



City and County of San Francisco
Meeting Minutes
Rules Committee

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

Members: Jane Kim, Sean Elsbernd, Mark Farrell

Clerk: Linda Wong (415) 554-7719

Thursday, February 3, 2011

1:30 PM

City Hall, Committee Room 263

Regular Meeting

Present: 3 - Jane Kim, Sean Elsbernd, and Mark Farrell

MEETING CONVENED

The meeting convened at 10:05 a.m.

REGULAR AGENDA

101493 [Charter - Compensation of Board of Education Members]

Sponsors: Kim; Campos, Mar, Avalos and Chiu

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Section 8.100, to increase the compensation for members of the Board of Education from a monthly stipend of \$500 to one-half the annual salary of a first-year teacher in the San Francisco Unified School District, establish training and professional development requirements for Board members, and require the City annually to appropriate to the Unified School District an amount sufficient to pay the members' salaries until the State has repaid the District for any outstanding reductions in Proposition 98 funding.

11/23/10; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 12/23/2010.

Heard in Committee. Speakers: Bevan Dufty; Tim Norton; spoke in support of the matter. Walter Paulson; Thomas Picarello; spoke neither in support or opposition to the matter.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Section 8.100, to increase the compensation for members of the Board of Education from a monthly stipend of \$500 to one-half the annual salary of a first-year teacher in the San Francisco Unified School District, establish training and professional development requirements for Board members, and require the City annually to appropriate to the Unified School District an amount sufficient to pay the members' salaries until the State has repaid the District for any outstanding reductions in Proposition 98 funding.

CONTINUED AS AMENDED to February 10, 2011 by the following vote:

Ayes: 3 - Kim, Elsbernd, Farrell

110037 [Confirming Appointment, San Francisco Relocation Appeals Board - Paul Kelly]**Sponsor: Mayor**

Motion confirming the appointment of Paul Kelly to the San Francisco Relocation Appeals Board, for the unexpired portion of a three-year term ending January 2, 2012.

01/10/11; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Paul Kelly; Eugene Flannery, Mayor's Office of Housing and Relocation Appeals Board; Bevan Dufty; Walter Paulson; spoke in support of the appointment.

RECOMMENDED by the following vote:

Ayes: 2 - Elsbernd, Farrell

Noes: 1 - Kim

110067 [Appointments, Shelter Monitoring Committee]

Hearing to consider appointing six members, terms ending November 23, 2013, to the Shelter Monitoring Committee. (Clerk of the Board)

Vacant seat 1, succeeding Rita Lark, resigned, must be homeless or formerly homeless within the 3 years prior to appointment and living with their homeless child under age 18, for the unexpired portion of a two-year term ending November 23, 2012.

Vacant seat 2, succeeding Elihu Hernandez, resigned, must be homeless or formerly homeless within the 3 years prior to appointment with a disability, for the unexpired portion of a two-year term ending November 23, 2012.

Vacant seat 3, succeeding Mary Howe, resigned, must have experience providing direct services to the homeless through a community setting, for the unexpired portion of a two-year term ending November 23, 2012.

Vacant seat 4, succeeding Ramses Teon-Nichols, term expired, must be selected from a list of candidates that are nominated by community agencies that provide behavioral health, housing placement, or other services to the homeless, for the unexpired portion of a two-year term ending November 23, 2012.

Vacant seat 5, succeeding Diana Greer, resigned, must be selected from a list of candidates that are nominated by non-profit agencies that provide advocacy or organizing services to homeless people and be homeless or formerly homeless, for the unexpired portion of a two-year term ending November 23, 2012.

Vacant seat 6, succeeding Robert Weber, term expired, must be selected from a list of candidates that are nominated by non-profit agencies that provide advocacy or organizing services to homeless people, for the unexpired portion of a two-year term ending November 23, 2012.

01/25/11; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Amanda Colson Heier; Kathy Treggiari; Will Daley; Sabanur Amatullah Ali Bey; Maxine Pauson; Charles Pitts; Deborah Muise; spoke on their qualifications. David Beale; Walter Pauson; Ramses Teon-Nichols; Thomas; spoke on the matter.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Kim, Elsbernd, Farrell

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.

Unanimous vote to convene in closed session by the following vote:

Ayes: 3 - Kim, Elsbernd, Farrell

101576 [Settlement of Lawsuit - CCSF v. Alexander A. Deanda, et al. - City to Receive \$75,000]

Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against Alexander A. Deanda, Gerald T. Lyons and Sheldon Morris for \$45,000 from defendant Alexander A. Deanda and \$30,000 from Gerald T. Lyons; the lawsuit was filed on November 24, 2008, in San Mateo Superior Court, Case No. Civ 482-183; entitled City and County of San Francisco, et al. v. Alexander A. Deanda, et al.; the City has not yet settled with defendant Sheldon Morris. (City Attorney)

12/06/10; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Kim, Elsbernd, Farrell

101577 [Settlement of Lawsuit - Gang Hao O'Neil/James O'Neil - \$270,000]

Ordinance authorizing settlement of the lawsuit filed by Gang Hao O'Neil and James O'Neil against the City and County of San Francisco for \$270,000; the lawsuit was filed on October 5, 2009, in the San Francisco Superior Court, Case No. CGC 09-491579, entitled Gang Hao O'Neil and James O'Neil v. City and County of San Francisco. (City Attorney)

12/06/10; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Kim, Elsbernd, Farrell

101592 [Settlement of Lawsuit - Mackin, et al. - City to Pay \$63,020 for Easement]

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against Kenneth Paul Mackin and Janice Mackin; Pacific Gas & Electric Company; Fremont Bank; and Does 1 through 100, to condemn and take by right of eminent domain a temporary construction easement over portions of real property located in Sunol, California, APN 096-0001-020-03; filed May 24, 2010, in Alameda County Superior Court, Case No. RG-10516566; entitled City of San Francisco v. Kenneth Paul Mackin and Janice Mackin; Pacific Gas & Electric Company; Fremont Bank; and Does 1 through 100. (City Attorney)

12/21/10; RECEIVED AND ASSIGNED to Rules Committee.

AMENDED on Page 1, Line 19, by deleting 'Settlement Agreement and Release of Claims' and adding 'Stipulation for Entry of Judgement in Condemnation'.

RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

Ayes: 3 - Kim, Elsbernd, Farrell

110021 [Settlement of Lawsuit - Jason Davis - \$4,000,000]

Ordinance authorizing settlement of the lawsuit filed by Jason Davis against the City and County of San Francisco for \$4,000,000; the lawsuit was filed on August 28, 2009, in Contra Costa Superior Court, Case No. MSC 09-02405; entitled Jason L. Davis, et al. v. City and County of San Francisco, et al. (City Attorney)

01/06/11; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Kim, Elsbernd, Farrell

110050 [Settlement of Lawsuit - Toni Battle - \$105,000]

Ordinance authorizing settlement of the lawsuit filed by Toni Battle against the City and County of San Francisco for \$105,000; the lawsuit was filed on October 16, 2009, in San Francisco Superior Court, Case No. CGC 09-493489, entitled Battle v. City and County of San Francisco, et al. (City Attorney)

01/14/11; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Kim, Elsbernd, Farrell

Deputy City Attorney Cheryl Adams reported that the Rules Committee has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding settlements in the lawsuits or claims listed above.

[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.

Unanimous vote not to disclose by the following vote:

Ayes: 3 - Kim, Elsbernd, Farrell

ADJOURNMENT

The meeting adjourned at 3:35 p.m.