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CITY AND COUNTY OF SAN FRANCISCO  
REFUSE COLLECTION AND DISPOSAL RATE BOARD  
SPECIAL MEETING AND HEARING  
CITY HALL  
1 DR. CARLTON B. GOODLETT PLACE, ROOM 408  
SAN FRANCISCO, CA 94102

Tuesday, July 23, 2013

Volume IV  
(pages 270-294)

REPORTED BY: FREDDIE REPPOND  
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FOR REFUSE COLLECTION AND DISPOSAL RATE BOARD:

Linda Yeung, Deputy City Administrator, Chair  
Michael Carlin, Deputy General Manager, Public  
Utilities Commission  
Ben Rosenfield, City Controller  
Marie C. Blits, Deputy City Attorney, of Counsel  
Anna Low, Clerk

FOR DEPARTMENT OF PUBLIC WORKS:

Douglas Legg, Manager of Finance, Budget, and  
Performance  
Ann Carey, Project Manager  
Thomas C. Owen, Deputy City Attorney, of Counsel

FOR THE APPLICANT:

Michael J. Baker, Esq., Arnold & Porter, LLP

FOR THE RATEPAYER ADVOCATE:

Peter Deibler

MEMBERS OF THE PUBLIC:

Stuart Gardiner  
Nancy Wuerfel

1 Tuesday, July 23, 2013 12:25 p.m.

2 P R O C E E D I N G S

3 MS. YEUNG: Will the hearing please come to  
4 order.

5 For the record, it is Tuesday, July 23rd,  
6 2013, at 12:25 p.m. And we're in City Hall, Room 408.

7 This is a special meeting of the City and  
8 County of San Francisco's Refuse Collection and Disposal  
9 Rate Board, continued from Monday, July 15th, when we  
10 met in the same room. I am Linda Yeung, Deputy City  
11 Administrator, Chair of the Refuse Collection and  
12 Disposal Rate Board for the City and County of San  
13 Francisco.

14 The two other members of the Rate Board are  
15 Ben Rosenfield, Controller of the City and County of San  
16 Francisco, and Michael Carlin, Deputy General Manager of  
17 the San Francisco Public Utilities Commission. Thank  
18 you, Ben and Michael, for serving.

19 Also present is Deputy City Attorney Marie  
20 Blits from the City Attorney's Government Team, who is  
21 serving as counsel to the Rate Board, and her assistant,  
22 Anna Low, who is serving as our clerk today. We also  
23 want to thank law student/intern Jessica Casella for  
24 acting as our timekeeper during these hearings and  
25 providing other assistance.

1 Present for the Department of Public Works are  
2 Budget and Performance, Douglas Legg, and Project  
3 Manager, Ann Carey.

4 Our hearing today is again being transcribed  
5 by stenographer/reporter Freddie Reppond.

6 We are also making a tape recording of this  
7 proceeding. Please speak only one at a time and speak  
8 directly into your microphone so that you can be clearly  
9 heard. Please turn off all cellphones, pagers, and  
10 other sound-producing electronic devices so that our  
11 hearing will not be interrupted.

12 As we noted previously, the purpose of this  
13 Rate Board meeting is to hear and consider objections to  
14 the report and recommended orders issued by the DPW  
15 Director on June 7th, 2013, that would increase  
16 residential refuse collection and disposal rates. The  
17 report and recommended orders were issued in response to  
18 a rate application filed by Applicants, Recology Sunset  
19 Scavenger, Recology Golden Gate, and Recology San  
20 Francisco, sometimes simply referred as Recology, or the  
21 companies.

22 Before issuing his report and recommended  
23 orders, the DPW Director held a series of public  
24 hearings on that rate application. Copies of the agenda  
25 for this hearing are available on the side table of the

1 room for you to pick up, together with copies of the  
2 written objections that have been heard by this Board  
3 and the DPW's June 7th report recommended orders. There  
4 are also binders of materials that you may review, but  
5 which must stay in the room, including, one, the black  
6 binder containing the agenda for this hearing and  
7 related documents, including the objections filed by the  
8 five objectors and the DPW Director's June 7th report  
9 and recommended orders. There's also white binders  
10 containing the reporter's transcripts and exhibits from  
11 the DPW Director's 2013 hearings.

