



# Memorandum

**TO:** Honorable Mayor &  
City Council Members

**FROM:** Lee Price, MMC  
City Clerk

**SUBJECT:** The Public Record  
March 28-April 3, 2008

**DATE:** April 4, 2008

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**ITEMS TRANSMITTED TO THE ADMINISTRATION**

**ITEMS FILED FOR THE PUBLIC RECORD**

- (a) Letters from David S. Wall to Mayor Reed and Council dated March 27, 2008 through April 3, 2008 regarding miscellaneous subjects.
- (b) Letter from the Santa Clara Valley Water District to City Clerk Lee Price dated March 27, 2008 regarding distribution of Santa Clara Valley Water District Annual Report on the Protection and Augmentation of Water Supplies (on file in the Office of the City Clerk).
- (c) Email from California Regional Water Quality Control Board, San Francisco Bay Region to City Clerk Lee Price dated April 3, 2008 regarding the Guadalupe River Watershed Mercury TMDL.
- (d) Letter from Constance Langford, Chair to the Senior Citizens Commission to Mayor Reed and Council dated March 13, 2008 writing on behalf of the commission regarding the Healthy Neighborhoods Venture Funding as it pertains to senior programs and services.
- (e) California Senior Legislature, Santa Clara County News dated April 2008.

Lee Price, MMC  
City Clerk

LP/np

Distribution: Mayor/Council  
City Manager  
Assistant City Manager  
Assistant to City Manager  
Council Liaison  
Director of Planning  
City Attorney  
City Auditor  
Director of Public Works  
Director of Finance  
Public Information Officer  
San José Mercury News  
Library

David S. Wall

Public Record a

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San Jose City Clerk

2008 MAR 28 P 3:40

March 27, 2008

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905

**Re: An idea to increase efficiency of the Fire Department.**

Today around 1300 hours, the San José Fire Department was summoned for a medical emergency in my neighborhood.

Unfortunately, and as usual the big ladder truck and a support truck (I am unsure as to the correct names of these vehicles) rolled into the neighborhood with much fanfare. These vehicles beat the AMR ambulance to the scene by less than one minute.

The "unfortunate" aspect is that these "high valued assets" have to be pressed into service for medical emergencies.

*I believe a less expensive, but-just as-effective methodology should be employed to resolve the inefficiencies of rolling out these fuel intensive rigs.*

Each Fire Station should be equipped with a vehicle suited for medical emergencies that a paramedic or two, with their equipment, could be dispatched.

If a police escort or presence is required, figure it out.

The days of rolling out huge Fire Department trucks for medical emergencies *only*, are over.

Respectfully submitted,

David S. Wall  
03.27.2008

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Cc: City Attorney / City Auditor / City Manager

David S. Wall

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San Jose City Clerk

2008 MAR 28 P 3:40

March 27, 2008

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905

**Re: Fuel purchases for third parties.**

I do not know how the City of San José purchases fuel, be it gasoline, diesel, propane and or natural gas.

I could only hope that the City makes such purchases either on the futures market or exceptionally long term contract arrangements.

I recommend studying the additional purchase of gasoline and diesel fuels for the benefit of the City in application to third party contract negotiations.

**Garbage Contract Negotiations**

If the next generation of garbage contract negotiations have not yet commenced, or even if they have, explore the idea of purchasing diesel fuel for garbage trucks. This purchase of diesel fuel for garbage trucks, considering the City's huge buying power, could reduce a segment of the contract for garbage collection that will be uncertain and fraught with unstable risk.

**Fuel incentives for Police and Fire Union negotiations**

Along with the principle set forth above, purchasing diesel and gasoline as a bargaining chit to be offered up in labor negotiations might be advantageous to both parties to contract.

Respectfully submitted,

David S. Wall

03.27.2008

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**Cc: City Attorney / City Auditor / City Manager**

David S. Wall

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San Jose City Clerk

April 2, 2008

2008 APR -2 A 10: 26

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905

**Re: Revenue Generation-Creation of Dedicated funds for City Parks**

Ryland Park is located kitty-corner from my house and activities there have spanned the following ideas to help out the Parks Department.

