

Preliminary Comments Submitted by Judge Kawaichi

1. Page One: The title should be "Preliminary Report of the Audit Sub-Committee..."
2. Page One: Third paragraph, line 3 - strike "were on" and replace with "regarded"
3. Page Two: Under January 26, 2011, strike the word "preliminary" which is redundant.
4. Page Three: First full paragraph, strike the phrase, "Before discussing the Audit..." up to "it will be" - change "will" to "may"...
5. Page Three: Answer to "Who pays for utility undergrounding?" - Strike, "The short answer is..." and start the sentence with "Most of the costs..."
6. Page Three: Answer to "How is a district created?" - there should be more formal citations to the statutory language set forth for Rule 20A, 20B, and 20C.
7. Page Four: First partial paragraph, fourth line, "heavy concentration" should be "heavy concentrations"
8. Page 4, Third paragraph, first sentence should read, "If the city Council approves the formation of an underground utility assessment district, the City sells bonds for the values of the project costs and the bonds are paid by the homeowners..."
9. Page Four over on page five and following: It would be nice to have the start and completion dates for the projects which are mentioned, if they are available.
10. Page Five, third line - strike the word "searching"/
11. Page Five: It would be useful to have the citations for the Bondander I and Bondander II cases.
12. Page Five, last paragraph, first sentence - strike "will" and add an s to circulate, so it reads, "...Coordinator circulates a second petition..."
13. Page Six, next to last paragraph, first sentence - "...as with two other underground assessment districts..." It would be good to name the two. Were they Wildwood-Crocker and Dudley-Blair?
14. Page Six, last paragraph - Strike the word, "Yet" from the third sentence.
15. Page Seven, first full paragraph - I do not think the reference to being between a rock and hard place is appropriate given the seriousness with which the public views these issues. And we do not need it to say that the city found itself in a very difficult risk management situation.
16. Page Seven, first full paragraph - Why is some of the language underlined?
17. Page Nine, last full paragraph - Strike "for which" at the end of line two and place a period at the end of the word "Piedmont". Capitalize "Both" to begin a new sentence.
18. Page Ten: I like the inclusion of a "cast of characters", but it does not seem to follow from the title of the section at the bottom of page nine. Could we add "Persons Involved" to the title?
19. Page Twelve: There are recommendations at the end of paragraphs 2 and all of 4. Do they belong there or in a summary of recommendations later?
20. Page 13: At the end of the fourth full paragraph, it states that "John Wanger had expressed major concerns..." To whom and by what means?
21. Page 13 last paragraph - It is stated that "city management thought that there was..." Who in City management and what record does this refer to?

22. Page 15, last paragraph - The first sentence does not seem to have any reference.
Should the words, "will direct" be used?
23. Page 16 - what is the purpose of setting forth the language of offering memorandum or official statement in caps?
24. On page 17, the paragraph after the heading, "Enforcement of Remedies" on the third line, there is a phrase, "...often subject to discretion and delay." I am not certain what that means in this context.
25. Page 18, The first sentence in the first paragraph under Item 2b does not seem to make sense. Is something missing?
26. Pages 19, and 20. There is a sudden switch in the use of first person singular possessive pronouns which is not consistent with the rest of the report.
27. Pages 19, last paragraph under item 2b, the last sentence appears to be unnecessary.
28. Page 20: the last introductory sentence: Suspension raises a number of issues which are difficult to quantify.
29. Page 20: item number 2 at the bottom - "Getting a geotechnical inspection and report after the fact would delay the project.
30. Page 21: Strike the phrase, "in conclusion" and start the sentence with "City Administrator Grote..." We should also consider adding a sentence at the end of the paragraph as follows: "Mr Grote is responsible as the supervising authority for the acts or failures to act of his employees and agents.
31. I had hoped that Vice-mayor Chang would prepare a spread sheet which would contain the proposed recommendations of the sub-committee members as well as public individuals and groups.