12 Today's session will end by 3:30 p.m. or  
13 earlier, if our work is completed. If not completed  
14 today, we may continue the hearing to another date to be  
15 determined.

16 I will now briefly review how we are  
17 proceeding. Our hearing is primarily governed by the  
18 City's 1932 Initiative Ordinance that established this  
19 rate-setting process and by rules of procedure adopted  
20 by the DPW Director. On Monday, July 8th, you heard  
21 introductory remarks made from me as the Chair under  
22 Agenda Item No. II, which I am summarizing again here  
23 this afternoon. Then under Agenda Item No. III, we  
24 heard opening comments from the City's Ratepayer  
25 Advocate, Peter Deibler of HFH Consultants.

1           Next, under Agenda Items No. IV.A through  
2 Agenda Item No. IV.E we heard presentations from four of  
3 the five objectors who filed written objections with the  
4 Rate Board by the June 24th, 2013, statutory deadline --  
5 Stuart Gardiner, Kermit Kubitz, Nancy Wuerfel, and  
6 Michael Baker on behalf of the applicant refuse rate  
7 companies, Recology.

8           The Chair read into the record the objections  
9 filed by Josephine Zhao, with extended families of 15  
10 members and members of the asianamericanvoters.org, as  
11 Ms. Zhao was unable to appear.

12           Under Agenda Item No. VI, DPW Director  
13 Mohammed Nuru reviewed the DPW Director's process and  
14 resulting report and recommended orders and responded to  
15 the objections from the objectors. We also heard public  
16 comment under Agenda Items V, VII, and VIII.

17           On Tuesday, July 9th, and Monday, July 15th,  
18 this Board engaged in discussion on the objections and  
19 proposed orders and posed various questions to the  
20 participants. There were further comments by  
21 participants, including the objectors, the DPW Director  
22 and staff, Department of Environment staff, and the  
23 Ratepayer Advocate. We also heard public comment under  
24 Agenda Items V, VII, and VIII.

25           The hearing was continued to Tuesday, July

1 23rd, in order for the DPW Director and the Recology  
2 companies to provide additional calculations, as  
3 requested, regarding the abandoned-materials collection  
4 program. The Board would like to again thank each of  
5 the objectors, both for their thoughtful input and for  
6 their adherence to our procedural rules and time limits,  
7 its aid in our conduct of a fair and efficient hearing,  
8 and it's much appreciated by this Board.

9 We have essentially completed public comment  
10 under Agenda Item No. V, which is public comment in  
11 favor of Agenda Item No. IV, objections filed by the  
12 objectors. We have also essentially completed public  
13 comment under Agenda Item No. VII, which is public  
14 comment in favor of Agenda Item No. VI, the DPW  
15 Director's Report and Recommended Orders, and the  
16 Director's response to the objectors.

17 Today, we will again hear general public  
18 comment under Agenda Item No. VIII on matters within the  
19 jurisdiction of the Board, including any supplemental  
20 public comment in favor of the objections filed by the  
21 objectors or in favor of the DPW Director's positions.  
22 There will be a maximum of 15 minutes today for all  
23 speakers combined. Each person will be given the same  
24 amount of time, up to a three-minute maximum. We  
25 request that anyone who wishes to speak complete a

1 speaker card. There are yellow speaker cards available  
2 on the table on the side of the room and from our clerk.  
3 We also suggest that any group of persons with similar  
4 interests designate a representative to act as a  
5 spokesperson.

6           When you begin your comments, please identify  
7 the objection number and description on the agenda for  
8 each objection that you are addressing and identify what  
9 parts of the administrative record support your points.  
10 Please be advised that, although the Board will listen  
11 to all public comment, the Board cannot use information  
12 provided in finally deciding the rates unless the  
13 comment is specifically tied to one or more of the 22  
14 objections being heard or DPW Director's responses to  
15 those objections and recommended orders.

