



# Memorandum

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

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

**SUBJECT:** The Public Record  
November 24 – December 2, 2010

**DATE:** December 3, 2010

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**ITEMS TRANSMITTED TO THE ADMINISTRATION**

**ITEMS FILED FOR THE PUBLIC RECORD**

- (a) Letters from San José businesses to Mayor Reed and Council dated November 12-30, 2010 regarding the “bag tax ordinance.”
- (b) Letter from David Wall to Mayor Reed and Council dated November 24, 2010 regarding “The Ghetto Life: Update on the SCEP.”
- (c) Letter from David Wall to Mayor Reed and Council dated November 24, 2010 regarding “Holiday Cheer and the adventures of the ‘one-eyed monster.’”
- (d) Letter from David Wall to Mayor Reed and Council dated November 24, 2010 regarding “TPAC ‘Special Meeting’ proves ‘WPCP Master Plan’ is an atrocity of wasted taxpayer money.”
- (e) Letter from David Wall to Mayor Reed and Council dated November 24, 2010 regarding “City Attorney’s Memo: CPLE Materials dated November 17, 2010 reveals truth” (Attachment on file in the Office of the City Clerk)
- (f) Letter from David Wall to Mayor Reed and Council dated November 24, 2010 regarding “Herhold Heralds San José Mercury News selection for Chief of San José Police.
- (g) Letter from David Wall to Mayor Reed and Council dated December 2, 2010 regarding “The Ghetto Life: Update on the SCEP.”

Lee Price, MMC  
City Clerk

LP/tld

**Distribution:** Mayor/Council  
City Manager  
Assistant City Manager  
Assistant to City Manager  
Council Liaison  
Director of Planning  
City Attorney  
City Auditor

Director of Transportation  
Public Information Officer  
San José Mercury News  
Library  
Director of Public Works  
Director of Finance

**ABE'S LIQUOR**1939 ALLUM ROCK ROAD, SUITE A  
San Jose, CA 95116PUBLIC RECORD     a    

Mayor Chuck Reed  
San José City Hall  
200 East Santa Clara Street  
San José, California 95113

November 12, 2010

Re: Bag Ordinance

Dear Mayor and Council members:

As a small business owner, it's already difficult enough to compete with the "big box" stores in our area. We believe in what we do and in the quality of service we offer, and we believe we offer San Jose a unique feel and flair that saves it from being a warehouse-store-filled city like so many others.

Unfortunately, it seems our lives could become even more difficult in terms of our ability to compete. If you pass the ordinance requiring us to charge for recyclable plastic and paper bags, we will be at a disadvantage vis-à-vis the large stores in negotiating for bag prices. If we have to pay higher prices for our bags, we will have to pass those higher prices along to our customers.

This ordinance seems irrefutably discriminatory toward small businesses. It's obvious that big-box stores, with their expansive economies of scale, will be able to negotiate a negligible price for their bags, and will consequently actually profit on the bag bill, whereas we will either have to raise prices or lose money.

Small businesses are hurting enough in the current economic conditions. We don't need the deck stacked against us any more than it already is. Please vote against the bag bill ordinance!

Most Sincerely,



Mike Panjwani  
Owner

CC: All City of San Jose Council Members and City Clerk

**ALUM ROCK  
PHARMACY**

November 17, 2010

Mayor Reed  
San José City Hall  
200 East Santa Clara St.  
San José, CA 95113

I was disturbed to learn that San Jose is jumping on the Paper/Plastic Bag Ban Bandwagon with the ordinance proposing a tax levied on the distribution of these bags.

Before any sort of drastic measure like this is taken, particularly one that raises taxes and threatens jobs, we ought to be awfully sure it will be effective.

My understanding is that with bans like this, the positive effect is far from certain; that instead, in cities where these bans have been attempted; there is no discernible decrease in bag use.

In fact, the only impacts that seem to be predictable are the increased costs for consumers, increased inconvenience for businesses, and eradication of the In-store recycling programs that are actually working.

There is no good reason to support this bill and there are many to oppose it. San Jose families and businesses are struggling enough, including mine. They don't need the further blow to the pocketbook that this tax would create.

I plan on faxing this letter to all council members as well. I hope you and the council are listening.

