



**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*

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**Thursday, June 23, 2016**

**11:00 AM**

**City Hall, Committee Room 263**

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**Regular Meeting**

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*President London Breed appointed Supervisor John Avalos, in place of Supervisor Eric Mar, to the Rules Committee meeting of June 23, 2016.*

**Present:** 3 - Katy Tang, Malia Cohen, and John Avalos

**Excused:** 1 - Eric Mar

*The Rules Committee met in regular session on Thursday, June 23, 2016, with Chair Katy Tang presiding.*

## **ROLL CALL AND ANNOUNCEMENTS**

*Chair Tang called the meeting to order at 11:10 a.m. On the call of the roll, Supervisor Mar was not present. There was a quorum.*

### **Supervisor Mar Excused from Attendance**

**Supervisor Avalos, seconded by Member Cohen, moved that Supervisor Eric Mar be excused from attending the Rules Committee meeting of June 23, 2016. The motion carried by the following vote:**

Ayes: 3 - Tang, Cohen, Avalos

Excused: 1 - Mar

## **AGENDA CHANGES**

*There were no agenda changes.*

## **REGULAR AGENDA**

**151273 [Charter Amendment - Filling Vacancies in Local Elective Office]****Sponsors: Avalos; Mar**

Charter Amendment (Fifth Draft) to amend the Charter of the City and County of San Francisco to require the Department of Elections to hold a special election when there is a vacancy in the Office of Member of the Board of Supervisors, unless a regularly scheduled election will be held within 180 days of the vacancy; provide that the Mayor shall appoint an interim Supervisor to fill a supervisorial vacancy until an election is held to fill that vacancy, with the interim Supervisor being ineligible to compete in that election; and require the Mayor to fill vacancies in all local elective offices within 28 days of the vacancy, at an election to be held on November 8, 2016.

12/15/15; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/14/2016.

12/21/15; REFERRED TO DEPARTMENT. Referred to the City Controller for a financial analysis (per Elections Code, Section 305(B)(2) and Rules of Order 2.22.3); and Mayor's Office, Office of the City Attorney, and Department of Elections for informational purposes (per Rules of Order 2.22.4).

01/12/16; RESPONSE RECEIVED. Controller's Office provided financial analysis supporting opinion that this Charter Amendment would have a moderate impact on the cost of government.

01/14/16; DUPLICATED. Heard in Committee. Speakers: Nancy Wuerfel; David Cary; spoke in support of the hearing matter. Jim Lazarus (San Francisco Chamber of Commerce); spoke in opposition to the hearing matter. Christopher Jerdonek; spoke neither in support nor against the hearing matter.

01/14/16; CONTINUED AS AMENDED.

01/14/16; AMENDED. See Duplicated File No. 160040.

01/15/16; REFERRED TO DEPARTMENT. Re-referred to the City Controller for a financial analysis (per Elections Code, Section 305(B)(2) and Rules of Order 2.22.3); and Mayor's Office, Office of the City Attorney, and Department of Elections for informational purposes (per Rules of Order 2.22.4).

01/21/16; AMENDED. Heard in Committee. Speaker: Magick; spoke in support of the hearing matter.

01/21/16; CONTINUED AS AMENDED.

01/22/16; REFERRED TO DEPARTMENT. Re-referred to the City Controller for a financial analysis (per Elections Code, Section 305(B)(2) and Rules of Order 2.22.3); and Mayor's Office, Office of the City Attorney, and Department of Elections for informational purposes (per Rules of Order 2.22.4). Referred to the Planning Department for environmental review.

01/27/16; RESPONSE RECEIVED. The Planning Department has determined that the 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.

01/28/16; DUPLICATED. Chair Tang, seconded by Member Cohen, moved that this Charter Amendment be CONTINUED TO THE CALL OF THE CHAIR. The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

Member Cohen, seconded by Chair Tang, moved to rescind the previous vote to open public comment, which had not been heard; there were no speakers. The motion carried by the following vote:

Ayes: 3 - Tang, Mar, Cohen

Heard in Committee. Speaker: Jeremy Pollock, Legislative Aide (Office of Supervisor John Avalos); presented information and answered questions raised throughout the discussion.

01/28/16; CONTINUED TO CALL OF THE CHAIR. See duplicated File No. 160089.

02/02/16; RESPONSE RECEIVED. Controller's Office provided financial analysis supporting opinion that this Charter Amendment would have a moderate impact on the cost of government.

02/03/16; AMENDED. Heard in Committee. Speaker: Jon Giver, Deputy City Attorney; presented information and answered questions raised throughout the discussion.

