



# City and County of San Francisco

## Meeting Agenda

### 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*

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Thursday, October 20, 2011

1:30 PM

City Hall, Committee Room 263

### Regular Meeting

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## AGENDA CHANGES

## REGULAR AGENDA

1. [111097](#) **[Appointments, Immigrant Rights Commission]**  
Hearing to consider appointing six members, terms ending June 6, 2013, to the Immigrant Rights Commission. (Clerk of the Board)

Vacant seat 4, succeeding Melba Maldonado, term expired, must have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for a two-year term ending June 6, 2013.

Vacant seat 6, succeeding Lorena Melgarejo, resigned, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the San Francisco Charter. In addition, the member shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for a two-year term ending June 6, 2013.

Vacant seat 7, succeeding Angus McCarthy, term expired, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the San Francisco Charter. In addition, the member shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for a two-year term ending June 6, 2013.

Vacant seat 8, succeeding Felix Fuentes, term expired, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the San Francisco Charter. In addition, the member shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for a two-year term ending June 6, 2013.

Vacant seat 10, succeeding Ana Perez, resigned, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the San Francisco Charter. In addition, the member shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for a two-year term ending June 6, 2013.

Vacant seat 11, succeeding Toye Moses, term expired, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the San Francisco Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for a two-year term ending June 6, 2013.

**Attachments:** [Comm Packet 102011](#)

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

*6 seats/ 6 applicants*

*Kathleen Coll, seat 4*

*Mario Paz, seat 4, 6 (Residency Waiver Required)*

*Angus McCarthy, seat 7*

*Felix Fuentes, seat 8*

*Melba Maldonado, seat 10 (Residency Waiver Required)*

*Toye Moses, seat 11*

2. [090258](#) **[Hearing - Reports, Shelter Monitoring Committee]**

Hearing to consider the quarterly reports of the Shelter Monitoring Committee. (Clerk of the Board)

(Pursuant to Article 12-20 of the San Francisco Administrative Code, Ord. No. 283-04, the Committee shall prepare and submit quarterly reports. Original reports are in File No. 051713 and File No. 060377).

**Attachments:** [Comm Packet 031810](#)

[Comm Report 102110](#)

[Comm Packet 072111](#)

[Comm Packet 101111](#)

[Comm Packet 102011](#)

2/26/09; RECEIVED AND ASSIGNED to the Rules Committee.

8/6/09; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speaker: John Smith.

9/17/09; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Henry Tom, Shelter Monitoring Committee; Bernice Casey; Joanna Fraguli, Mayor's Office of Disability; David Nakanishi, Department of Public Health; Michael D.; Frank Perez; Male Speaker; Quintin Meckie; Male Speaker; Moe Kauff.

3/18/10; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Aram Havslaib, Shelter Monitoring Committee; Joyce Crum, Human Services Agency; Mr. Wright; Male Speaker; Charles Pitts.

10/21/10; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Bernice Casey, Shelter Monitoring Committee; Joyce Crum, Human Services Agency; Kathy Treggiari, San Francisco Episcopal Community Services; Svetlana Kaff; Walter Paulson; Jennifer Friedenbach, Coalition on Homelessness; L. J. Serrillo; Charles Pitts.

7/21/11; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: LJ Cirillo (Shelter Monitoring Committee); Joyce Crum (HSA); presented information concerning the matter and answered questions raised throughout the hearing. Tomas Picarello; spoke in opposition of the matter. Kathy Dudar; Kim Armbruster; Female Speaker; Marlon; Charles Pitts; spoke on the matter.

10/11/11; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speaker: Charles Pitts; spoke on the matter.

3. [111072](#) **[Appointments, Shelter Monitoring Committee]**  
Hearing to consider appointing three members, terms ending November 23, 2012, 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 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 Amanda Heier, 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.

**Attachments:** [Comm Packet 101111](#)

[Comm Packet 102011](#)

9/29/11; RECEIVED AND ASSIGNED to the Rules Committee.

10/11/11; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Simon Martinez; Charles Pitts; Ramon Lacayo; spoke on their qualifications.

*3 seats/ 10 applicants*

*Lamont-Deangelo Ferebee, seat 1*

*Christian Wilcox, seats 1, 3, 4*

*Simon Martinez, seats 1, 3, 4*

*Jose Mastache, seat 3 (Residency Waiver Required)*

*Linda Pettye, seat 3*

*Charles Pitts, seats 3, 4*

*Deborah Muise, seats 3, 4*

*Elizabeth Ancker, seats 3, 4*

*Ramon Lacayo, seats 3, 4 (Residency Waiver Required)*

*Reginald Upshaw, seat 4*

4. [110390](#) **[Authorizing Tax Collector to File Suit Against Responsible Relatives of Recipient of Services at City Hospitals to Recover Value of Services]**  
Resolution authorizing Tax Collector Attorney to file suit against responsible relatives to recover value of services rendered at hospital facilities operated by the San Francisco Department of Public Health. (Treasurer-Tax Collector)

**Attachments:** [Legislation\\_Ver1](#)

[Comm Packet 102011](#)

7/19/11; RECEIVED AND ASSIGNED to the Rules Committee.