Most sincerely,

Steven Nguyen, Pharm.D

San Jose, CA 95116

# Shop N Go

November 19, 2010

Mayor Reed and Council  
City Hall  
Sent: Email and faxed 292-6207

Dear Mayor and San Jose City Council,

I am writing each and every one of you to hope that this message gets out.

Charging a fee on plastic and paper bags is not the answer. Reusable canvas bags are already so widely available. Presumably, the people that are going to use them already are using them, and everyone else will just pay the fee.

Now you have San Jose residents increasing their out-of-pocket expenses without yielding any substantial gain for the environment.

This bag tax ordinance deserves your opposition, not your support.

Thank you,



Richard Kim  
Shop N Go

November 23, 2010

Mayor and San Jose Council  
City Hall of San Jose,  
San Jose, CA 95113

Sent: by fax and email  
Re: Please Vote No on the Bag Tax

Dear Mayor and San Jose City Council members:

I own a store. I work day and night and rarely take time off. I enjoy what I do and I am proud, but every day it's a challenge.

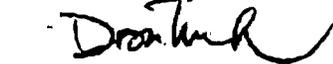
I was very happy to learn that the Bag tax failed on the state wide level. I thought how great, there is hope for our struggling economy. Then I learned that despite in failing on the state wide level that San Jose representatives are trying to bring it back to life.

I have heard the reasons why you think it is a good idea. I find that many people have good intentions, but the results would be very harmful to stores like mine and to my customers.

This bag tax ordinance makes no sense now or in the future.

Please vote "No!" It's very important to please consider my opinion. Many of my customers do not have the ability to write.

Most sincerely,



Dan Trinh  
Mckee Oriental Market, Inc.  
2331 Mckee Rd, San Jose, CA95116

# FOOD BOWL

**1625 McKee Road  
San Jose, CA 95116**

November 24, 2010

The Honorable Mayor Reed  
City of San Jose  
200 East Santa Clara Street  
San Jose, CA 95113

Dear Mayor Reed:

I have significant concerns about the ordinance coming before your consideration that would tax and/or ban the distribution of paper and plastic bags by retailers, liquor and convenience stores, and grocers such as myself.

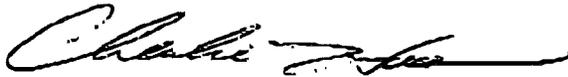
On top of the fact that this issue diverts Council attention from the far more pressing matters facing San Jose, I see that this proposal has already yielded a nearly 200-page EIR which includes 31 pictures, 11 tables, 5 appendices, 4 figures, all manner of calculations, and even a summary.

So someone--or multiple "someones"--at the city has spent time and resources (a.k.a. taxpayers' funds) planning, taking and processing photos, gathering the props for those photos, crunching numbers and turning them into conclusions and tables, writing 200 pages of analysis, and formatting it all.

That's before this ordinance has even been voted on. I can only imagine how many more of our already high taxpayer dollars will be spent, and how many resources will be diverted if this were to actually take effect--time spent on oversight, inspections of paper bags to ensure they are exactly 40% recycled content, punitive measures levied against store owners who are out of compliance, evaluation of the program's success--or lack thereof.

Simply put, we just can't afford this kind of city involvement or tax dollar commitment. We--the City and we retailers--are stretched too far already. Programs have been cut citywide in response to the economic recession; we simply can't take on any new tasks. I urge you to vote against this ordinance.

Sincerely,



Long Hua, Owner

CC: San Jose City Council

November 30, 2010

Mayor Reed & City Council  
San Jose City Hall  
200 E. Santa Clara Street  
San Jose, California 95113  
FAX: 408-292-6731

Dear Mayor & City Council members,

I help operate a bakery on Story Road and love what I do. It's great to make a product that so many people enjoy. And because of my many duties, I don't have time to really engage in City politics. However, when I learned that the City of San Jose is reconsidering the bag tax ordinance, I thought now was a crucial time to send in a letter.

I have many concerns about the bag tax ordinance. First, I worry about the extra cost to my customers. Secondly, the extra time and expense to adjust to the new regulations is overwhelming.

This is a tough economy for so many. Please support small business owners by voting against the bag tax ordinance.

