



City and County of San Francisco
Meeting Minutes
Rules Committee

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Members: Katy Tang, Eric Mar, Malia Cohen

Clerk: Derek Evans (415) 554-7702

Wednesday, July 6, 2016

11:00 AM

City Hall, Committee Room 263

Special Meeting

Present: 3 - Katy Tang, Eric Mar, and Malia Cohen

The Rules Committee met in special session on Wednesday, July 6, 2016, with Chair Katy Tang presiding.

ROLL CALL AND ANNOUNCEMENTS

Chair Tang called the meeting to order at 11:13 a.m.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

160583 [Charter Amendment - Public Advocate]**Sponsors: Campos; Avalos, Kim and Mar**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to: 1) create the Office of the Public Advocate; 2) set the Public Advocate's powers and duties; 3) authorize the Public Advocate to review the administration of City programs, including programs for transmitting information to the public, and to receive, investigate, and attempt to resolve complaints regarding City services and programs; 4) place the Public Advocate in charge of the Office of Labor Standards Enforcement (OLSE), the Office of Citizen Complaints (OCC), and the Controller's whistleblower program; 5) call a special election for November 7, 2017, to elect the first Public Advocate; 6) provide for the Public Advocate's election, removal, and salary; and 7) establish a set-aside of 0.03% of the City's budget, as well as the amounts previously budgeted to OLSE, OCC, and the whistleblower program, to fund the Office of the Public Advocate, and setting an operative date, at an election to be held on November 8, 2016.

05/24/16; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/23/2016.

06/02/16; REFERRED TO DEPARTMENT. Referred to the Mayor's Office, Office of the City Attorney, Department of Elections, Office of Citizen Complaints, Office of Labor Standards Enforcement, Police Department, District Attorney, and Ethics Commission for informational purposes (per Rules of Order 2.22.4). Referred to the City Controller for a financial analysis (per Elections Code, Section 305(B)(2) and Rules of Order 2.22.3). Referred to the Planning Department for environmental review.

06/03/16; RESPONSE RECEIVED. Planning Department determined that this Charter Amendment is not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

06/29/16; RESPONSE RECEIVED. Controller's Office provided financial analysis supporting the opinion that the proposed charter amendment would result in a significant increase in the cost of government

06/30/16; CONTINUED. Heard in Committee. Speakers: Supervisor David Campos (Board of Supervisors); Natasha Mihal (Controller's Office); presented information and answered questions raised throughout the hearing. Mike Casey; Alisa Messer; Tom O'Connor (San Francisco Fire Fighters); Ace Washington; spoke in support of the proposed Charter Amendment. Jim Lazarus (Chamber of Commerce); spoke in opposition of the proposed Charter Amendment.

Member Cohen, seconded by Vice Chair Mar, moved that this Charter Amendment be CONTINUED AS AMENDED to the July 7, 2016, Rules Committee meeting. The motion carried by the following vote:

Ayes: 3 - Tang, Avalos, Cohen

Member Cohen, seconded by Vice Chair Mar, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

Heard in Committee. Speakers: Supervisor David Campos (Board of Supervisors); Jon Givner, Deputy City Attorney (City Attorney's Office); presented information and answered questions raised throughout the hearing. John Crew; Eileen Boken; Josue Reyes (Progressive Workers Alliance); spoke in support of the proposed Charter Amendment. Charely Lavery; Sean McGarry (Carpenters Local 22); David Johnson (Local 300); spoke in opposition of the proposed Charter Amendment. Sylvia Johnson; spoke neither in support nor against the proposed Charter Amendment.

Supervisor Mar requested that this Charter Amendment be DUPLICATED

See Duplicated File No. 160781.

Chair Tang, seconded by Vice Chair Mar, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE (as proposed by Supervisor Campos) as follows: 1) whistleblower program remains with the Controller's Office, with limited authority for Public Advocate (e.g., inadequate services and misuse of funds); 2) retain oversight of OCC with the Police Commission; Public Advocate appoints OCC dept. head; 3) OLSE dept. head appointed by and serves at pleasure of Public Advocate; 4) Public Advocate salary to be determined by Civil Service; 5) budgeting function guidance for staffing, one investigator and one staff per District; and 6) removing provision for special election. The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco to: 1) create the Office of the Public Advocate; 2) set the Public Advocate's powers and duties; 3) authorize the Public Advocate to review the administration of City programs, including programs for transmitting information to the public, and to receive, investigate, and attempt to resolve complaints regarding City services and programs; 4) authorize the Public Advocate to receive and investigate specified whistleblower complaints; 5) establish an Office of Labor Standards Enforcement and authorize the Public Advocate to appoint and remove the director of the Office; 6) authorize the Public Advocate to appoint the Director of the Office of Citizen Complaints; 7) provide for the Public Advocate's election, removal, and salary; and, 8) set City policy regarding sufficient funding and minimum staffing for the Office of the Public Advocate; and setting an operative date, at an election to be held on November 8, 2016.