The use of City Parks for "group usage", group usage meaning; birthday parties, Easter Egg Hunts, large Bar-b-Ques, etc., has always been unacceptable for a variety of reasons.

Chief amongst them are; alcohol use, out-of-control behavior, garbage generation, litter removal and monopoly use of the Park property and corresponding infrastructure (restrooms, parking, etc.) These are unacceptable and costly problems that need to be placed under submission.

**Recommendation(s)**

The use of City Parks for "group usage" should be fee based to cover the effects of these events on the already beleaguered and decimated Park staff. Privately funded insurance is an issue.

The "fee" should be structured and substantial enough to deter misuse of the Park. Misuse of the Park is defined as problems that are attributed to the direct and proximate use of the Park by the group as previously stated as defined by City staff.

There must also be in attendance; at all times relating to these "group" functions, the required City Staff, including off-duty San José Police Officers to monitor, enforce rules / laws and protect the public's safety.

*City staff on "restricted use funds" better be able to accurately defend their participation.*

**Fee Structure - Creation of Dedicated Revenue Streams**

The "Fee" to be assessed should be substantial. The structure of the Fee should include a refundable deposit-but-the costs to the City must be recovered.

The City Staff which are involved with the aforementioned activities are general funded. The "Fee" to be assessed must be structured to repatriate the cost of "group use" back to the City Department budget that had to allocate funds to "manage" the group use. This is a creation of a dedicated or *restricted use fund* for the City Departments so involved.

**Outreach to educate the public and Fund 423**

To educate the public concerning this change in public policy, if adopted, the Parks Department should have access to FUND 423. This will relieve some pressure to the General Fund.

For those that espouse that the use of the Parks should be free as usual-times have changed.

Respectfully submitted,

Cc: City Attorney / City Auditor / City Manager / Director PRNS

David S. Wall  
04.02.2008

David S. Wall

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San José City Clerk

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2008 APR -2 P 3:43

April 2, 2008

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905

**Re: Thank-You Councilmember Liccardo! (Issue: illegal signage)**

I would like to thank Councilmember Liccardo for the prompt response of his office to the issue of illegal signage in my neighborhood.

Whereas, the issue of illegal signage in my neighborhood is far from being resolved, this on going blight is an indicator of a system failure within CODE ENFORCEMENT and *not* Councilmember Liccardo's office.

The ongoing problem with CODE ENFORCEMENT pertaining to illegal signage will be addressed at a later time under a separate cover.

*In regards to the facts as I am aware, a laudatory notice of accolade is hereby tendered to Councilmember Liccardo for the prompt response of his office to illegal signage in my neighborhood.*

Respectfully submitted,

David S. Wall  
04.02.2008

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**Cc: City Attorney / City Auditor / City Manager**

David S. Wall

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San Jose City Clerk

2008 APR -3, P 3: 42

April 3, 2008

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905

**Re: Section 1700 of the City Charter and the "backdoor to privatization" of City Parks**

I attended the Parks Commission meeting yesterday to give them a courtesy copy of my letter to YOU entitled, "Revenue Generation-Creation of Dedicated funds for City Parks".

To my heartfelt horror, I witnessed a dedicated and premeditated attack on the City Park system via a presentation to amend section 1700 of the City Charter by the City Park administration.

*Whereas, the assault on the Parks is multifaceted, so will be the input to stave off the attempt to; privatize, allow undue corporate influence or control, facilitate and further the erodability and destruction of the City Park system.*

*If any thing should happen, Section 1700 should be strengthened to further control or eliminate leases all together.*

I am very disappointed with Council Members Chirco and Pyle for their participation and signatures to a Memorandum dated 03-06-2008, **subject matter:** Charter Amendment Extending Duration of Leases on City Parks addressed to the RULES COMMITTEE (03-12-08, ITEM G1b). They have been around way too long to not see the long term effects of this scheme to enrich the special interest class.

As to Council Member Liccardo's participation in the aforementioned matter, I am not surprised. Is he showing HIS loyalty to the special interests of District 3 or to the special interests as a class?