Thank you for your consideration,



Victoria LA/Lilly Be Doan  
L'Amour Des Baguettes Bakery & Deli

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David S. Wall  
P.O. Box 7621  
San José, California 95150

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November 24, 2010

2010 NOV 24 P 4: 12

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

**Re: THE GHETTO LIFE: UPDATE ON THE SCEP**

On Tuesday (11.23.10), I ventured over to North Tenth Street @ Horning Street to "take the pulse" of the SCEP (Shopping Cart Entitlement Program). I arrived on station at approximately 1200 hours and found nine (9) stolen and abandoned shopping carts. *An 18% decrease as to the number of stolen and abandoned shopping carts from last week is hereby recorded.*

The "perennial garbage pile" (PGP) is growing again, but, the area in front of the Horning Street railroad crossing control box has been cleaned, a little bit. The area behind the Horning Street railroad crossing control box, next to Manuel's fence line, is the designated "latrine". The toilet is still lying on its side. Perhaps the toilet is righted for use and then placed back on its side after the deed is done. To the north of the Horning Street railroad crossing control box is a nice queen size mattress and assorted jettisoned debris very characteristic of "Sam's tenement slums", coming soon to all neighborhoods in slum District 3. Photographs were taken.

The "perennial growing debris field" (PGDF) along the northbound railroad tracks continues to grow, the debris from the devastating fire at the El Savoy Club and San José Metals spilled over into this area and has not been removed. Yet, construction is well under way to bring back the El Savoy Club and San José Metals. In my opinion, the city was better served by not allowing these entities to rebuild.

The El Savoy Club is a prime example that the *San José Police* should control all permits for facilities such as this one. The "questionable back room" which butted up right to the chain link fence line, prior to the devastating fire, had many stories to tell city building inspectors. Careful permitting and inspections of this facility should be job one of PBCE. The same is to be considered for San José Metals.

The travel trailer, "All Scouts Plus" CA # FQ 3542 is still located N.W. side of N. 11<sup>th</sup> Street @ Madera Street. The travel trailer, "The Golden Falcon" CA # JT 9621 is still at the N.W. corner of E. Mission Street @ N. 11<sup>th</sup> Street. These trailers represent tacit approval for "life on the street" by the San José City Council. Free sewer and garbage service is included in this new perk for the select few who desire to partake in this inclusionary housing variant.

**Ownership of the stolen and abandoned shopping carts is as follows;**

OSH (2), WalMart (1), Smart&Final (1), Zanottos (1), FoodMaxx (1), Office Max (1), Costco (1), and Big-Lots (1).

\*"Unmarked stolen and abandoned shopping carts have been "purposefully altered" to shield true identity.  
\*\*\*special note\*\*\* the overall cleanliness of shopping carts picked up off the streets and returned to stores should be addressed by some governmental agency. Unsuspecting customers may use excrement coated shopping carts without their knowledge. Shopping carts picked up off the street are "filthy" and are potential reservoirs of microbial agents waiting to spread contagion(s).

Many photographs were taken this week. The growing mountain of "clothes" is a unique and disturbing phenomenon of this area.

*Respectfully submitted,*

David S. Wall  
11.24.10

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

David S. Wall  
P.O. Box 7621  
San José, California 95150

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2010 NOV 24 P 4: 14

November 24, 2010

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

**Re: Holiday Cheer and the adventures of the “one eyed monster”.**

**Should City policies concerning “dictation” be revised?**

**Happy Thanksgiving to everyone!**

As 2010 winds down, I would like to thank all the dutiful City employees for their efforts and their service during these tumultuous budgetary conundrums in which incompetent employees associated with the Office of the City Manager somehow retain their jobs while exceptionally valuable City employees lose theirs.

There also appears a story chuckling through city hall about the exploits of a “one eyed monster” on the loose that gives a rise to policies referencing how a manager can give dictation to a secretary.

As the story does not reference, imply or infer any matter, to any persons or likenesses pertaining therefore to any persons ever born in the universe, it is readily and handily dismissed for it is not true. But, people still laugh at the possibilities of it occurring in their workplaces.