Member Avalos, seconded by Member Cohen, moved that this Charter Amendment be CONTINUED TO THE CALL OF THE CHAIR. The motion carried by the following vote:

Ayes: 3 - Tang, Avalos, Cohen

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

Ayes: 3 - Tang, Mar, Cohen

02/03/16; CONTINUED TO CALL OF THE CHAIR AS AMENDED.

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

06/03/16; RESPONSE RECEIVED. Controller's Office provided financial analysis supporting opinion that this Charter Amendment would have a moderate impact on the cost of government.

06/06/16; RESPONSE RECEIVED. The Planning Department has determined that the 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.

06/09/16; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Supervisor John Avalos (Board of Supervisors); Jon Givner, Deputy City Attorney (Office of the City Attorney); presented information and responded to questions raised throughout the hearing. Bruce Bowen; Karen Babbitt; Susan Vonn; spoke in support of the proposed Charter Amendment.

Supervisor Mar requested to be added as a co-sponsor.

06/09/16; CONTINUED.

06/13/16; REFERRED TO DEPARTMENT. Re-referred to the City Controller for a financial analysis (per Elections Code, Section 305(B)(2) and Rules of Order 2.22.3); and Mayor's Office, Office of the City Attorney, and Department of Elections for informational purposes (per Rules of Order 2.22.4). Referred to the Planning Department for environmental review.

06/13/16; RESPONSE RECEIVED. The Planning Department has determined that the 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.

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

*Heard in Committee. Speaker: Eileen Boken; spoke in support of the proposed Charter Amendment.*

**Member Cohen, seconded by Member Avalos, moved that this Charter Amendment be REFERRED WITHOUT RECOMMENDATION to the Board of Supervisors meeting of July 12, 2016.**

Ayes: 3 - Tang, Cohen, Avalos

Excused: 1 - Mar

**160381 [Charter Amendment and Business and Tax Regulations Code - City Responsibility and Parcel Tax for Street Trees]****Sponsors: Wiener; Mar**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco to transfer responsibility for the maintenance of street trees to the City and establish a special fund primarily to pay for such maintenance and the maintenance of trees on San Francisco Unified School District property; to amend the Business and Tax Regulations Code to add a special parcel tax primarily to fund the City's maintenance of street trees and the maintenance of trees on San Francisco Unified School District property; to increase the City's appropriations limit by the amount of the parcel tax for four years from November 8, 2016; and to affirm the Planning Department's determination under the California Environmental Quality Act.

04/19/16; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 5/19/2016.

04/22/16; REFERRED TO DEPARTMENT. Referred to the Mayor's Office, Office of the City Attorney, and Department of Elections, San Francisco Unified School District, Public Works, 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.

05/06/16; RESPONSE RECEIVED. The Planning Department determined that this Charter Amendment is "Statutorily Exempt under CEQA Guidelines Section 15273 - Rates, Tolls, Fares, and Charges."

06/02/16; TRANSFERRED to Budget and Finance Committee. President Breed transferred the item from the Rules Committee to the Budget and Finance Committee.

06/08/16; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Supervisor John Avalos (Board of Supervisors); Carla Short (Public Works); Jon Swae (Planning Department); Amanda Fried (Treasurer and Tax Collector's Office); Dan Flanagan (Friends of the Urban Forest); provided an overview and responded to questions raised throughout the discussion. Eden Smith; Karen Cancino; Teresa Pratt; Susanna Russo; Mary E. Claughs; Laura Tam; Marilyn Clemens; Peter Fortune; Zahra Kelly; spoke in support of the hearing matter.

06/08/16; CONTINUED AS AMENDED.

06/14/16; REFERRED TO DEPARTMENT. Referred to the Mayor's Office, Office of the City Attorney, Department of Elections, San Francisco Unified School District, and Public Works for informational purposes (per Rules of Order 2.22.5) and to the Planning Department for environmental review.

06/16/16; REFERRED WITHOUT RECOMMENDATION to Rules Committee. Heard in Committee. Speakers: None.

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.