**This attempt to amend section 1700 of the City Charter is a deliberate, calculated mechanism to "Privatize City Parks", which in my opinion, will destroy Public Parks and make a few underserved swine a little richer from feeding at the special interest trough.**

Respectfully submitted,

David S. Wall 04.03.2008.

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**Cc: City Attorney / City Auditor / City Manager / Director PRNS  
Park Commissioners**

David S. Wall

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San Jose City Clerk

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April 3, 2008

2008 APR -3 P 3:44

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905

**Re: IS FUND 513 BEING USED FOR SOLID WASTE (FUND 423) ISSUES?**

Pretty straight forward question, but, I am really asking;

**“IS ANY WATER POLLUTION CONTROL PLANT RESTRICTED USE FUNDS BEING USED TO PAY FOR THE DISPOSAL OF FLOURESCENT LIGHTBULBS NOT ASSOCIATED WITH USE AT WPCP?”**

Two Memos from Director Sufflebean dated, (02-20-08 and 02-29-08) addressed to the TRANSPORTATION AND ENVIRONMENT COMMITTEE which were included in the TREATMENT PLANT ADVISORY COMMITTEE'S MARCH 13, 2008 AGENDA, seem to indicate such inappropriate administrative expenditure.

I would like a truthful response.

Respectfully submitted,

*David S. Wall 04.03.2008*

P.S. Director Stufflebean's memo dated 02-20-2008 has T&E AGENDA: 03-03-2008 ITEM b notation. Director Stufflebean's memo dated 02-29-2008 is absent to notation and has what appears to be a "highlighted" letterhead.

I wrote a letter to YOU dated 02-25-2008 entitled,

**“\*\*\*WARNING\*\*\*-New light bulbs pose Environmental and Health Risks!”**

I have included a copy for YOUR perusal. YOU should read Director Stufflebean's memos to T&E referencing the dates specified above. (only on an empty stomach)

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**Cc: City Attorney / City Auditor / City Manager / Members TPAC**

David S. Wall

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*Q*

February 25, 2008

2008 FEB 25 P 12:34

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905

**Re:\*\*\*WARNING\*\*\*-New light bulbs pose Environmental and Health Risks!**

Enclosed you will find a "double-sided" photo-copy of the package of an electric light bulb advertised as "ECObulb". This name appears as a registered trademark.

I bought this "ECObulb" and a dozen more like it at The Home Depot. It wasn't until I got home and started utilizing them, did I read the "cautions" or even notice the alarming information which is material to this \*\*\*WARNING\*\*\* contained on the packaging. The ECObulb lamp contains Mercury as all fluorescent bulbs do, the main worry here is two fold.

First, the use of fluorescent light bulbs having Mercury is nothing new. They were initially designed for office and industrial applications to save energy. Expanding the marketplace to include household use is exceptionally problematic, tens of millions more of these hazardous wastes.

Marketed as friendly to the environment, because they use less energy, is a material misrepresentation. Not to the issue of using less electricity, but the household application in a culture who has been educated to turn lights on or off will cause the operational life span of these "ECObulbs" to be much shorter than advertised. Now that the ECObulbs will burn out faster, HOW DO YOU DISPOSE OF TENS OF THOUSANDS OF THESE HAZARDOUS WASTE LIGHTBULBS CITY & COUNTY WIDE?

They are also fragile and they will easily break. Do you think Pa and Ma Shumucatilily are going to dispose of these hazardous wastes in accordance with E.P.A. mandated rules? Or are the "ECObulbs" going to end up in landfills where the Mercury either goes into the atmosphere and in our water?

These "ECObulbs" will undoubtedly cause health problems if they are broken inside a dwelling. People will breath in a fine dose of Mercury. How much Mercury? I have yet to find out the concentration of Mercury contained in this form of light bulb.

For more enlightenment and cause for immediate concern go to: [www.epa.gov/bulbrecycling/](http://www.epa.gov/bulbrecycling/)

Now, you might want to make inquires to our Honorable City Manager, what the Director of Environmental Services is doing about this issue, if anything at all.

These "ECObulbs" also carry PG&E's endorsement. But, they are in the energy business, not the hazardous recycling business.

I have enclosed the original package the double-side photo copy was taken from to the City Clerk as part of this letter. This will alleviate any issue of "skullduggery" that might foolishly arise.