It seems there was a manager giving dictation to a secretary and everything was business as usual except, the wife of the manager un-expectantly walked in and found the secretary naked as a jay bird in the lap of her naked husband. Without waiting for any explanation the wife exclaimed, “If I’ve told you once, I’ve told you a hundred times, to keep that one eyed monster tied up” and then stormed out of the office. Later, in a terrible huff, she ratted out her husband to his superior.

Now, the superior of the naked manager was in no mood for “one eyed monsters” being on the loose in the workplace did so summon the accused manager to give an account of the situation.

The manager did not know his secretary was always being maligned as being a one eye monster, thought that his style of dictation may be at issue and surmising that his wife was probably having an affair with his superior anyway, quickly resigned leaving the poor secretary out in the cold, cold business as usual world.

However, the poor one eyed secretary went out and got an attorney and became rich because of the hostility and intimidation she received during dictation that negatively affected her performance in the workplace making her unfit for promotion, so it was said.

Happy Thanksgiving!

*Respectfully submitted,*

David S. Wall

11.24.10

Cc: City Attorney / City Auditor / City Manager

David S. Wall  
P.O. Box 7621  
San José, California 95150

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2010 NOV 24 P 4: 11

November 24, 2010

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

**Re: TPAC "Special Meeting" proves "WPCP Master Plan" is an atrocity of wasted taxpayer money.**

**WPCP renovation as a \$1.6 Billion Disneyland attraction?**

**"Goofy" ESD Administrators should be "FIRED" without hesitation.**

**The Office of the City Manager basks in the glow of its incompetence. "Fire" them also.**

**And...the amount of money for Public Art funded by the Sewer Service and Use Charge?**

**WPCP should never have been incorporated into ESD. Separate WPCP from ESD.**

Dateline: ...Friday November 19, 2010 at room 225 MLK Library...

**I have no confidence in the decisions of the Office of the City Manager concerning the Environmental Services Department (ESD).** It is way past time for "regime change" in its entirety of the useless and incompetent Office of the City Manager.

You had to be there. You had to see all the special interests lined up in the queue to present their get rich schemes to Mayor Reed, the Chairman of the Treatment Plant Advisory Committee (TPAC). You had to be there to see for yourselves, the accumulative results of wasting millions of taxpayer dollars in an attempt to develop WPCP buffer lands, the "WPCP Master Plan" the work product of the "goofy" only to net the City of San José a, "paltry, \$1.1 million dollars".

WPCP is an aging facility in need of a rebuild. The collection system itself is another nightmare that should be rebuilt. I firmly support both issues. But, in my opinion, to entrust the glowingly incompetent Office of the City Manager and the goofy administration of ESD, especially the CIP engineering management of the rebuild is not acceptable and will lead to catastrophic failure. Just run an audit concerning "Headwork's II" and remember the Director of ESD's jokes about it during the preamble of the special meeting, "We finally got it working..." The joke would have gotten more laughs if he had been scratching his arm pits while chomping on a banana. How does this guy stay on the payroll?

**Disneyland Adventure at the Sewage Treatment Plant? Wasteful, stupid and ripe with corruption.**

Again, you have to understand the millions of taxpayer dollars funneled into making use of the buffer lands around the sewage treatment plant for what it truly is, another development scheme to enrich a few. The buffer lands around WPCP are designed for a reason Public safety is chief among them.

**Let us not forget the worthless Office of Cultural Affairs (OCA).** Who funded their presence at this meeting? Not to mention the amount of money OCA will get from the "PUBLIC ART TAX" on CIP projects. The Sewer Service & Use Charge has a parasitic tax on it that must be eliminated. Or, explain to the rate payers how 1% of \$1.6 billion is destined to support the Office of Cultural Affairs instead of treating sewage. This is just another example why WPCP should stand alone as a sole entity.