*Heard in Committee. Speakers: Ann Fryman, Legislative Aide (Office of Supervisor Scott Wiener); Carla Short (Public Works); Amanda Fried (Treasurer and Tax Collector's Office); presented information and answered questions raised throughout the hearing. Marcus Harvey; Tim Schulte; Karen Cancino; Laura Tam; Nicholas Martinez; Alan Simpson (Friends of the Urban Forest); Alexander Post; spoke in support of the proposed Charter Amendment. Eileen Boken; spoke in opposition to the proposed Charter Amendment (File No. 160381). Male Speaker; spoke neither in support nor against the Charter Amendment.*

**Chair Tang, seconded by Member Avalos, moved that this Charter Amendment be AMENDED on Page 7, Line 17, by adding ', rounded to the nearest foot'; on Page 10, Line 15, by replacing '\$1.42' with '\$1.47'; on Page 10, Line 11, by adding 'Except as provided in subsection (c)'; on Page 10, Line 18, by adding '(c) The Tax on each Parcel that meets all three of the following criteria shall be calculated under subsection (b) using only 70% of the Parcel's total Frontage: (1) The Parcel is in a RH-1(D), RH-1, RH-1(S), or RH-2 District, as defined in Section 209.1 of the Planning Code. as amended from time to time; (2) The Parcel has Frontage on two adjoining Public Rights-of-Way; and (3) The Parcel would otherwise be subject to a Tax of less than \$250, calculated under subsection (b) but without regard to this subsection (c).'; and renumbering the affected subsections to reflect the update. The motion carried by the following vote:**

Ayes: 3 - Tang, Cohen, Avalos

Excused: 1 - Mar

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco to transfer responsibility for the maintenance of street trees to the City and establish a special fund primarily to pay for such maintenance and the maintenance of trees on San Francisco Unified School District property; to amend the Business and Tax Regulations Code to add a special parcel tax primarily to fund the City's maintenance of street trees and the maintenance of trees on San Francisco Unified School District property; to increase the City's appropriations limit by the amount of the parcel tax for four years from November 8, 2016; and to affirm the Planning Department's determination under the California Environmental Quality Act.

**Member Avalos, seconded by Member Cohen, moved that this Charter Amendment be CONTINUED TO CALL OF THE CHAIR AS AMENDED. The motion carried by the following vote:**

Ayes: 3 - Tang, Cohen, Avalos

Excused: 1 - Mar

*Chair Tang requested that File Nos. 160381 and 160582 be called and heard together.*

**160582 [Charter Amendment - City Responsibility for Maintaining Street Trees]****Sponsor: Avalos**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to transfer responsibility for the maintenance of street trees from abutting property owners to the City; and affirming the Planning Department's determination under the California Environmental Quality Act, 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, Planning Department, and Public Works 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.

06/02/16; 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.

06/20/16; RESPONSE RECEIVED. Controller's Office provided financial analysis supporting opinion that this Charter Amendment would significantly increase the cost of government.

*Heard in Committee. Speakers: Marcus Harvey; Tim Schulte; Karen Cancino; Laura Tam; Nicholas Martinez; Alan Simpson (Friends of the Urban Forest); Alexander Post; spoke in support of the proposed Charter Amendment. Male Speaker; Eileen Boken; spoke neither in support nor against the Charter Amendment.*

**Member Avalos, seconded by Member Cohen, moved that this Charter Amendment be CONTINUED TO CALL OF THE CHAIR. The motion carried by the following vote:**

Ayes: 3 - Tang, Cohen, Avalos

Excused: 1 - Mar

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

Charter Amendment (First 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) create an annual set-aside from the property tax for the Dignity Fund in an amount equivalent to an annual tax of two cents for each \$100 of assessed valuation, and a baseline appropriation based on City spending for these purposes in FY2016-2017; 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, update its responsibilities, and divide the appointing power between the Mayor and the Board of Supervisors, 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, 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.

*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.*

**Member Cohen, seconded by Member Avalos, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by changing the creation of an annual set-aside from property tax to a requirement for an annual contribution by the City, starting at \$41 million for FY2017-2018 and increasing by \$3 million a year for the next 9 years until the annual contribution reaches \$68 million in FY2026-2027, and continuing at that amount until FY2036-2037; and by amending Section 4.120 to read 'The Aging and Adult Services Commission shall consist of seven members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor. The Commission shall oversee the Department of Aging and Adult Services, including the functions of the Public Guardian/Administrator, as well as carry out any additional duties and functions assigned to the Commission by ordinance or pursuant to Section 4.132.' The motion carried by the following vote:**

Ayes: 3 - Tang, Cohen, Avalos

Excused: 1 - Mar

Charter Amendment (Second 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 starting at \$41 million for fiscal year 2017-2018, and increasing by \$3 million a year for the next 9 years until the annual contribution reaches \$68 million in 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.

**Member Cohen, seconded by Member Avalos, moved that this Charter Amendment be CONTINUED TO CALL OF THE CHAIR AS AMENDED. The motion carried by the following vote:**

Ayes: 3 - Tang, Cohen, Avalos

Excused: 1 - Mar

## ADJOURNMENT

*There being no further business, the Rules Committee adjourned at the hour of 12:45 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.*