



City and County of San Francisco

Meeting Agenda - Final

Rules Committee

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

Members: David Campos, Chris Daly, Michela Alioto-Pier

Clerk: Linda Wong (415) 554-7719

Thursday, January 7, 2010

10:00 AM

City Hall, Committee Room 263

Regular Meeting

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

These items will be available for review at City Hall, Room 244, Reception Desk.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding City representatives, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

AGENDA CHANGES

REGULAR AGENDA

1. [091459](#) **[Appointment, Urban Counties Caucus - Supervisor Michela Alioto-Pier]**
Motion appointing Supervisor Michela Alioto-Pier, term ending December 31, 2010, to the Urban Counties Caucus. (Clerk of the Board)
Attachments: [Comm Packet 010710](#)

12/15/09; RECEIVED AND ASSIGNED to the Rules Committee.

2. [091427](#) **[Appointments, Workforce Investment Community Advisory Committee]**
Hearing to consider appointing two members, terms to be determined, to the Workforce Investment Community Advisory Committee. (Clerk of the Board)

Vacant seat 3, new appointment, must be staff and/or Board member of 501(c)3 organizations. Preferably Committee Members should be providing workforce development services or serving low-income residents and others with barriers to employment, for a two-year term ending date to be determined.

Vacant seat 4, new appointment, must be staff and/or Board member of 501(c)3 organizations. Preferably Committee Members should be providing workforce development services or serving low-income residents and others with barriers to employment, for a two-year term ending date to be determined.

Attachments: [Comm Packet 010710](#)

12/15/09; RECEIVED AND ASSIGNED to the Rules Committee.

2 seats/ 9 applicants

Jamie Brewster, seats 3, 4

Janet Gomes, seats 3, 4 (Residency Waiver Required)

Jeanne Zarka, seats 3, 4

Joseph Ramirez-Forcier, seats 3, 4

Reuben Garza, seats 3, 4 (Residency Waiver Required)

Sheryl Davis, seats 3, 4

Sue Rosser, seats 3, 4

Toby Eastman, seats 3, 4 (Residency Waiver Required)

Tracy Brown, seats 3, 4

3. [091481](#) **[Appointment, Veterans Affairs Commission]**
Hearing to consider appointing one member, term ending January 31, 2014, to the Veterans Affairs Commission. (Clerk of the Board)

Vacant seat 10, succeeding James Guglielmoni, term expiring on January 31, 2010, must be an at-large appointment, for a four-year term ending January 31, 2014.

Attachments: [Comm Packet 010710](#)

12/29/09; RECEIVED AND ASSIGNED to the Rules Committee.

1 seat/ 2 applicants

James Guglielmoni, seat 10

Matthew Shea, seat 10

4. [091402](#) **[Medical Cannabis Task Force]**
Sponsors: Campos; Mirkarimi, Avalos and Daly
Ordinance amending the San Francisco Administrative Code by adding Sections 5.2-1 through 5.2-6, to establish a Medical Cannabis Task Force to advise the Board of Supervisors on medical cannabis issues.

Attachments: [Legislation VER1.DOC](#)

[Comm Packet 010710](#)

12/8/09; ASSIGNED UNDER 30 DAY RULE to the Rules Committee.

12/16/09; REFERRED TO DEPARTMENT. To Office of City Administrator for comment and recommendation.

5. [091233](#) **[Amendments to Chapters 6 and 21, Related to False Claims]**
Sponsor: Alioto-Pier
 Ordinance amending Administrative Code Sections 6.22, 6.42, and 21.35 to clarify that the false claims provisions of Chapters 6 and 12 are statutory rather than contractual and to eliminate the requirement that such provisions be incorporated into public works contracts or professional services contracts.
Attachments: [Legislation_VER1.docx](#)
[Comm Packet 010710](#)
 10/27/09; ASSIGNED UNDER 30 DAY RULE to the Rules Committee.
6. [091403](#) **[Inclusion of Textiles in Sweatfree Contracting Ordinance]**
Sponsor: Campos
 Ordinance adding Section 12U.5.1 of the Administrative Code to provide that contracts for textiles are within the coverage of the Sweatfree Contracting Ordinance.
Attachments: [Legislation_VER1.DOC](#)
[Comm Packet 010710](#)
 12/8/09; ASSIGNED UNDER 30 DAY RULE to the Rules Committee.
7. [091446](#) **[Modifying the Membership of the Food Security Task Force]**
Sponsor: Maxwell
 Ordinance amending the San Francisco Health Code by amending Section 470.1, to modify the membership of the Food Security Task Force and to direct the Task Force to prepare an annual assessment of the state of hunger in San Francisco, and by amending Section 470.2, to extend the term of the Task Force.
Attachments: [Legislation_Ver1](#)
[Comm Packet 010710](#)
 12/15/09; ASSIGNED UNDER 30 DAY RULE to the Rules Committee. 12/18/09 - President Chiu waived the 30-day rule.
 12/18/09; ASSIGNED to the Rules Committee. 12/18/09 - President Chiu waived the 30-day rule.