*Respectfully submitted,*

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

*David S. Wall*  
11.24.10

**SAN JOSE/SANTA CLARA TREATMENT PLANT ADVISORY COMMITTEE**

CHUCK REED, CHAIR  
BOB LIVENGOOD, VICE-CHAIR  
KEVIN MOORE, MEMBER  
PATRICIA MAHAN, MEMBER  
MADISON NGUYEN, MEMBER

KEN YEAGER, MEMBER  
JOHN GATTO, MEMBER  
ED SHIKADA, MEMBER  
NORA CAMPOS, MEMBER

**Special TPAC Plant Master Plan Meeting**

**AGENDA**

1:00-4:00

November 19, 2010

MLK Library:  
150 E. San Fernando Street,  
2<sup>nd</sup> Floor, Room 225

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1. **PRESENTATION AND DISCUSSION ON PLANT MASTER PLAN**  
**Background and Purpose of the Master Plan**  
**Outreach and Decision making Process, including schedule for TPAC consideration and input on Draft Alternatives**  
**Draft Recommended Technical Alternative**  
**Draft Recommended Land Use Alternative**  
**Input and Next Steps**
2. **OPEN FORUM**
3. **ADJOURNMENT**

NOTE: If you have any changes or questions, please contact Monica Perras, Environmental Services, (408)-975-2515.

To request an accommodation or alternative format for City-sponsored meetings, events or printed materials, please call Monica Perras at (408) 975-2515 or (408) 294-9337 (TTY) as soon as possible, but at least three business days before the meeting/event.

**Availability of Public Records.** All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at San Jose City Hall, 200 East Santa Clara Street, 10<sup>th</sup> Floor, Environmental Services at the same time that the public records are distributed or made available to the legislative body.

David S. Wall  
P.O. Box 7621  
San José, California 95150

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November 24, 2010

2010 NOV 24 P 4: 13

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

**Re: City Attorney's Memo: CPLE Materials dated November 17, 2010 reveals truth.**

**You can post CPLE Report on the city's website and inform the public if you want to.  
(Damn it, David, you were right again.)**

**Is Mayor Chuck Reed, a veteran and "Hero" of the United States Air Force? Yes, he is...  
...but, concerning NOT posting the CPLE Report on the city's website to inform the citizenry,  
...is Mayor Reed really, "Alcalde Carlos Reedriguez", an illegal Mexican National? ¿Sí o No?**

In a stunning setback for Mayor Reed the aforementioned and enclosed memo from the City Attorney spells it out. You can post the Consortium for Police Leadership in Equity's Report "Safe-Because We Are Fair" on the City's webpage. Up to the (11.17.10) memorandum, Mayor Reed was dragging his apparent "pro-illegal alien" feet way past the border with Mexico. Why? Nobody knows.

Why should Mayor Reed object informing the citizens how their taxpayer monies are being spent to fund a political hatchet group's quest to thwart the immigration laws of the United States via a trumped up "research project"? It has been a "public record" since day one of being published by CPLE itself.

When the citizens finally get to read a report they paid for, they will find out how ludicrous the entire hullabaloo on keeping this CPLE report from them has cost them, the San José Police Department and above all how downright anti American this whole process has been from the start.

Also included with the aforementioned memo from our truthful and honorable City Attorney are fifteen (15) separate and distinct letters from a citizen addressed to Mayor Reed and Councilmembers that were "censored in their entirety" from the "Public Record" pertaining to the CPLE Report.

"Open Government" versus "Illegal Mexican National's Government" is an issue for the citizens of the United States who reside in San José are unfortunately required to discuss. It appears, upon reading the CPLE Report anyone could be an "illegal Mexican National" but, CPLE only focused on "Latinos and Whites" in their report.

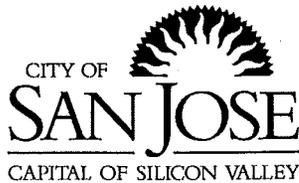
Is the real reason the CPLE Report is not published on the city's website just to quash yet another hair brained scheme emanating from the Office of the City Manager that embarrasses Council? Or is it because unbeknownst to the public, illegal Mexican Nationals were accidentally elected to the San José City Council or is it; to cover up a scandal in the Police Department where "personal enrichment" is quietly characterized as the "background noise" associated with a top level government official's retirement?

Inquiring minds are going to want to know.

*Respectfully submitted,*

Cc: City Attorney / City Auditor / City Manager

David S. Wall  
11.24.10



# Memorandum

**TO:** Rules and Open Government Committee  
**FROM:** RICHARD DOYLE  
City Attorney  
**SUBJECT:** CPLE Materials  
**DATE:** November 17, 2010

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At the Public Safety, Finance and Strategic Support Committee Meeting of September 16, 2010, representatives from the Consortium for Public Leadership (CPLE) presented its quarterly report.