**The "ECObulbs" are manufactured in China. Enough said.**

Respectfully submitted,

Cc: City Attorney / City Auditor(s) / City Manager / Director ESD  
Director-Santa Clara County Hazardous Waste

*David S. Wall*  
02.25.2008

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San Jose City Clerk

5750 ALMADEN EXPWY  
SAN JOSE, CA 95118-3686  
TELEPHONE (408) 265-2600  
FACSIMILE (408) 266-0271  
www.valleywater.org  
AN EQUAL OPPORTUNITY EMPLOYER

March 27, 2008

2008 APR -1 P 2:30

**Subject: Distribution of Santa Clara Valley Water District  
Annual Report on the *Protection and Augmentation of Water  
Supplies***

Enclosed for your information and use is a copy of the Santa Clara Valley Water District's *Annual Report on the Protection and Augmentation of Water Supplies* (formerly the Water Utility Enterprise Report) dated March 25, 2008. This year's report emphasizes the core business and services provided by the District's Water Utility Enterprise. In keeping with that renewed focus, the report is taking on a new name.

For your convenience, the report is also posted on our website. Please select the link in the blue "Related Information" box to the right of the screen on the "Water Charges in Santa Clara County" page, at the following website:

[http://www.valleywater.org/Water/Water\\_Charges](http://www.valleywater.org/Water/Water_Charges)

If you have any questions concerning the report, or desire further information, please contact Darin Taylor, Senior Project Manager, at (408) 265-2607 extension 3068, for questions relating to Water Charges, or Amy Fowler, Special Program Engineer, at (408) 265-2607 extension 2064, for general questions.

Sincerely,



Lauren L. Keller  
Clerk/Board of Directors

/encs.

*To continue receiving the Preliminary and Final reports, or to change your report receipt preference, please detach and return the following in the enclosed, postage paid envelope:*

Name: \_\_\_\_\_

Agency/Group: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Check here if address has changed.

Please Specify:

- Yes, I would like to continue receiving printed copies of the reports.
- I would like to view the reports on-line. Please email me when reports are published to the web. \_\_\_\_\_  
email address
- I no longer wish to receive these reports. Please remove me from your mailing lists.



Public Record e

-----Original Message-----

From: [redacted]  
[mailto: [redacted]]  
Sent: Thursday, April 03, 2008 1:10 PM  
To: Lee Price  
Subject: Locating Guadalupe River mercury TMDL documents

This is a message from the California Regional Water Quality Control Board, San Francisco Bay Region (2).

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You are receiving this email because you are on our notification list for the Guadalupe River Watershed Mercury TMDL.

We want you to know that our website (along with all other State of California websites) is in the process of conversion to a new design, and as a consequence all of our web page addresses have changed. Materials related to the Guadalupe mercury TMDL are still available, however, linked from our "Announcements" page,  
[http://www.waterboards.ca.gov/sanfranciscobay/press\\_room/announcements.shtml](http://www.waterboards.ca.gov/sanfranciscobay/press_room/announcements.shtml)  
and also our Public Notices page,  
[http://www.waterboards.ca.gov/sanfranciscobay/public\\_notices/public\\_notice.shtml](http://www.waterboards.ca.gov/sanfranciscobay/public_notices/public_notice.shtml) .

We apologize for any inconvenience or confusion, and thank you for your patience as we complete the transition to our new, user-friendly website.

If you have any questions or require further assistance, please contact Carrie Austin, [redacted], 510-622-1015.

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[redacted]

5730 Chambertin Drive  
San Jose, California 95118  
Tel: (408) 979-7915  
Fax: (408) 979-0536

March 13, 2008

Mayor Chuck Reed  
Members of the San José City Council  
San José City Hall  
200 East Santa Clara Street  
San José, CA 95113

Dear Mayor Reed and Members of the City Council,

I am writing on behalf of the San José Senior Citizens Commission, regarding the Healthy Neighborhoods Venture Funding (HNVF) as it pertains to senior programs and services.

