Gordon

## GROW YOUR OWN FOOD

By Hilary Gordon ©2012/Photos: Blair Randall

**W**hen the sunlight begins to feel warm and the first pink blossoms on the plum trees trumpet spring, it's time for a new gardening year to begin. For my family members in New England, this moment is still months away, but for us in the lucky Bay Area, it's already here.

This year more people than ever seem ready to start growing at least some of their own food in their gardens or on their decks and balconies. Never have we at the Garden for the Environment had more interest in edible gardening classes.

For gardeners in San Francisco, and especially here on the west (read foggy) side of town, food gardening doesn't follow the rules in most gardening books or on the backs of seed packets. The weather is rarely cold enough to stop all plants from growing, so we can harvest food from our gardens all year round, even in December and January. On the other hand, it doesn't ever get warm enough for many crops which other regions can grow in the summer time, especially that hallmark of backyard gardening, the tomato.

If you would like to start growing some edibles in the garden, here are a few simple steps to help you get started.

First, choose one crop which would make a difference in your cooking and in your grocery budget. Do you buy a bunch of green onions, or a bag of salad greens every time you go to the store? Was your New Year's resolution to start eating kale once a week? Do you wish you could chop fresh herbs for your salad dressing instead of shaking dry ones from a bottle?

Cooking greens like kale and chard, salad greens, green onions and garlic, and woody herbs like thyme and rosemary, are among the easiest and most successful crops here on the west side of town. They are also crops that can be grown and used year round. If any of these appeal to you, you are in luck! If you want to choose something else, please check in Pam Peirce's wonderful book *Golden Gate Gardening* to see if it will grow well in your neighborhood, and at this time of year.

Once you have chosen a crop to begin with, choose a spot in your garden, or on a deck or patio to begin your culinary project. You need to find a spot that gets plenty of sun, at least six hours of sun during most of the year. If your veggie spot can be close to your entry into the garden so much the better. It's easier to give food crops the attention they need if they are right by the back door, and not a hike away through the garden. Last but not least, you want a spot that is close to your water source, so that watering your plants is fun and easy and doesn't become a chore to be avoided.

If you don't have a yard or garden, don't despair. Most vegetable crops are happy to grow in containers, so get yourself a big pot or half-barrel and get to planting! You still want to think of the same factors when deciding where to put your container(s). Locating your containers where they can get six hours of sunlight, close to your entry, and close to a water source will give your project the best chance of success.

You may be wondering why I am not advising you to build raised beds with wire protection from gophers, install a drip irrigation system, start a vigorous home composting program, and plant a dozen crops in rotation. All of these are good ideas, and if you decide that vegetable gardening is for you, you may want to undertake some or all of these projects. But for people making their first



Plum is blooming? It's time to plant on San Francisco's foggy side of town.

foray into food gardening, the most important rule is to keep it simple.

Years ago, I asked Brooke Budner, a long-time friend of the Garden for the Environment, and the co-founder of Little City Gardens what her advice would be to someone just starting out growing food. I have never forgotten her answer, and I often refer to it as "Brooke's Law" when teaching beginning gardening classes. She said, "Start small, observe closely, and keep it joyful."

By starting small, observing closely, and keeping it joyful, food gardening can become a precious, healthful, meditative part of your day, which helps you connect more closely with the cycles of nature and our proper place in a world. The garden is a place where we can remember that our lives depend on natural processes which are sturdy and abundant and free.

If you can, please drop by the Garden for the Environment and take a look at our vegetable crops growing. Or you might want to take a class to help you get started. We offer a Grow Your Own Food class every month of the year; (look us up at [gardenfortheenvironment.org](http://gardenfortheenvironment.org)). Maybe you will always remember 2012 as the first year of growing your own food!

**Hilary Gordon** A life-long gardener, trained at the City College Horticulture program, she has worked as a professional landscape gardener from 1984 until the present. Have a question? Meet her in the garden Wednesdays 10-2 and Saturdays 10-4.



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