16           After any additional information and public  
17 comment has been received this afternoon, the Board will  
18 close the public hearing and move to Agenda Items IX and  
19 X, where we will deliberate and take action to rule on  
20 each of the 22 objections, approve or deny the rate  
21 application in whole or in part in conjunction with  
22 ruling on the Director's Recommended Orders, and issue a  
23 resolution that includes the Board's orders.

24           The Board acts by majority vote. If for any  
25 reason the Board does not act within 60 days of the day



1 the DPW Director issued his recommended orders, which  
2 was June 7th, 2013, the DPW Director's Order will be  
3 deemed the order of the Rate Board.

4 I want to emphasize again to everyone  
5 addressing the Rate Board, whether the Applicant, the  
6 public, or staff, that your comments must be strictly  
7 limited to the specific items that are the subject of  
8 this hearing. In other words, the only items before the  
9 Rate Board are the objections to specific issues in the  
10 Director's Report and Recommended Order that were filed  
11 with the Rate Board by June 24th, as listed on our  
12 agenda. The Board can only act on those items.

13 I also want to emphasize that the Rate Board  
14 may only consider evidence admitted into the  
15 administrative record during the DPW Director's 2013  
16 refuse rate hearings. The administrative record is  
17 again contained in the white binders of the reporter's  
18 transcripts and exhibits on the table. Any other  
19 evidence is inadmissible before this Rate Board. So  
20 this Board will not hear items that are not properly  
21 before it and it will not rely upon facts outside the  
22 administrative record.

23 Also, please note that in my capacity as  
24 Chair, I may modify these proceedings as the hearing  
25 progresses as may be needed to ensure a fair and

1 efficient proceeding.

2 At this time we would like to hear any further  
3 comments and I'll list them and then if you could come  
4 up, the DPW Director and staff regarding the abandoned  
5 materials collection program. Then we're going to ask  
6 the Ratepayer Advocate, Peter Deibler, and then if  
7 there's anyone from the Department of Environment, the  
8 companies, or the objectors. You have five minutes.

9 MR. LEGG: Good afternoon. Director Nuru had  
10 a previous all-day mediation he had to attend, so I am  
11 here in his stead.

12 I just want to say that following the  
13 discussion that the Rate Board had at its last meeting  
14 last Monday, we have drafted an order, which you have  
15 before you, which outlines the process that we would  
16 take to remove the abandoned materials collection costs  
17 from the rates. That would happen if this Rate Board  
18 does not take affirmative active to continue those --  
19 that program -- within the rates by December 31, 2015.  
20 And so new rates would take effect on July 1, 2016.  
21 That six-month period could give us time to seek budget  
22 authority to take those activities back into DPW's work  
23 plan, essentially.

24 Also, as at least one of the objectors  
25 commented last Monday, attached to that memo are

1 performance statistics and a memo that gives references  
2 to what the baseline for comparison for the report that  
3 DPW will prepare by November 2015. And so what we're  
4 showing is baseline-performance volume, response time,  
5 tons collected, and diversion, which is actually part of  
6 the rate application, and then also references about  
7 cost.

8 And that's all I have to say at this time.

9 MR. DEIBLER: Good afternoon. Peter Deibler.  
10 I have no additional comments at this time. Thank you.

11 MS. YEUNG: Thank you.

12 The company?

13 MR. BAKER: On behalf of the company, we have  
14 nothing further.

15 MS. YEUNG: Thank you.

16 Any of the objectors?

17 MR. GARDINER: Stuart Gardiner.

18 Is this comment at this time limited to the  
19 abandoned-materials collection program?

20 MS. BLITS: The Chair is hearing first from  
21 the objectors and the departments, five minutes each.  
22 So if Mr. Gardiner wants to include his general public  
23 comment with his five minutes, that's fine.

24 MR. GARDINER: I don't have much more. I  
25 actually wanted to touch on Objections 10, briefly, and

1 11. Those are my objections.

