

City and County of San Francisco
Citizens' General Obligation Bond Oversight Committee
Hunter Stern, Chair
Kristin Chu, Vice Chair

January 28, 2010

Honorable Gavin Newsom, Mayor
City and County of San Francisco
City Hall, Room 200
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Honorable Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Dear Mayor Newsom and Members of the Board of Supervisors:

On behalf of my fellow members, I am pleased to present you with the 2009 Annual Report of the Citizens' General Obligation Bond Oversight Committee.

The Citizens' General Obligation Bond Oversight Committee was established in 2002 pursuant to Proposition F, which was approved by the San Francisco voters at the March 2002 election. This seventh report of the Committee describes our review of nine active bond programs and the audits, reports and projects of the City Services Auditor during 2009.

The Committee began 2009 with one of its nine seats vacant. During the year that long standing vacancy was filled. With a full complement of nine members, the Committee was able to function as the voters intended. The Committee held four regular meetings and two additional 'special' meetings in order to accomplish as much as possible.

The Committee is happy to provide additional information as requested and is able and willing to present to a summary of this 2009 Annual Report to the appropriate body of Board of Supervisors.

Sincerely yours,

Hunter Stern
Chair, Citizens' General Obligation Bond Oversight Committee

cc: Angela Calvillo, Clerk of the Board
Ben Rosenfield, Controller
Nadia Sesay, Director, Mayor's Office of Public Finance
Civil Grand Jury
Members of the Citizens' General Obligation Bond Oversight Committee



2009 ANNUAL REPORT
CITIZENS' GENERAL OBLIGATION BOND OVERSIGHT COMMITTEE

Executive Summary

The Citizens' General Obligation Bond Oversight Committee (the "Committee") was formed subsequent to the passage of Proposition F (March 2002) to inform the public, through review and report, on the expenditure of general obligation bond proceeds in accordance with voter authorization. The Committee met six times during calendar year 2009, heard multiple presentations on five major active bond programs and received updates on five additional active bond programs, whose funds are nearly expended. While the Committee's review of bond funded projects does not constitute a formal audit, nothing has come to the Committee's attention in the course of its review that has caused it to believe that bond proceeds were spent on purposes not authorized by the respective ballot measures.

The Committee continued to maintain close communications with all departments engaged in spending General Obligation bond funds, but particularly with the San Francisco Public Library, Recreation and Park Department, the Laguna Honda Hospital Replacement Program and the General Hospital Rebuild Program to monitor these bond programs. The Committee does see some improvement in the management of bond funded projects, particularly through the adoption of new performance standards by Department of Public Works. However, The Committee continues to see delays and cost overruns in the planning and completion of these projects, particularly in those bond programs comprised of a multitude of projects. The Committee notes that there remains ineffective management controls in place for these 'small' projects and urges bond program management to adopt recommendations identified by City Services Auditor staff in several audits completed during 2009. This seventh annual report reviews the 2009 activities of the Committee and is organized into the following topics:

- Background
- Committee Membership
- Committee Approach
- Major Bonds and Related Matters
- Other Bonds
- Citizens' Audit Review Board
- 2010 Meeting Schedule



Background

Proposition F, enacted by the electorate in March 2002, and established the Citizens' General Obligation Bond Oversight Committee, comprised of nine members charged to inform the public about the expenditure of general obligation bond proceeds through active review and the publishing of regular reports. San Francisco Administrative Code 5.30-5.35 states :...*(a) The purpose of the committee shall be to inform the public concerning the expenditure of general obligation bond proceeds. The committee shall actively review and report on the expenditure of taxpayers' money in accordance with the voter authorization. The committee shall convene to provide oversight for: ensuring that bond revenues are expended only in accordance with the ballot measure, and (2) ensuring that no funds are used for any administrative salaries or other general governmental operating expenses unless specifically authorized in the ballot measure for such bonds. The committee has no power to review bond proposals prior to voter approval. Further, the committee shall not participate or interfere in the selection process of any vendor hired to execute bond funded projects. (b) In furtherance of its purpose, the committee may engage in any of the following activities: (1) Inquiring into the disbursement and expenditure of the proceeds of bonds approved by voters by receiving any reports, financial statements, correspondence or other documents and materials related to the expenditure of bond funds from agencies that receive proceeds from these bonds; (2) Holding public hearings to review the disbursement and expenditure of the proceeds of bonds approved by voters; (3) Inspecting facilities financed with the proceeds of bonds approved by voters; (4) Receiving and reviewing copies of any capital improvement project proposals or plans developed by the City; (5) Reviewing efforts by the City to maximize bond proceeds by implementing cost-savings measures, including, but not limited to, all of the following: (i) mechanisms designed to reduce the cost of professional fees and site preparation and design; and (ii) recommendations regarding the joint use of core facilities and use of cost-effective and efficient reusable facility plans; (6) Commissioning independent review of the disbursement and expenditure of the proceeds of bonds approved by voters by accessing any funds set aside for this purpose under subsection (c) of this section to retain outside auditors, inspectors and necessary experts to conduct such independent review; (c) To the extent permitted by law, each ballot measure shall provide that one-tenth of one percent of the gross proceeds from the proposed bonds be deposited in a fund established by the Controller's Office and appropriated by the Board at the direction of the committee to cover the costs of said committee".*