During the meeting, CPLE acknowledged that the document was a public document, but requested that the City not publish it on the City's website. The reason given was that if the City published the document, peer review journals would not publish it, and their work would not receive the level of peer review they seek.

The Committee granted their request, and stated that the report would not be published on the City's internet site.

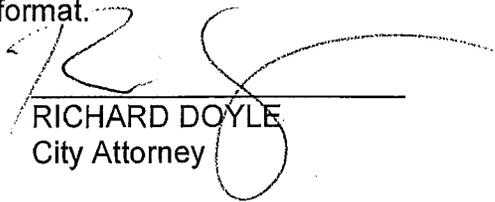
## Analysis

The posting or publishing of documents on the City's website is governed by the Rules of Conduct Resolution (No. 75246)

The CPLE quarterly report was provided to the PSFSS Committee at its meeting. As such, it did not need to be posted with the agenda for the PSFSS Committee. (See Rules of Conduct Resolution, Rule 6.5(b)(3) (p.21) (agenda packet need not include presentation and/or discussion materials including handouts used at a meeting of the body).)

The California Public Records Act requires the City to provide information that is available in electronic format in that electronic format. (See Government Code Section 6253.9(a).) However, the City is not required to "reconstruct" a record in electronic format if the City no longer has the record available in electronic format (or, presumably, never had the record available in electronic format). (See Government Code Section 6253.9(c).)

Under these circumstances surrounding the CPLE report, the City is not required to post it on the internet or provide it in electronic format.

  
RICHARD DOYLE  
City Attorney

David S. Wall  
P.O. Box 7621  
San José, California 95150

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San Jose City Clerk

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bc

November 24, 2010

2010 NOV 24 P 4: 12

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

**Re: Herhold heralds San José Mercury News selection for Chief of San José Police.**

**“Acting police chief worthy of shot at job” article illustrates Mercury’s undue & unneeded influence.**

**San José Mercury News is either incompetent or is lying about Police Department knowledge.**

The worst article ever pinned by sage columnist Scot Herhold (in my opinion) begins, “I’m simply going to say out loud what I suspect others are thinking: San José City Manager Debra Figone ought to set aside her national search for a new police chief. In Chris Moore, she’s already got someone worth testing in the job.” [San José Mercury News, Local News (front page left) Sunday, November 21, 2010]

Well, well, well. Where was this insight when the budget for this “national search” was published? This insight could have saved a lot of staff time, could have kept the independent and handsomely paid private contractors from yet another juicy snack on the public’s dime. It could have negated all the time the citizens spent discussing what they want in their next Police Chief. Even the time and energy the illegal aliens who received special meetings to do the same. C’mon SJ Mercury News, spill the beans. Why did you hold back your insight on Police Chief matters until now? Drunken illegal Mexican Nationals getting rightfully arrested in the Downtown got part of your bifurcated tongue? “Use of Force” got the other part?

When the SJ Mercury News discusses opinions concerning why morale is low in the San José Police Department, a few parts of the story were omitted. For example, the choice for Acting Assistant Police Chief illustrates the discrepancies purported by the SJ Mercury News via realities of how “promotions to Command Staff” are viewed by San José Police Officers. **By the way, I do not speak for anyone but myself.** But, I am far more knowledgeable about the Police matters than anybody at city hall.

The SJ Mercury News purports, “What impresses me more are the sure steps he has taken since becoming acting chief. He elevated the sometimes outspoken...to assistant chief.”

The “acting assistant chief” does have an impressive promotional record. In about a year, this police office was promoted from; a Lieutenant, to Captain, to Deputy Chief and now to Assistant Chief. **Nobody is that good.** Word has it that promotions to “Command Staff” have a significant brown nosing component. Incompetence is also not an impediment to promotion and for “political reasons”, it is often overlooked.