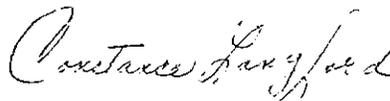
First, the Senior Commission is concerned that there is discussion about shifting funding away from the frail elderly and toward the younger and more active senior. We feel "baby boomers", younger and more active seniors have a wide variety of resources at their disposal. They do not have the same level of need that the frail elderly do. We are very concerned that the frail elderly will be lost. The frail elderly are the ones that truly need the resources that the HNVF program could supply.

Finally, we are also concerned that there is discussion about shifting all HNVF funding into the General Fund. In other words, Community Based Organizations (CBOs) would no longer have the option of applying for HNVF grants for senior and youth programs. We are concerned that this will have a huge negative impact on these CBOs. Funding for these organizations is drying up everywhere. We hope that HNVF funding will remain as a grant opportunity for these CBO's and for the Parks, Recreation and Neighborhood Services Office on Aging.

This recommendation was made by the Senior Citizens Commission at its February 14th meeting and was unanimously approved.

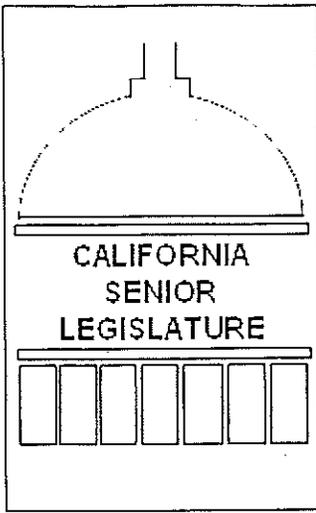
Thank you for your consideration of this recommendation.

Sincerely,



Constance Langford, Chair  
San José Senior Citizens Commission

cc: Mayor Chuck Reed  
Councilmember Pete Constant  
Debra Figone, City Manager  
Albert Balagso, PRNS Director



# CALIFORNIA SENIOR LEGISLATURE

## SANTA CLARA COUNTY NEWS

Volume 10 Number 4

April, 2008

Senior Senator Bob Jaffee, Editor

*Public Record of e*

### CSL LEGISLATIVE SESSION STATE TOP PRIORITIES

**AP-2 Sr. Asy. Member Young-IHSS Provider Auto Insurance.** Bill would prohibit a vehicle covered under an auto liability policy from being classified as a common carrier, etc., solely for the reason that the named insured or applicant is operating or using the vehicle to provide transportation incidental to the provision of the in-home supportive services

**AB 2139 ASSEMBLY**

**MEMBER DE LA TORRE.**

**Referred to Insurance Committee.**

**AP-4 Sr. Asy. Member Krohn-Expanded Elder Abuse Reporting.** Bill requires long-term health care facilities and local ombudsmen to report suspected elder abuses to Attorney General and district attorney. **AB 2100 Asy. Members Wolk/Berg/ Krekorian-**

**Referred to Public Safety Committee-Amended.**

**AP 10 Sr. Assembly Member Monk- Electronic Prescription Writing.** Would institute a State electronic prescription writing system. **Assembly Member Mendoza. AB 2516.**

**To be heard in Business and Professional Committee.**

**(AP-12) Senior Assembly Member Loh (TWO YEAR BILL) Assembly Member Blakeslee- Elder Abuse: Mandated reporters.** Bill provides if abuse occurs any place other than a long-term care facility, the mandated reporter shall report to the adult protective services agency or the local law enforcement agency. **Assembly Member Blakeslee-AB 1765— Public Safety Committee.**

**AP -12-Senior Assembly Member Serrin: Senior Shared Housing Option.** Requires HUD Section 8 housing authorization be expanded to allow two bedroom shared rental options for seniors - **Assembly Member Portantino AB 2521. Housing and & Community Development Comm.**

**AP-13 Senior Assembly Member Feingold: Acute Care Hospital Infection Screening.** Requires general acute care hospitals to administer weekly screenings of infections and to publicly disclose the number of patients developing infections. **-SB 1058 Senators Alquist/Florez**  
**.Referred to Health Comm.-Hearing March 26.**