In addition, the voters of the City and County of San Francisco approved Proposition C in November 2003, which authorized the Committee to serve as the Citizens' Audit Review Board. Proposition C took effect on July 1, 2004 (San Francisco Charter Appendix F). In this role, the Committee provides advisory input to the Controller on matters set forth in the Charter, including requiring that the Committee: (1) review the Controller's service standards and benchmarks to



ensure their accuracy and usefulness; (2) review all audits to assure they meet requirements set forth in Appendix F of the San Francisco Charter; (3) review complaints received through the Controller's Whistleblower hotline and their disposition; and (4) when appropriate, hold public hearings regarding the results of benchmark studies and audits.

Committee Membership

The Ordinance requires that the nine committee members meet certain minimum qualifications and be appointed as follows: three by the Mayor, three by the Board of Supervisors, two by the Controller and one by the Civil Grand Jury. Each member serves for a term of two years. The Committee notes that remaining open seats on the Committee were filled. For the first time in several years, the Committee was able to function with a full complement of nine members. In 2009, the members constituting the Committee were appointed as follows:

Committee Membership

MEMBER NAME	APPOINTED BY	APPOINTMENT DESCRIPTION
Hunter Stern, Chair	Mayor	Active in a labor organization
Dick Morten	Mayor	Active in a community organization
Egon Terplan	Mayor	Active in a business organization representing the business community located within the City
Robert Muscat	Board of Supervisors	Active in a labor organization
Kristin Chu, Vice Chair	Board of Supervisors	Active in a community organization
Thea Selby	Board of Supervisors	Active in a business organization representing the business community located within the City
Michelle Sexton	Controller	Expertise in auditing governmental financial statements or with expertise in public finance law
Sanford Garfinkel	Controller	Expertise in construction management
Abraham Simmons	Civil Grand Jury	Designee of the Civil Grand Jury



Committee Approach

The Committee has been formed to provide oversight to: (1) ensure that bond revenues are expended only in accordance with the ballot measure, and (2) ensure that no funds are used for any administrative salaries or other general governmental operating expenses unless specifically authorized in the ballot measure for the bonds. To that end, the following questions are asked of the bond-issuing departments.

- Are individual projects proceeding on schedule? If not, why? What action is being taken to ensure that projects stay on schedule?
- Are individual projects currently within budget? If not, why? What action is being taken to ensure that projects stay within budget?
- Is the bond program forecast to be completed on time and within the authorized bond amount?
- To what extent is the capital program predicated on the receipt of funds other than general obligation bond proceeds, and what contingency plans exist to deal with non-receipt of those funds?
- Are competitive bid requirements followed for all projects?
- Does the department maintain internal controls adequate to assure that charges to bond funds are appropriate?
- Are departmental employees' salaries, if any, charged to bond funds appropriate?
- What are the opportunities in the program for the joint use of core facilities and use of cost-effective and efficient reusable facility plans?
- What other mechanisms have been designed to reduce the costs of professional fees, site preparation and design?

Major Bonds and Related Matters

The Committee met six times during 2009 to review the progress made by departments with five major general obligation bond funded projects and to receive updates on other active bond issues. In addition, the Committee received a thorough report from the City Administrator's Office on the status of San Francisco's FY 2010-2019 Capital Plan, including a history of G.O. Bond approvals by City voters. The Committee also received presentations from the Department of Public Works (DPW) on its continuing efforts to improve and expedite the City's contracting process. This is being accomplished through internal performance improvements and the work of the Construction Contracting Task Force. DPW reported that these reforms are improving the City's ability to effectively and efficiently contract work, which in turn helps reduce costs of bond funded projects. Further, the Committee received presentations from the Controller's Office and the



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Mayor's Office of Public Finance concerning the potential impact of the national financial crisis on the bond market in general and San Francisco's general obligation bond programs in particular.