LITIGATION

Conference with City Attorney

*[Convene in Closed Session - Existing Litigation - City as Plaintiff and/or Defendant]
 Motion that the Rules Committee of the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing lawsuits and claims in which proposed settlements are being considered by the Committee. Administrative Code Section 67.10(d) permit this closed session. Discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the pending lawsuits and claims listed below.*

After a closed session, if one occurs, the Committee shall adopt a motion either to disclose or not to disclose.

8. [091381](#) **[Settlement of Lawsuit - Marco Maestrini - \$40,000]**
Ordinance authorizing settlement of the lawsuit filed by Marco Maestrini against the City and County of San Francisco for \$40,000; the lawsuit was filed on June 6, 2007, in the United States District Court for the Northern District of California, Case No. C07-02941 PJH; entitled Marco Maestrini, et al., v. City and County of San Francisco, et al. (City Attorney)
Attachments: [Legislation Ver1](#)
[Comm Packet 010710](#)

11/18/09; RECEIVED AND ASSIGNED to the Rules Committee.
9. [091382](#) **[Settlement of Lawsuit - Ben H. Lyon - \$47,500]**
Ordinance authorizing settlement of the lawsuit filed by Ben H. Lyon against the City and County of San Francisco for \$47,500; the lawsuit was filed on May 9, 2007, in San Francisco Superior Court, Case No. 463-228; entitled Ben H. Lyon, et al. v. City and County of San Francisco, et al. (City Attorney)
Attachments: [Legislation Ver1](#)
[Comm Packet 010710](#)

11/24/09; RECEIVED AND ASSIGNED to the Rules Committee.
10. [091383](#) **[Settlement of Lawsuit - Glynis Senegal and Joseph Senegal - \$158,000]**
Ordinance authorizing settlement of the lawsuit filed by Glynis Senegal and Joseph Senegal against the City and County of San Francisco for \$158,000; the lawsuit was filed on May 5, 2006, in San Francisco Superior Court, Case No. 451-969; entitled Glynis Senegal and Joseph Senegal v. City and County of San Francisco, et al. (City Attorney)
Attachments: [Legislation Ver1](#)
[Comm Packet 010710](#)

11/24/09; RECEIVED AND ASSIGNED to the Rules Committee.
11. [091384](#) **[Settlement of Unlitigated Claim - David Cleary - \$225,000]**
Resolution approving the settlement of the unlitigated claim filed by David Cleary against the City and County of San Francisco for \$225,000; claim was filed on May 22, 2009. (City Attorney)
Attachments: [Legislation Ver1](#)
[Comm Packet 010710](#)

11/24/09; RECEIVED AND ASSIGNED to the Rules Committee.

12. [091387](#) **[Settlement of Lawsuit - San Franciscans for Livable Neighborhoods - \$141,692.50]**
Ordinance authorizing settlement of the lawsuit filed by San Franciscans for Livable Neighborhoods against the City and County of San Francisco for \$141,692.50 for attorneys' fees; the lawsuit was filed on November 30, 2004, in San Francisco Superior Court, Case No. 504-780; entitled San Franciscans for Livable Neighborhoods v. City and County of San Francisco, et al.; other material terms of said settlement are that payment is to be made in two equal installments, one in calendar year 2010, one in calendar year 2011.

Attachments: [Legislation Ver1](#)

[Comm Packet 010710](#)

12/2/09; RECEIVED AND ASSIGNED to the Rules Committee.

13. [091473](#) **[Settlement of Department of Fair Employment and Housing Charge - Timothy Jones - \$83,251.89]**
Resolution approving the settlement of the Department of Fair Employment and Housing (DFEH) and Equal Employment Opportunity Commission (EEOC) charges filed by Timothy Jones against the City and County of San Francisco for \$83,251.89; DFEH and EEOC charges were filed on November 13, 2008: DFEH Charge No. E200809A0330-00-pe and EEOC Charge No. 37AA904035 entitled Jones v. CCSF. (City Attorney)

Attachments: [Legislation Ver1](#)

[Comm Packet 010710](#)

12/28/09; RECEIVED AND ASSIGNED to the Rules Committee.