Supervisor Cohen moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE to add term limits for Public Advocate; provide that no person who has served in local elected office may serve as Public Advocate; removes Public Advocate appointment power for OCC; and removes Public Advocate appointment power for OLSE. The motion carried by the following vote:

Ayes: 2 - Tang, Cohen

Noes: 1 - Mar

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco to: 1) create the Office of the Public Advocate; 2) set the Public Advocate's powers and duties; 3) authorize the Public Advocate to review the administration of City programs, including programs for transmitting information to the public, and to receive, investigate, and attempt to resolve complaints regarding City services and programs; 4) authorize the Public Advocate to receive and investigate specified whistleblower complaints; 5) provide for the Public Advocate's election, removal, and salary; and, 6) set City policy regarding sufficient funding and minimum staffing for the Office of the Public Advocate; and setting an operative date, at an election to be held on November 8, 2016.

CONTINUED AS AMENDED by the following vote:

Ayes: 3 - Tang, Mar, Cohen

160781 [Charter Amendment - Public Advocate]**Sponsor: Mar**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to: 1) create the Office of the Public Advocate; 2) set the Public Advocate's powers and duties; 3) authorize the Public Advocate to review the administration of City programs, including programs for transmitting information to the public, and to receive, investigate, and attempt to resolve complaints regarding City services and programs; 4) place the Public Advocate in charge of the Office of Labor Standards Enforcement (OLSE), the Office of Citizen Complaints (OCC), and the Controller's whistleblower program; 5) call a special election for November 7, 2017, to elect the first Public Advocate; 6) provide for the Public Advocate's election, removal, and salary; and 7) establish a set-aside of 0.03% of the City's budget, as well as the amounts previously budgeted to OLSE, OCC, and the whistleblower program, to fund the Office of the Public Advocate, and setting an operative date, at an election to be held on November 8, 2016.

Duplicated from File No. 160583.

Chair Tang, seconded by Vice Chair Mar, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE (As proposed by Supervisor Campos) as follows: 1) Whistleblower program remains with the Controller's Office, with limited authority for Public Advocate (e.g., inadequate services and misuse of funds); 2) Retain oversight of OCC with the Police Commission; Public Advocate appoints OCC dept. head; 3) OLSE dept. head appointed by and serves at pleasure of Public Advocate; 4) Public Advocate salary to be determined by Civil Service; 5) Budgeting function guidance for staffing, one investigator and one staff per District; and 6) Removing provision for special election. The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco to: 1) create the Office of the Public Advocate; 2) set the Public Advocate's powers and duties; 3) authorize the Public Advocate to review the administration of City programs, including programs for transmitting information to the public, and to receive, investigate, and attempt to resolve complaints regarding City services and programs; 4) authorize the Public Advocate to receive and investigate specified whistleblower complaints; 5) establish an Office of Labor Standards Enforcement and authorize the Public Advocate to appoint and remove the director of the Office; 6) authorize the Public Advocate to appoint the Director of the Office of Citizen Complaints; 7) provide for the Public Advocate's election, removal, and salary; and, 8) set City policy regarding sufficient funding and minimum staffing for the Office of the Public Advocate; and setting an operative date, at an election to be held on November 8, 2016.

Supervisor Cohen moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE to add term limits for Public Advocate; provide that no person who has served in local elected office may serve as Public Advocate; removes Public Advocate appointment power for OCC; and removes Public Advocate appointment power for OLSE. The motion carried by the following vote:

Ayes: 2 - Tang, Cohen

Noes: 1 - Mar

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco to: 1) create the Office of the Public Advocate; 2) set the Public Advocate's powers and duties; 3) authorize the Public Advocate to review the administration of City programs, including programs for transmitting information to the public, and to receive, investigate, and attempt to resolve complaints regarding City services and programs; 4) authorize the Public Advocate to receive and investigate specified whistleblower complaints; 5) provide for the Public Advocate's election, removal, and salary; and, 6) set City policy regarding sufficient funding and minimum staffing for the Office of the Public Advocate; and setting an operative date, at an election to be held on November 8, 2016.