Generally, a critical area of work by the Committee was to review and evaluate the possible impact of the national financial crisis on the City's general obligation bond fund programs and whether existing financing plans can be met. Of particular concern were plans requiring bond sales during the first half of 2009. Fortunately, no bond programs have been adversely impacted as a result of the financial crisis. The Committee did ask the Controller and the Office of Public Finance about contingency plans should they be needed; but costs of financing for G.O. Bonds were reasonably favorable in the beginning of the year and improved as the year progressed.

While the Committee's review of bond funded projects does not constitute an audit, nothing has come to the Committee's attention in the course of its review that has caused it to believe that bond proceeds were spent on purposes not authorized by the respective ballot measures. The Committee is pleased to note that each department, as required by the Committee, now includes, as part of its report information, a standard Gant chart, presenting the original budget, the current budget if revised and actual expenditures to date for each major segment of the program or for each project.

The Committee has also found that the establishment of a revolving fund by the Board of Supervisors and the Office of Public Finance for use by the Capital Planning Committee in the early planning and development stages of a large-scale projects to be funded through G.O. bond programs has greatly improved the ability for establishing an accurate bond fund amount and the feasibility and credibility of the Program itself. Review of the approved 2008 Safe and Clean Neighborhood Bond and 2008 General Hospital Rebuild Bond demonstrate that this 'pre-sale' investment is well worth it. Required environmental, engineering and planning reports were completed and approved *before* the bond was put before the voters, thereby identifying the scope of the project. Then these 'seed' funds are returned to the Capital Planning Committee after the first bond sale is completed.

During the past year, the Committee has continued its scrutiny of the departments' calculation of projected construction cost escalation and the adverse impact on project scope. Given past dramatic increases in construction costs, the Committee remains very concerned that inadequate or inaccurate estimates of cost escalation rates may significantly reduce the intended scope of voter-approved projects. The Committee continues to closely monitor budgeted escalation costs and project contingencies, through new reporting requirements that have recently been implemented by DPW and are being utilized by all major bond programs, to determine whether projects are completed according to the original scope, on time and within budget.

The Committee has requested that DPW continue to use the standardized reporting format it developed with assistance from the CSA that the Committee requires for future



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bond program reports. Use of this reporting format has become a critical component of the Committee's work.

1999 Laguna Honda Hospital Replacement Program

In 2009, the Committee received two updates on this project and learned early in the year that the significant problems identified in 2008 with the General Contractor had been resolved. The project was experiencing cash flow problems and issues with California Office of Statewide Health Planning and Development (OSHPD). To correct the cash flow issues, the project made arrangements to issue Certificates of Participation. These Certificates were sold during the month of May and the funds became available during the latter part of the summer. The cash flow issues were resolved and all contract modifications related to the funding delays have been satisfied and work is proceeding. Project management reports, the South Residence, the Link (Pavilion) and the North Residence buildings will be ready for inspection and approval for use by OSHPD in early 2010. Then training and installation of furniture, fixtures, equipment, etc. can begin with the hope of occupancy before the end of the year. Current estimate of final construction cost (not including furniture, fixtures, equipment and related costs) is now \$584,946,602.

The Committee is disappointed with the overall circumstances concerning the Laguna Honda Hospital Replacement Program. There is no doubt that the new facility will be a great improvement, both seismically and in patient care, over the previous one. But a significant loss of beds, ongoing problems with subcontractors and deep disputes between DPW and the general contractor and a total cost nearly double the General Obligation Bond amount approved by the voters somewhat dampens enthusiasm for the new Laguna Hospital. As of December 31, 2009, virtually all the 1999 General Obligation Bond funds have been expended or encumbered. Future reviews of this project may be limited, but the Committee will continue to use the difficulties experienced by the Laguna Honda Hospital Replacement Program as guidance for its beginning-to-end oversight of the 2008 General Hospital Rebuild Bond Program. (See Below)

2000 Branch Libraries Improvement Program (BLIP)

In 2009, the Committee received two reports on the BLIP, including a CSA audit of the West Portal Branch Library project. BLIP project management reported that the Memorandum of Understanding between the Library Commission and DPW initiated in late 2008 has now been fully implemented. Individual projects are now systematically documented for efficient oversight of the Program. Project managers must review and document all agreements for professional services, adhere to a standard set of job estimation practices, develop standard program reports that are easily read and use a standard 'Best Practices' system for review and acceptance of bids. The CSA audit of the West Portal project, uncovered both the problems that have plagued the 2000 BLIP since its inception and promise of future improvement. The audit concluded that project



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management did not follow the terms specified in the contract to build the West Portal Branch Library project.