14. [091474](#) **[Settlement of Claim - Devorah Joseph - \$49,000]**
Resolution approving the settlement of the unlitigated claim filed by Devorah Joseph against San Francisco for \$49,000; claim was filed on July 28, 2008; additional material terms of said settlement are a full and final release. (City Attorney)

Attachments: [Legislation Ver1](#)

[Comm Packet 010710](#)

12/28/09; RECEIVED AND ASSIGNED to the Rules Committee.

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding settlement of potential litigation by Comcast Cable Communications, LLC against the City and County of San Francisco. Government Code Section 54956.9(b) and San Francisco Administrative Code Section 67.10(d)(2) permit this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the potential litigation.

15. [091408](#) [Approving Settlement of Unlitigated Claim Against the City by Comcast]**Sponsor: Mirkarimi**

Resolution approving settlement of an unlitigated claim made by Comcast Cable Communications, LLC against the City and County of San Francisco.

Attachments: [Legislation_Ver1](#)[Comm_Packet_010710](#)

12/8/09; RECEIVED AND ASSIGNED to the Rules Committee.

*[Elect To Disclose]**Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the Chair immediately to disclose that information.**[Elect Not to Disclose]**Motion that the Committee finds that it is in the best interest of the public that the Committee elect at this time not to disclose its closed session deliberations listed above.*

ADJOURNMENT

IMPORTANT INFORMATION

NOTE: Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors.

Any written comments should be sent to: Committee Clerk of the Rules Committee, San Francisco Board of Supervisors, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102 by 5:00 p.m. on the day prior to the hearing. Comments which cannot be delivered to the committee clerk by that time may be taken directly to the hearing at the location above.

LEGISLATION UNDER THE 30-DAY RULE

(Not to be considered at this meeting)

Rule 5.40 provides that when an ordinance or resolution is introduced which would CREATE OR REVISE MAJOR CITY POLICY, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general, the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply URGE action to be taken.

091429 [Establishing Film Commission, its Membership, Qualifications, and Powers]**Sponsor: Alioto-Pier**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by adding Section 5.107 to establish a Film Commission, establish its membership and qualifications, establish duties, and provide for the issuance of film permits.

Attachments: [Legislation VER1.DOC](#)

12/15/09; ASSIGNED UNDER 30 DAY RULE to the Rules Committee.

091430 [Allowing the Board of Supervisors to Designate Certain Appropriations as Mandates to Expend the Money Appropriated]**Sponsor: Avalos**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Sections 9.103 and 9.104 to: (1) allow the Board of Supervisors to mandate the expenditure of identified appropriations for particular programs or activities, in an amount not to exceed the total value of expenditure reductions made by the Board at the same time; require the relevant City departments to report to the Board on their plans for expenditure of the money appropriated; and (2) allow the Mayor to reject or reduce an appropriation identified as mandatory and reject the designation of the appropriation as mandatory with or without reducing the amount of the appropriation.

Attachments: [Legislation VER1.DOC](#)

12/15/09; ASSIGNED UNDER 30 DAY RULE to the Rules Committee.

091431 [Setting Minimum 52-Hour Work Week for Firefighters]**Sponsors: Avalos; Daly and Campos**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section A8.452 to: (1) eliminate the 48.7-hour limitation on the work week for uniformed officers and member of the Fire Department, (2) establish a work week of at least 52 hours, on an annualized basis, for uniformed officers and members assigned to fire fighting companies and units, with the minimum 52-hour work week requirement to be effective for any amendment or extension to the current Memorandum of Understanding (MOU) between the City and County of San Francisco (City) and the San Francisco Fire Fighters Union Local 798 (Union) in effect July 1, 2007 through June 30, 2011, and for the successor MOU and each MOU between the City and Union thereafter, and (3) eliminate superseded language regarding holiday schedules and compensation; and by adding Section A8.590-9 to provide that the minimum work week for firefighters assigned to fire fighting companies and units shall be governed by Section A8.452 and not be subject to binding interest arbitration under Charter Section A8.590-5.

Attachments: [Legislation VER1.DOC](#)

12/15/09; ASSIGNED UNDER 30 DAY RULE to the Rules Committee.