2           The only comment I had -- and this all goes to  
3 the draft order which I've read rather hurriedly, so  
4 excuse me if I'm not as organized as I'd like to be.  
5 The only comment I had with regard to Objection 10,  
6 which in part -- well, regards Item VI on page 5 of the  
7 draft -- today's draft -- of the resolution. And I just  
8 wanted to raise -- it talks about improving the  
9 coordination between the Proposition 218 process and the  
10 1932 Ordinance hearing process. And I just wanted to  
11 raise the question why they can't be combined in some  
12 fashion, which I think would make it a lot easier for  
13 the public. I believe Proposition 218 is pretty general  
14 in its call for a hearing. Its only unique feature is  
15 the ability to submit a written protest, which can be  
16 accommodated within the boundaries of the process. And  
17 I think that the public would find it an awful lot less  
18 confusing if it were one process with one notice.

19           With regard to the abandoned-materials  
20 collection, I wanted first of all to kind of confirm, if  
21 you will, what is currently shown as Exhibit A to the  
22 draft order, in fact, will include not only Mr. Legg's  
23 cover memo but the two attached as well, which would be  
24 the final Director's order, although it's currently in  
25 draft form, and also a series of charts that I think

1 will help you establish the baseline.

2           With regard to the performance standards,  
3 first of all, those listed in Mr. Legg's July 22nd memo  
4 that's shown as Exhibit A, I want to recommend that Item  
5 II, "Tons Collected and Diverted Baseline Information as  
6 provided in Exhibit 1, page 106," be made somewhat more  
7 specific by referring to the Recology Sunset bulky-item  
8 line on that exhibit so that there's no confusion, if  
9 I've got that right -- and if I don't, I'm sure Mr. Legg  
10 will correct me -- so that there's no confusion which  
11 page of data this all refers to.

12           Secondly, I want to recommend that performance  
13 measures also include monthly volume and response time  
14 by zone, which I thought was very illuminating in the  
15 material that DPW provided at last week's meeting of  
16 this Board; and also call numbers and volumes of  
17 materials collected by customer type, which I would hope  
18 would at least include apartments, residents,  
19 commercial, and then other, if it can't be determined.  
20 As a homeowner -- single-family-residence homeowner -- I  
21 have the impression, though I can't speak as  
22 knowledgeably as I'd like, that that class of ratepayers  
23 generates a lot less on a per-unit or per-residence  
24 basis than others; and it may be that the Board in the  
25 fall or winter of 2015 should consider whether there are

1 customer cost subsidies that should be eliminated by  
2 imposing a greater burden of such a program if it  
3 continues on some classes as compared to others.

4 And then my last comments are directed toward  
5 page 4 of the draft order, paragraph E, where the City  
6 Attorney -- and other staff perhaps -- very helpfully  
7 included a proposed nature of the findings that the  
8 Board would have to make in order to continue to turn  
9 this from a pilot into an ongoing program basically.

10 And I want to suggest first of all, with regard to the  
11 increased diversion, that the Board set a specific  
12 target; and off the top of my head I'd say somewhere  
13 between 30 and 50 percent, considering it will be two  
14 years' experience with this program by that time over  
15 the projected Rate Year 2013 level. In other words, I  
16 urge you to set a specific target.

17 Secondly, I urge you to consider a second  
18 performance measure that the abandoned-materials  
19 collection program as performed by Recology companies is  
20 no higher cost per either ton collected or item  
21 collected or call made -- some workflow measure that  
22 seems most appropriate to you than if the DPW carried  
23 out the program. And you may want to consider how to  
24 adjust that in light of improved performance. But I  
25 hope that you'd agree that that's a sensible baseline

1 financially, that unless we are getting more for our  
2 buck, we shouldn't be paying more.

3           And, lastly, that the report furnished by DPW  
4 shows that Recology has met its stated response time,  
5 which has been much discussed with regard to this  
6 program, each month and then some allowance for a few  
7 months that might not make it -- no one's perfect -- but  
8 I'm going to suggest for purposes of discussion no more  
9 than 15 percent of the months have a non-attainment; and  
10 within that 15 percent, there's no level less than 80  
11 percent of attainment of the standard for each month.

12           Thank you.

13           MS. YEUNG: Thank you.

14           MS. WUERFEL: Good afternoon. My comments are  
15 referable to the draft proposal prepared by the City  
16 Attorney. And I'd like to identify some possible  
17 inconsistencies from my point of view that you might  
18 want to clarify.