CSA recommended that 2000 BLIP management establish a definition and criteria for managing a 'small' project, assure all contract requirements are met before approving substantial and final completion of the project and that DPW update its standard contract language to establish reasonable Risk Management provisions.

The Committee recognizes that the information contained in the West Portal Branch predates the implementation of the current version of the MOU between the Library and DPW. Nevertheless, the Committee identified several areas in which management of BLIP projects were either not in compliance with the MOU requirements or that DPW 'Best Practices' and improved standards are not yet being utilized. The Committee notes that the total projected cost of the BLIP is now estimated at over \$200 million, almost twice the \$105 million approved by the voters in 2000. The Committee has asked BLIP project management and the CSA Director to report back project improvements to resolve noncompliance with contract terms, project cost issues and oversight. The remaining unencumbered bond funds, as of December 31, 2009, are \$12 million.

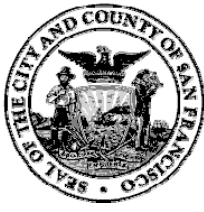
2000 Neighborhood Recreation and Park Bond Program

The Committee was updated on the progress of this \$110 million bond program and learned that 72 projects have been completed with four more in close out while one project remains active. The remaining unencumbered bond funds, as of December 31, 2009, are less than \$7 million. The Committee notes that for the majority of projects closed out during 2009 came in over budget. The Committee has requested that CSA audit one of these projects (or a project in the 2008 Clean and Safe Neighborhoods Park Bond program) to determine the cause of these consistent cost overruns.

2008 Clean and Safe Neighborhood Parks Bond Program

The Committee received two updates from Bond Program Management during 2009 as well as an updated report from CSA concerning issues identified for review in March 2008. The CSA update focused on whether staffing and management structure are adequate to effectively run the program, whether the budget estimates and construction cost escalation are reasonable and whether accounting and reporting tools are adequate to oversee the program. The update identified several ongoing vacancies in the Recreation and Park Department Capital Improvement Division, the group charged with managing the majority of the 2008 Parks Bond Program, outlined the current status of individual projects as well as the citywide programs included in the Bond and a review of the financial reporting systems.

The CSA update suggests that while the management structure for oversight of projects appears to be satisfactory, the lack of a fully staffed Capital Improvement Division is having an impact on the progress of projects currently underway. The CSA update



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notes that 7 out of 8 Phase I projects are already behind schedule, some significantly so. Finally the CSA update states that the IMPACT project reporting system is very labor intensive and that project management seemingly is struggling to keep up with the necessary data input.

The CSA update identifies significant potential shortcomings in the Recreation and Park Capital Improvement Division management of 2008 Parks Bond Program. During the December Special meeting of the Committee, Recreation and Park senior management outlined reasons why the 2008 Park Bond Program will meet project schedule and cost estimates. Management stated current delays were mostly in planning and as such do not necessarily result in higher costs and that full staffing is not required until construction begins.

The Committee is skeptical of the assurances of Recreation and Park management, based on the relatively long delays on a small number of projects. However, some of the reasons cited by 2008 Park Bond Program management appear valid, particularly delays associated with public input. The Committee notes that this and previous bond programs have run into significant project delays and cost increases as the result of extensive and ongoing public involvement. The Committee urges Bond Program management to adopt CSA staff recommendations to hire identified project management personnel now in order to accelerate project planning and construction to take advantage of the current favorable market conditions.

Also, the San Francisco Port Authority stated that management of its seven projects will be performed by internal resources. The one area of concern identified in these projects is the Blue Greenway Design Standards and Enhancements which is delayed. The delay could impact the timeframes of three related projects. The Committee is concerned about potential delays on these projects and will work with Port personnel closely this portion of the 2008 Park Bonds project as it proceeds.