**Another sure morale issue is the lack of support of “command staff” to support Police Officers.** Politics and currying favor to the card carrying duff of the Office of the City Manger is the order of the day. Police Officers are “routinely thrown under the bus” by “command staff”, of course when the Officers are reinstated, with back pay and settlement monies, nobody questions “substandard management actions” by “command staff”. The cadre of “Deputy Chief’s” also has a unique and dubious tale to add to the mix. One must look at the personal empire amassed by one of them. “Being impressed” will take on a new meaning.

*The issue of the Consortium for Police Leadership in Equity (CPL) also has its undue and corrupt influences on the “command staff”.* More than one promotion to “command staff” is at issue on this one.

**As for the selection of a San José Police Officer to be the Chief, I agree. There is at least one honest, prudent administrator, outspoken against corruption and above all “clean as a whistle”. He has the rank of San José Police Captain. Do you know his name? How much he is respected by the troops?**

Personally, screw the SJ Mercury News on this one. Take your sugar coated crap elsewhere.

**Respectfully submitted,**

David S. Wall  
11.24.10

Cc: City Attorney / City Auditor / City Manager

David S. Wall  
P.O. Box 7621  
San José, California 95150

PUBLIC RECORD 9

RECEIVED  
San José City Clerk  
2010 DEC -2 P 4: 24

December 2, 2010

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

**Re: THE GHETTO LIFE: UPDATE ON THE SCEP**

**Is the "SCEP Report" the longest ongoing, unresolved crime report in San José history?**

On Tuesday (11.29.10), I ventured over to North Tenth Street @ Horning Street to "take the pulse" of the SCEP (Shopping Cart Entitlement Program). I arrived on station at approximately 1039 hours and found eleven (11) stolen and abandoned shopping carts. *A 22% increase as to the number of stolen and abandoned shopping carts from last week is hereby recorded.*

The "perennial garbage pile" (PGP) has been placed under submission as of the date and time the SCEP Report was recorded but, the area behind the Horning Street railroad crossing control box continues to be a favorite locale to empty the bowels. This latrine area is like any other open pit sewer, although there is no "standing pools of liquefied excrement" just the chilled odor of raw sewage and the remains of excrement in various states of decay. The toilet is still lying on its side. Perhaps the toilet is righted for use and then placed back on its side after the deed is done. There was an opened bag of unspoiled, "Safeway brand Maxi Pads" behind the railroad crossing control box ready for use.

To the north of the Horning Street railroad crossing control box is a queen size mattress which has the appearance of being urinated on as well as assorted jettisoned debris very characteristic of "Sam's tenement, inclusionary housing slums", already established in some neighborhoods in slum District 3.

The "perennial growing debris field" (PGDF) along the northbound railroad tracks continues as an indicator that the city needs a "Vagrant Management Program (VMP)". I did not venture too far up the tracks due to my sore leg. There were no vagrants present within sight, just the wake of their wrecked lives and the destruction they wrought upon a declining society.

The travel trailer, "All Scouts Plus" CA # FQ 3542 which was located N.W. side of North 11<sup>th</sup> Street @ Madera Street has disappeared. The travel trailer, "The Golden Falcon" CA # JT 9621 is still at the N.W. corner of E. Mission Street @ N. 11<sup>th</sup> Street and has become the defacto iconic symbol of "nomadic street living in San José". Of course, let us not forget (all the oil dripping on the public street) motor homes and other assorted trailers on North 7<sup>th</sup> Street between E. Younger and Commercial Streets.

**Ownership of the stolen and abandoned shopping carts is as follows;**

Mi Pueblo (3), OSH (1), Marina Foods (1), Smart&Final (1), Tropicana Foods (1), FoodMaxx (1), Fry's Electronics (1), Walgreen's (1), and PW Supermarkets (1).

\*"Unmarked stolen and abandoned shopping carts have been "purposefully altered" to shield true identity. \*\*\*special note\*\*\* the overall cleanliness of shopping carts picked up off the streets and returned to stores should be addressed by some governmental agency. Unsuspecting customers may use excrement coated shopping carts without their knowledge. Shopping carts picked up off the street are "filthy" and are potential reservoirs of microbial agents waiting to spread contagion(s).

Respectfully submitted,

David S. Wall  
12.02.10

Cc: City Attorney / City Auditor / City Manager