CONTINUED AS AMENDED to the July 14, 2016, Rules Committee Regular Meeting. The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

160589 [Charter Amendment - Municipal Transportation Agency - Appointments to Board of Directors and Budget Process]**Sponsors: Yee; Kim, Peskin and Campos**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco to split the power to make appointments to the San Francisco Municipal Transportation Agency (SFMTA) Board of Directors between the Mayor and the Board of Supervisors, to lower the vote by which the Board of Supervisors may reject the SFMTA Budget from seven to six, and to make related changes implementing these amendments, at an election to be held on November 8, 2016. (Supervisor Tang dissented in committee.)

05/24/16; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/23/2016.

06/03/16; REFERRED TO DEPARTMENT. Referred to the Mayor's Office, Office of the City Attorney, Department of Elections, and Municipal Transportation Agency for informational purposes (per Rules of Order 2.22.4). Referred to the City Controller for a financial analysis (per Elections Code, Section 305(B)(2) and Rules of Order 2.22.3). Referred to the Planning Department for environmental review.

06/24/16; RESPONSE RECEIVED. Planning Department determined that this Charter Amendment is not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

06/29/16; RESPONSE RECEIVED. Controller's Office provided financial analysis supporting the opinion the proposed Charter Amendment would have a minimal impact on the cost of government.

06/30/16; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Supervisor Norman Yee (Board of Supervisors); Natasha Mihal (Office of the Controller); Ed Reiskin, Director (Municipal Transportation Agency); presented information and answered questions raised throughout the hearing. Eileen Boken; spoke in support of the proposed Charter Amendment.

06/30/16; CONTINUED AS AMENDED.

Heard in Committee. Speakers: Supervisor Norman Yee (Board of Supervisors); presented information and answered questions raised throughout the hearing. Richard Rothman; Eileen Boken; spoke in support of the proposed Charter Amendment. Sylvia Johnson; spoke neither in support nor against the proposed Charter Amendment.

Vice Chair Mar, seconded by Supervisor Cohen, moved that this Charter Amendment be RECOMMENDED. The motion carried by the following vote:

Ayes: 2 - Mar, Cohen

Noes: 1 - Tang

Chair Tang, seconded by Vice Chair Mar, moved that the Motion to Recommend the Charter Amendment be RESCINDED. The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

Vice Chair Mar, seconded by Supervisor Cohen, moved that this Charter Amendment be RECOMMENDED to the July 12, 2016, Board of Supervisors meeting. The motion carried by the following vote:

Ayes: 2 - Mar, Cohen

Noes: 1 - Tang

160585 [Charter Amendment - Dignity Fund]**Sponsors: Cohen; Mar, Yee, Avalos and Campos**

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco to: 1) establish the Dignity Fund to support Seniors and Adults with Disabilities; 2) require an annual contribution by the City to the Fund including an annual baseline amount of \$38 million, increasing by \$6 million for fiscal year 2017-2018, and increasing by \$3 million a year for the next 9 years until fiscal year 2026-2027, and continuing at that amount, adjusted annually for changes in aggregate discretionary City revenues, for the next 10 years until fiscal year 2036-2037; 3) establish a planning process for expenditures from the Fund; 4) create an Oversight and Advisory Committee; 5) set an expiration date of June 30, 2037; and, 6) change the "Commission on Aging" to the "Aging and Adult Services Commission" and update its responsibilities, at an election to be held on November 8, 2016. (Supervisor Tang dissented in committee.)

05/24/16; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/23/2016.

06/03/16; REFERRED TO DEPARTMENT. Referred to the Mayor's Office, Office of the City Attorney, Department of Elections, Department of Aging and Adult Services, and Human Services Agency for informational purposes (per Rules of Order 2.22.4). Referred to the City Controller for a financial analysis (per Elections Code, Section 305(B)(2) and Rules of Order 2.22.3). Referred to the Planning Department for environmental review.

06/20/16; RESPONSE RECEIVED. Controller's Office provided financial analysis supporting opinion that this Charter Amendment would have a significant impact on the cost of government.

06/22/16; RESPONSE RECEIVED. Planning Department determines that the Charter Amendment is not defined as a project under CEQA Guidelines, Sections 15378 and 15060(c)(2), because it does not result in a physical change in the environment.

06/23/16; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Shireen McSpadden (Department of Aging and Adult Services); provided information and responded to questions raised throughout the hearing. Moli Steinert, Executive Director (Stepping Stones); Ramona Davies (Dignity Fund Coalition); Ashley McCumber, Executive Director (Meals on Wheels); Marie Jobling (Dignity Fund Coalition); Jacqueline Zimmer Jones (NEXT Village San Francisco); Fiona Hinze (Independent Living Resource Center); Steve Nakajo (Kimochi Senior Center); Sandy Mori (Dignity Fund Coalition); Valorie Villela (30th Street Senior Center); Jessica Lehman (Senior and Disability Action); Wade Woods; Maria Guillen; spoke in support of the proposed Charter Amendment.