2008 General Hospital Rebuild Bond Program

This bond was approved by the voters in November 2008 and the Committee received one update during 2009. The Committee learned that a Memorandum of Understanding (MOU) had been executed between the Department of Public Health and DPW regarding management of the project. Project management stated that most phases of the project are on time and a few are ahead of schedule. Also, the project management team reported it is actively working to cultivate a positive relationship with the California OSHPD. The Committee notes that the project has planned construction cost escalation at 7%, 2% higher than conventional planning but consistent with the high construction cost escalation experienced on the Laguna-Honda project.

The Committee notes there are concerns, however, over potential scheduling delays this early in the General Hospital Rebuild project and we will be monitoring the project closely as it proceeds. Finally, CSA Director of Audits has made recommendations



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regarding the overall effectiveness of program management, program planning and budgeting and the reasonableness of cost escalation factors used in planning and estimating.

Other Bonds

The Committee received either oral or written reports on five other active bond programs during 2009: 1992 Seismic Safety Loan Program; the 1995 Steinhart Aquarium Improvement Bond program; the 1997 City College and Unified School District Bond program; the 1997 Zoo Bond program; and the California Academy Sciences Bond program. The two Bond programs associated with the rebuilding of the Academy of Sciences were effectively closed out during 2009. As of December 31, 2009, all but \$104,000 of the initial \$123,754 Million had been spent. The Committee expects to receive a written report detailing the expenditure of the remaining funds during 2010. The Committee received a report purporting to close out the 1997 City College and Unified School District Bond program. But upon examination it became apparent that SFUSD had two remaining projects that were not scheduled to be completed until the first quarter of 2010. As of December 31, 2009, the City College District has expended all its bond fund proceeds while SFUSD has \$231,351 encumbered but unspent. The Committee expects to receive a written report detailing the expenditure of the remaining funds during 2010.

The remaining program is the 1992 Seismic Safety Loan Program. While there was very little activity regarding the issuance of bond proceeds during 2009, this Bond program has over \$330 Million in unissued authorized bond funds. Also, policy makers both at the State and City level have recently announced renewed interest in making this approved funding available to numerous property owners in San Francisco who own property that require significant seismic upgrades, the Committee will keep very close attention to developments regarding bond and future changes.

Citizens' Audit Review Board

The Committee, functioning as the Citizens' Audit Review Board, heard numerous presentations from the CSA Directors and staff regarding pertinent and or performance audit review projects. The Committee also received status reports on the Whistleblower Complaints Unit. Based on its discussions regarding the role of audits in bond programs, the Committee directed the CSA to conduct a project audit of an individual Branch Library project in order to better evaluate the effectiveness of new cost controls placed on the overall Branch Library Improvement Program.

In addition to general discussion of concession and financial audits, the Committee heard from the CSA on the following performance audits, reports, and projects:



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- 1) Transforming Muni System: Transit Effectiveness Project Status Update
- 2) Street and Sidewalk Maintenance Annual Report FY 2008-09
- 3) Department of Public Health: Monitoring of A-113 Single Audit Reports for Agencies Awarded Federal Funds by DPH in Fiscal Year 2007-08
- 4) Organizational Assessment of the San Francisco Police Department, Status Update
- 5) Performance Audit of the Office of the Assessor-Recorder
- 6) SFMTA Audit of Garages Managed by Pacific Park Management, Inc.
- 7) Office Depot Did Not Comply with Its Contract and Overcharged the City of San Francisco at least \$5.75 Million
- 8) CSA FY 2009-10 Work Plan

Whistleblower Complaints Program

The Committee reports the Whistleblower Program has now been fully integrated into San Francisco's new 3-1-1 Call Center. Other methods of identifying complaints, such as regular mail or the web, remain available to the public to submit complaints. The Whistleblower Program logged 465 complaints during FY 2008-09, an increase of nearly 25% over the previous year. Half of these complaints (233) resulted in an investigation. The remaining 232 complaints did not have enough information to warrant investigation (15%), were referred to another department for investigation (12%), were outside of the jurisdiction of the Program (11%) or required no action (11%). Many complaints have led to more thorough investigations. The Committee urges continued promotion of the Whistleblower Program to the public to ensure the Program's full success.

2010 Meeting Schedule

Regularly scheduled meetings of the CGOBOC will occur on the fourth Thursday of the first month of each quarter on the following dates at 9:30 A.M. in Room 416, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102, unless otherwise noticed:

Thursday, January 28, 2010
Thursday, April 22, 2010
Thursday, July 22, 2010
Thursday, October 28, 2010

The Committee is happy to respond to any questions or provide additional information as requested.

Attachments:

City and County of San Francisco General Obligation Bond Project Summary, Dated December 31, 2009.