091432 [Zero Tolerance for Firefighters Drinking on Duty]**Sponsor: Daly**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by adding Section 16.126 to make it unlawful for any uniformed member of the Fire Department to consume an alcoholic beverage while on duty, and making violation grounds for dismissal and a misdemeanor.

Attachments: [Legislation_VER1.DOC](#)

12/15/09; ASSIGNED UNDER 30 DAY RULE to the Rules Committee.

091433 [Reducing Employer Retirement Benefit Costs]**Sponsor: Elsbernd**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Sections A8.409-5, A8.506, A8.506-2, A8.506-3, A8.510, A8.590-4 and A8.590-5, and by adding Sections A8.432-1, A8.600 to A8.600-14, A8.601 to A8.601-16 and A8.602 to A8.602-16, to: prohibit the City and County from paying any required employee contributions to the San Francisco Employees' Retirement System or the California Public Employees' Retirement System; require the difference between the City and County's contribution to SFERS set by the Retirement Board each year and the employer normal cost rate to be deposited into either the Retiree Health Care Trust Fund, Retirement System Trust Fund, or both, the allocation to be determined jointly by the Controller, Treasurer and Retirement System Executive Director; establish an employee contribution rate of nine percent for all employees hired after June 8, 2010, who become members of the California Public Employees' Retirement System; require all contracts with CalPERS for persons hired after June 8, 2010, to include a three-year formula for the calculation of final compensation to the fullest extent possible; create a new retirement plan for miscellaneous officers and employees hired after June 8, 2010, that modifies the average final compensation calculation from a one-year formula to a three-year formula; and create new retirement plans for safety members hired after June 8, 2010, that increase required employee retirement contributions to nine percent and modify the average final compensation calculation from a one-year formula to a three-year formula.

Attachments: [Legislation_VER1.DOC](#)

12/15/09; ASSIGNED UNDER 30 DAY RULE to the Rules Committee.

091434 [Setting Transit Operator Wages and Benefits Solely Through Collective Bargaining]**Sponsor: Elsbernd**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Sections 8A.104, A8.409-1, A8.409-4 and A8.428 and deleting Section A8.404 of the Charter to eliminate the formula setting a floor for transit operator wages and providing that wages and benefits for transit operators shall be set through collective bargaining and that any impasse in collective bargaining shall be resolved through interest arbitration.

Attachments: [Legislation_VER1.DOC](#)

12/15/09; ASSIGNED UNDER 30 DAY RULE to the Rules Committee.

091435 [Child Care Planning and Advisory Council Membership]**Sponsor: Chiu**

Ordinance amending San Francisco Administrative Code by amending section 5.200, to: (1) reduce the number of members of the Child Care Planning and Advisory Council ("Council") from 30 to 25, and provide for the appointment of 12 members by the Board of Supervisors, 12 members by the Board of Education and the joint appointment of one member by the Board of Supervisors and Board of Education; (2) provide for the establishment of a Council Executive Committee; and (3) amend the attendance, qualification, membership term, and compensation provisions for Council members.

Attachments: [Legislation_Ver1](#)

12/15/09; ASSIGNED UNDER 30 DAY RULE to the Rules Committee.

091444 [Creating an Energy Efficiency Steering Committee]**Sponsor: Mar**

Ordinance amending the San Francisco Administrative Code by adding Article II to Chapter 5, Sections 5.2-1 through 5.2-8, to: create an Energy Efficiency Steering Committee to advise the Board of Supervisors on planning and decision-making regarding energy efficiency projects; provide for the Committee's membership, organization, and duties; and set a sunset date for the Committee.

Attachments: [091444](#)

12/15/09; ASSIGNED UNDER 30 DAY RULE to the Rules Committee.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board has several standing Committees where ordinances and resolutions are the subject of hearings at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience at a Committee meeting to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers, and similar sound-producing electronic devices; 3) signs to be brought into the meeting or displayed in the room; 4) standing in the meeting room.

Citizens are encouraged to testify at Committee meetings and to write letters to the Clerk of a Committee or to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT CITY HALL, ROOM 244, RECEPTION DESK. Agendas are available on the internet at www.sfgov.org/site/bos_meetings

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Requests for language interpreters at a meeting must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7719**

Disability Access

The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible.

Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, 5, 21, 47, 49, 71, 71L, J, K, L, M, N, T (exit at Van Ness Station). MUNI bus lines also serving the area are the 6, 7, and 9 San Bruno. For more information about MUNI accessible services, call (415) 701-4485.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under The Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact by mail Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site www.sfgov.org/ethics