19           I appreciate the fact that there are  
20 references to the Rate Board reconvening, but it's not  
21 clear that it actually will. On Section 1.C on page 3  
22 it talks about that the orders will go into effect  
23 unless the Rate Board has convened. Then on 1.E, the  
24 next page, it talks about the Rate Board intends to  
25 reconvene and then deal with these abandoned-waste

1 issues. And then on Item 3 on page 5, the very top, it  
2 talks about if the Rate Board reconvenes on  
3 December 31st, then we might also consider this special  
4 reserve program.

5 I'm calling to your attention the  
6 essentialness of making sure that there is a  
7 reconvening, because we've got a lot of things hanging  
8 on the fact that this Board gets together again. And  
9 putting conditional issues doesn't make me feel like I  
10 can depend on you all to get back together again. It's  
11 important to have a hearing on the abandoned waste; and  
12 it's also important to hear about the special reserve;  
13 and there's nothing in here about the special reserve,  
14 that if you don't reconvene how will anybody know what  
15 you think because you haven't reconvened. So I'd like  
16 to just sort of tighten up the whole thing. And I  
17 appreciate the fact that you don't want to commit  
18 yourself, but I think it would be wise to commit  
19 yourself there will be a meeting, if you only come in  
20 and say hi and good-bye. At least we know you'll be  
21 here and the format will be set in that place. So I  
22 would urge you to not make everything with conditions  
23 that lead me to think I won't be back here to be able to  
24 address you.

25 Also, I would like to comment on Item 3 on



1 page 4 having to do with the report for the special  
2 reserve fund being posted on the Website of DPW. I'm  
3 sorry, but I just don't look at the Website every day.  
4 So there's got to be more ways of communicating  
5 important data such as the report for abandoned waste  
6 and for the special reserve.

7 And I want to recommend that the Planning  
8 Department has done a stellar job in updating and  
9 maintaining its list of neighborhood groups. They are  
10 amenable -- I've talked to them about having group  
11 access to the online list of how to reach people. That  
12 will go a long way to solving some of the communication  
13 issues that have been addressed. So I want to urge you  
14 to reach out to the Planning Department. They are  
15 friendly people and they will get to the community  
16 groups, all of them in San Francisco. That will then  
17 put the word out and then it's out there. It doesn't  
18 have to just be one-stop shopping and Website. So I ask  
19 that you please have a broader reach than just a single  
20 posting.

21 Also, I'd like to make sure that on page 5,  
22 Item No. 7, it says the Rate Board urges the San  
23 Francisco Board of Supervisors to conduct a hearing.  
24 Again, I ask: What is the process? Who is calling up  
25 the Board of Supervisors? I would suggest that there is

1 language that is amended on that point that says the  
2 Rate Board request the DPW director to urge the Board of  
3 Supervisors. Then at least we have some lineage between  
4 what you have asked. The onus is then on the DPW  
5 Director.

6 I'd also like to have a time frame, because,  
7 you know, this could go on for years and this is at the  
8 bottom of the drawer. So if you could ask that the DPW  
9 Director within six months of this hearing or something  
10 like that communicate in writing to the clerk of the  
11 Board of Supervisors to address this. So that's the  
12 kind of thing procedurally. If we can see that this can  
13 happen, then we can follow up and make sure there are no  
14 glitches. Otherwise, what? Is the Rate Board supposed  
15 to be reading all of this stuff and then sending it on  
16 to the Board of Supervisors? It doesn't make a lot of  
17 sense to me.

18 So I think there's a lot of really good work  
19 that's been done. I thank the City Attorney for putting  
20 these issues together, but let's tighten up and make  
21 sure that there are no loose ends or wondering how does  
22 anybody find out? And you've been doing so well, I want  
23 to make sure that you conclude everything in this way.

24 Thank you.

25 MS. YEUNG: Thank you.

1 Any other objectors?

2 Do the Board Members have any questions for  
3 the participants?

4 Okay. So under Agenda No. VIII we'll now hear  
5 general public comment from persons on matters within  
6 the jurisdiction of the Board, including any  
7 supplemental public comment in favor of the objections  
8 filed by the objectors or in favor of the DPW Director's  
9 position. Seeing none.