**AP-19 Senior Assembly Member Trotter (YEAR BILL). Senior Facility Infrastructure Upgrades. SB-977-Senator Correa.** Bill declares the intent of the legislature to enact legislation that would require the preparation of a statewide study to determine the current and future infrastructure needs created by increases of the elderly persons in the state. **ASSEMBLY- Held at desk—No chg.**

**AP-22- Senior Assembly Member Tucker \*(combined with SP-8)-Senior Senator Fromm AB 1900-Assembly Member Nava.** Bill would authorize county board of supervisors, to increase copies of death record to maximum increase of \$3.00 to support senior services

**Referred to Public Safety comm.**

**(OVER)**

**AP-28 Senior Asy. Member Krohn: Elder Abuse Offender Registry-AB 2051 Asy. Member Anderson** Requires the State to compile elder physical and financial abuse conviction details in an elder abuse offender registry, publicly accessible on the internet. Hearing March 21.

**Sr. Asy. Member Krohn-AB 2543 –Asy. Member Berg.-WORK FORCE EXPANSION ACT.** Would establish the Geriatric and Gerontology Workforce Expansion Act to provide loan repayment assistance to professional medical workers working in a geriatric care setting, as specified. The fee would be raised \$10. or \$50 as specified. Business & Professional & Health Committees.

**SP-16 Sr. Sen. Wright: Oral Health in Nursing Homes.** Requires that the DHS review the oral health component of nursing home treatment plans on a quarterly basis for proper completion and that appropriate referrals to dental professionals be made, with failures reported as abuse. AB 2229 Senator Huffman Assembly Health Comm. Hearing March 25.

**SP- 18 Sr. Asy. Member Messler – Mellow-Granlund Definition of Disability.** Amends Mellow-Granlund Older Californians Act to define disability. SB 2160 Asy. Member Carter. Assembly Aging and Long-Term Care Committees.

**SP-22-Sr. Senator Goldman-. SB 2460 Asy Member Davis–Housing Loan Counseling** Would require lenders to refer prospective senior citizen borrowers to housing loan counseling prior to accepting a final application. Banking & Finance Committee..

**SP-29 –Sr. Senator Kim-Selby--Senior Volunteer Month.** Proclaims the month of May to honor Volunteers. Assembly Member Huffman. AJR 111 Held for Printer.

### **TOP FEDERAL PRIORITIES**

**AFP-2-Assembly Member Lopes Home Sale Gain Tax Exclusion—**Proposal authorizes certain surviving spouses to exclude \$500,000 of home sale capital gain. HR 3648 Signed by the President into Federal Law.

**AFP- 7 Sr. Asy. Member Loh: Government Negotiated Drug Prices.** Proposal authorizes Medicare to negotiate prices and pass the savings to beneficiaries-AJR 31 Assembly Member Jones/Machado -Would urge the President and Congress to negotiate Medicare Prescription Part D of Medicare Moderation Act of 2003. Senate Health Committee.

**AFP1-Sr. Asy. Member Karr (submitted 2004) SJR 12 Elder Abuse Awareness Stamp. Senator Simitian.** Two year measure requesting the President and the Congress to authorize the Postmaster General to issue a special first class stamp. Signed by Governor--sent to Congress.

**YOUR CONTRIBUTION TO THE CALIFORNIA FUND FOR SENIOR CITIZENS IS TAX DEDUCTIBLE ON THE STATE INCOME TAX FORMS—540-540A and 540 ZEZ (LINE 52).**  
Your tax refund can be used as a contribution, or may be added to your tax payment. Inform your volunteer and/or professional tax preparer about the contribution you wish to make Direct contributions can be made to THE CALIFORNIA FOUNDATION ON AGING.--Tax deductible.

Make checks payable to: CFOA/CSL 1008 10<sup>th</sup> St., #428 Sacramento Ca. 95814-3502.

### **SENIOR LEGISLATORS SERVING SENIORS IN SANTA CLARA COUNTY**

<b>Sr. Senator Bob Jaffee 985-2457</b>	<b>Sr. Senator Anne Mack 1-650) 493-7798</b>	<b>Sr. Assembly Austin E. Lucero 293-6431</b>	<b>Sr. Assembly Foster Lopes 984-3304</b>	<b>Sr. assembly Denny Weisgerber 262-1776</b>
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