06/23/16; CONTINUED TO CALL OF THE CHAIR AS AMENDED.

06/24/16; REFERRED TO DEPARTMENT. Referred to the Mayor's Office, Office of the City Attorney, Department of Elections, Department of Aging and Adult Services, and Human Services Agency for informational purposes (per Rules of Order 2.22.4). Referred to the City Controller for a financial analysis (per Elections Code, Section 305(B)(2) and Rules of Order 2.22.3). Referred to the Planning Department for environmental review.

06/29/16; RESPONSE RECEIVED. Controller's Office provided financial analysis supporting the opinion that this Charter Amendment would have a significant impact on the cost of government, by setting the City's general fund budget for services for seniors and adults with disabilities at a required level of \$41 million beginning in fiscal year 2017-18 and increasing over time.

06/30/16; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Natasha Mihal (Controller's Office); presented information and answered questions raised throughout the hearing. Michael Bliker; Kathy Davis; Bruce Oka; Louisa Antonio; Fiona Hinze (Independent Living Resource Center); Andrew Yip; spoke in support of the proposed Charter Amendment.

Member Cohen, seconded by Vice Chair Mar, moved that this Charter Amendment be CONTINUED AS AMENDED to the July 7, 2016, Rules Committee meeting. The motion carried by the following vote:

Ayes: 3 - Tang, Avalos, Cohen

Vice Chair Mar, seconded by Member Cohen, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

06/30/16; CONTINUED AS AMENDED.

06/30/16; RESPONSE RECEIVED. Planning Department determined that this Charter Amendment is not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

07/05/16; RESPONSE RECEIVED. Controller's Office provided financial analysis supporting the opinion that should the proposed charter amendment be approved by the voters, it would have a significant impact on the cost of government. The amendment would create an annual baseline for services for seniors and adults with disabilities at a required level of \$38 million beginning in FY2016-2017 and increasing over time.

Heard in Committee. Speakers: Natasha Mihal (Controller's Office); presented information and answered questions raised throughout the hearing. Rachel Richman (Local 21); spoke in opposition of the proposed Charter Amendment. Sylvia Johnson; spoke neither in support nor against the proposed Charter Amendment.

Supervisor Cohen, seconded by Vice Chair Mar, moved that this Charter Amendment be RECOMMENDED to the July 12, 2016, Board of Supervisors meeting. The motion carried by the following vote:

Ayes: 2 - Mar, Cohen

Noes: 1 - Tang

160586 [Charter Amendment - Department of Police Accountability]

Sponsor: Cohen

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco to: re-name the Office of Citizen Complaints (OCC) as the Department of Police Accountability (DPA); give DPA direct authority over its proposed budget; and require DPA to conduct a performance audit every two years of how the Police Department has handled claims of officer misconduct and use of force, at an election to be held on November 8, 2016.

05/24/16; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/23/2016.

06/03/16; REFERRED TO DEPARTMENT. Referred to the Mayor's Office, Office of the City Attorney, Department of Elections, Police Department, and Office of Citizen Complaints for informational purposes (per Rules of Order 2.22.4). Referred to the City Controller for a financial analysis (per Elections Code, Section 305(B)(2) and Rules of Order 2.22.3). Referred to the Planning Department for environmental review.

06/24/16; RESPONSE RECEIVED. Planning Department determines that this Charter Amendment is not defined as a project under CEQA Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

06/29/16; RESPONSE RECEIVED. Controller's Office provided financial analysis supporting the opinion that the proposed charter amendment would have a significant impact on the cost of government as it creates a new funding baseline.

06/30/16; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Joyce Hicks (Office of Citizen's Complaints); presented information and answered questions raised throughout the hearing. Jane Porshe; Cameron Janice; Kirk Grime; spoke in support of the proposed Charter Amendment.

06/30/16; CONTINUED AS AMENDED.

Heard in Committee. Speakers: Natasha Mihal (Controller's Office); presented information and answered questions raised throughout the hearing. Sylvia Johnson; spoke neither in support nor against the proposed Charter Amendment.

Supervisor Cohen, seconded by Vice Chair Mar, moved that this Charter Amendment be RECOMMENDED to the July 12, 2016, Board of Supervisors meeting. The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

ADJOURNMENT

There being no further business, the Rules Committee adjourned at the hour of 2:00 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Rules Committee on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.