10 Now that we've completed presentation of all  
11 objections and presentation of all responses by the DPW  
12 Director, heard from the Ratepayer Advocate, heard and  
13 received supplemental comments from participants, and  
14 heard public comment on the presentations and related  
15 issues, those portions of the agenda, Agenda Items III  
16 through VIII are hereby closed.

17 The Board will now proceed to Item No. IX and  
18 X to deliberate and possibly take action on the  
19 objections to the DPW Director's Recommended Order, will  
20 approve or deny the application in whole or in part in  
21 conjunction with the ruling on the Director's  
22 Recommended Orders, and decide upon a resolution that  
23 includes the Board's orders.

24 Do Board Members have further discussion on  
25 the 22 objections?

1 Do Board Members have further discussion or  
2 suggested changes to the draft resolution?

3 MR. ROSENFELD: A couple of suggested more  
4 technical changes in a couple of places, given some of  
5 the public comment we have heard.

6 I would suggest on page 4, Section E, we  
7 include in kind of the purpose of the finding, I would  
8 add to the end of that clause "in a cost-effective  
9 manner." That kind of gets to the concept of we do want  
10 to find that Recology is not only increasing diversion  
11 as a result of the program but doing it in a manner  
12 that's cost-effective versus the current delivery model.

13 MS. YEUNG: Is that line 6?

14 MR. ROSENFELD: Yes, that would be 6 after  
15 the -- just before the comma.

16 I would suggest at the bottom of the page 3,  
17 on line 22, "to currently post the report on the DPW  
18 Website and distribute to interested parties," which  
19 gets to the concept of a proactive reach-out with the  
20 report.

21 Then, lastly, on page 6, line 3, at the end of  
22 that sentence, "and that the director of Public Works  
23 transmit this request on behalf of the Board to the  
24 clerk of the Board of Supervisors."

25 Those would be my suggested changes.

1 MS. YEUNG: A question to the other Board  
2 Members: So in the memo from Douglas Legg dated July  
3 22nd, he mentioned three different performance measures.  
4 Are you comfortable with leaving it the generic  
5 language, which is on page 4, line 5 and 6, where it  
6 just talks about increasing diversion; or would you like  
7 to specifically identify the three performance measures?

8 MR. ROSENFELD: My own perspective is that  
9 the way that the City Attorney's office has prepared the  
10 draft with the inclusion of a reference to  
11 cost-effectiveness is probably the right amount of  
12 sufficient in terms of the level of detail that we're  
13 looking for at this point.

14 We have references here. We have the official  
15 record that speaks to what the benchmark and expectation  
16 is. And fundamentally the benefit to ratepayers as a  
17 result of the programs is most fundamentally related to  
18 diversion. And to add too many others kind of loses  
19 that fact. But that's just my --

20 MR. CARLIN: I concur. I think the inclusion  
21 of the July 22nd memo actually becomes the basis for the  
22 report; and all comparisons in the July 22nd memo would  
23 be part of the new report, including call volumes,  
24 zones -- things of that nature. We collect a lot of  
25 statistics; and I think that it would just be in the

1 nature of how we come back and report on that in a  
2 cost-effective manner that I think covers the issue of  
3 it should be equal or better for the service received.

4 MS. YEUNG: Thank you. Michael, did you have  
5 any other changes to the resolution itself?

6 MR. CARLIN: No, I do not at this time. I  
7 think those are good clarifications.

8 MS. YEUNG: So at this time the Board will now  
9 consider and possibly take action on the 22 objections  
10 to the DPW Director's Recommended Order.

11 Again, as we had discussed, Categories A and E  
12 were discussed together. Category E (sic) included  
13 Objections 1, 11, 13, 17, and 19. Objection E --  
14 Category E included Objections 12, 18, and 20. Category  
15 I was Objection No. 21.

16 So at this time the Chair will entertain a  
17 motion to deny the objections listed in categories A, E,  
18 and I, except as may be addressed in the resolution as  
19 modified today.