## 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.*

5. [111024](#) **[Settlement of Lawsuit - Norman T. Larson, et al. - \$122,500]**  
Ordinance approving settlement of the lawsuit filed by Norman T. Larson, San Francisco Apartment Association, San Francisco Association Of Realtors, Coalition For Better Housing, Round Hill Pacific and John Zanghi (collectively "Larson Petitioners") against the City and County of San Francisco by payment by the City and County of San Francisco to the Larson Petitioners' counsel Nielsen Merksamer Parrinello Gross & Leoni, LLP, in the amount of \$122,500 and other terms; the lawsuit was filed on December 10, 2008, in the San Francisco Superior Court, Case No. 509-083, entitled Larson et al. vs. City and County of San Francisco. (City Attorney)

**Attachments:** [Legislation Ver1](#)  
[Comm Packet 102011](#)

9/21/11; RECEIVED AND ASSIGNED to the Rules Committee.

6. [111025](#) **[Settlement of Lawsuit - City to Pay \$500 for Sub-Surface Easement in San Mateo County]**  
Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against San Mateo County Transit District; Union Pacific Railroad Company; State of California, Department of Transportation; and Does 1 through 100; to condemn and take by right of eminent domain a permanent sub-surface easement of approximately 27,829 square feet in property owned by San Mateo County Transit District, located in Menlo Park, California, commonly known as SBE 872-41-20P; filed June 3, 2010, in San Mateo County Superior Court, Case No. CIV 495644; entitled City and County of San Francisco v. San Mateo County Transit District; Union Pacific Railroad Company; State of California, Department of Transportation; and Does 1 through 100. (City Attorney)

**Attachments:** [Legislation Ver1](#)  
[Comm Packet 102011](#)

9/23/11; RECEIVED AND ASSIGNED to the Rules Committee.

7. [111099](#) **[Settlement of Lawsuit - Damian Fleming - \$70,000]**  
Ordinance authorizing settlement of the lawsuit filed by Damian Fleming against the City and County of San Francisco for \$70,000; the lawsuit was filed on July 14, 2010, in San Francisco Superior Court, Case No. CGC 10-501543, entitled Fleming v. City and County of San Francisco. (City Attorney)

**Attachments:** [Legislation\\_Ver1](#)  
[Comm Packet\\_102011](#)

10/7/11; 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

## LEGISLATION UNDER THE 30-DAY RULE

*NOTE: The following legislation will not be considered at this meeting. Board 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.*

[111050](#) **[Administrative Code - San Francisco Sentencing Commission and Recidivism Reduction Ordinance of 2011]**

**Sponsors: Wiener; Farrell and Cohen**

Ordinance amending the San Francisco Administrative Code by adding Article XXV, Sections 5.250 through 5.250--4 to: 1) establish the San Francisco Sentencing Commission; 2) set forth the Commission's purpose, powers and duties; and 3) establish membership criteria.

**Attachments:** [Legislation\\_Ver1](#)

9/27/11; ASSIGNED UNDER 30 DAY RULE to the Rules Committee.

**111079**

**[Administrative Code - Additional Pre-approval Notice for Certain City Projects]**

**Sponsor: Farrell**

Ordinance amending San Francisco Administrative Code by adding Chapter 79A to expand upon the minimum notice requirements prior to approval of a City Project that are mandated by the Citizens' Right-to-Know Act of 1998.

10/4/11; ASSIGNED UNDER 30 DAY RULE to the Rules Committee.

### Agenda Item Information

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

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

These items will be available for review at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, Reception Desk.

### 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 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) bringing in or displaying signs in the meeting room; and 4) standing in the meeting room.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the President or Chair at the beginning of each item or public comment, 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.

**IMPORTANT INFORMATION:** The public is encouraged to testify at Committee meetings. 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. Written communications should be submitted to the Clerk of the Board, Clerk of a Committee or its members: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Communications which are not received prior to the hearing may be delivered to the Clerk of the Committee at the hearing and you are encouraged to bring enough copies for distribution.

**LAPTOP COMPUTER FOR PRESENTATIONS:** Contact City Hall Media Services at (415) 554-7490 to coordinate the use of the laptop computer for presentations. Presenters should arrive 30 minutes prior to the meeting to test their presentations on the computer.

**AGENDA PACKET:** Available for review in Clerk's Office, Room 244, City Hall, 1 Dr. Carlton B Goodlett Place, or on the internet at <http://www.sfbos.org/meetings>. Meetings are cablecast on SF Cable 26. For DVD copies and scheduling call (415) 554-4188.

**LANGUAGE INTERPRETERS:** Requests 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 debe recibirse antes de mediodía 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, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and 71L. 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; phone at (415) 554-7724; fax at (415) 554-7854; or by email at [sotf@sfgov.org](mailto: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.sfbos.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 <http://www.sfgov.org/ethics>