20 MR. ROSENFELD: I would so move.

21 MR. CARLIN: I would second.

22 MS. YEUNG: Thank you. Any discussion?

23 So if we could take a vote. Aye.

24 Raise your hand.

25 MR. ROSENFELD: Aye.

1 MR. CARLIN: Aye.

2 MS. YEUNG: It passes by unanimous vote.

3 The next category, Category B, includes  
4 Objections 2, 3, 7, 8, and 9. Again, if I could ask for  
5 a motion to deny the objections listed in Category B,  
6 except as may be addressed in the resolution as modified  
7 today.

8 MR. CARLIN: I'll move.

9 MR. ROSENFELD: Second.

10 MS. YEUNG: Any discussion? Let's take a  
11 vote. If you could raise your hand. Aye.

12 MR. CARLIN: Aye.

13 MR. ROSENFELD: Aye.

14 MS. YEUNG: Passes by unanimous vote.

15 Category C includes Objections 4, 5, and 6.  
16 Again, the Chair will entertain a motion to deny the  
17 objections listed in Category C, except as may be  
18 addressed in the resolution as modified today.

19 MR. ROSENFELD: So moved.

20 MR. CARLIN: Second.

21 MS. YEUNG: If I could add to bundle the rest,  
22 so Category D included Objection 10. Category F  
23 included Objection 14. Category G included Objection  
24 15. Category H included Objection 16. Category J  
25 included Objection 22, which concludes the rest of the

1 objections.

2 Again, the Chair would entertain a motion to  
3 deny the objections listed in Categories D, F, G, H, and  
4 J, except as may be addressed in the resolution as  
5 modified today.

6 MR. CARLIN: I'll move.

7 MR. ROSENFELD: Second.

8 MS. YEUNG: Any discussion? If we could vote  
9 again, please raise your hand. Aye.

10 MR. CARLIN: Aye.

11 MR. ROSENFELD: Aye.

12 MS. YEUNG: It passes by unanimous vote.

13 The Board will now consider and possibly take  
14 action on the resolution that includes its orders.

15 Now that we have the changes as amended, City  
16 Attorney, did you have any clarifications you needed?

17 MS. BLITS: I do not.

18 MS. YEUNG: So if I could --

19 MR. ROSENFELD: I'll move approval as  
20 amended.

21 MR. CARLIN: Second.

22 MS. YEUNG: Any discussion? If we could take  
23 a vote. Again, raise your hand. Aye.

24 MR. CARLIN: Aye.

25 MR. ROSENFELD: Aye.



1 MS. YEUNG: So at this time the Chair will  
2 entertain a motion that if you would like you can  
3 authorize the Chair of the Board to sign on behalf of  
4 the Board once the amendments have been typed into the  
5 document.

6 MR. CARLIN: I'll so move.

7 MR. ROSENFELD: Second.

8 MS. YEUNG: Any discussion? If we could vote.  
9 Aye.

10 MR. CARLIN: Aye.

11 MR. ROSENFELD: Aye.

12 MS. YEUNG: Thank you.

13 So that concludes our proceeding today. I  
14 want to thank everyone for all of your participation. I  
15 know that it took a lot of work on many people's parts.  
16 So I really appreciate all the thoughtful comment and  
17 hard work that went into these hearings. And I want to  
18 especially thank Marie Blits for all of your help.

19 So this completes our proceeding until such  
20 time as the Board reconvenes pursuant to the resolution  
21 just adopted. Thank you.

22 (The hearing was adjourned at 12:59  
23 p.m.)

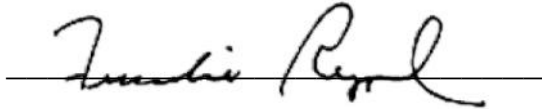
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CERTIFICATE OF REPORTER

I, FREDDIE REPPOND, a duly authorized Shorthand Reporter and licensed Notary Public, do hereby certify that on the date indicated herein that the above proceedings were taken down by me in stenotype and thereafter transcribed into typewriting and that this transcript is a true record of the said proceedings.

IN WITNESS WHEREOF I have hereunto set my hand on this 7th day of August, 2013.



FREDDIE REPPOND