



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, October 20, 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 1:35 p.m.

REGULAR AGENDA

111097 [Appointments, Immigrant Rights Commission - Kathleen Coll, Mario Paz, Angus McCarthy, Felix Fuentes, Melba Maldonado, and Toye Moses]

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.

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

Heard in Committee. Speakers: Adrienne Pon (Immigrant Rights Commission); presented information concerning the matter and answered questions raised throughout the hearing. Kathleen Coll; Mario Paz; Angus McCarthy; Felix Fuentes; Toye Moses; spoke on their qualifications. Linda Richardson; Shammon Walton; Walter Paulson; Ramon Lacayo; spoke in support of various candidates.

Appointment of Kathleen Coll, seat 4, recommended.

Appointment of Mario Paz, seat 6, recommended, residency requirement waived.

Appointment of Angus McCarthy, seat 7, recommended.

Appointment of Felix Fuentes, seat 8, recommended.

Appointment of Melba Maldonado, seat 10, recommended, residency requirement waived.

Appointment of Toye Moses, seat 11, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Kathleen Coll, Mario Paz, Angus McCarthy, Felix Fuentes, Melba Maldonado, and Toye Moses, terms ending June 6, 2013, to the Immigrant Rights Commission. (Clerk of the Board) Kathleen Coll, 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.

Mario Paz (residency requirement waived), 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.

Angus McCarthy, 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.

Felix Fuentes, 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.

Melba Maldonado (residency requirement waived), 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.

Toye Moses, 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.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Farrell

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).

02/26/09; RECEIVED AND ASSIGNED to Rules Committee.

08/06/09; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speaker: John Smith.

09/17/09; 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.

03/18/10; 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.

07/21/11; 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.

Heard in Committee. Speakers: Matt Lutton (Shelter Monitoring Committee); Scott Walton (Human Services Agency); David Nakanishi (Department of Public Health); presented information concerning the matter and answered questions raised throughout the hearing. Walter Paulson; Female Speaker; Charles Pitts; Marlon Mende; Wayne Garnett; spoke neither in support nor against the matter.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Kim, Elsbernd, Farrell

111072 [Appointments, Shelter Monitoring Committee - Simon Martinez, Deborah Muise, and Ramon Lacayo]

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.

09/29/11; RECEIVED AND ASSIGNED to 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.

Heard in Committee. Speakers: Matt Lutton; presented information concerning the matter and answered questions raised throughout the hearing. Lamont-Deangelo Ferebee; Jose Mastache; Deborah Muise; spoke on their qualifications. Marlon Mende; Ramon Lacayo; spoke in support of various candidates. Walter Paulson; Charles Pitts; spoke neither in support nor against the candidates.

Appointment of Simon Martinez, seat 1, recommended.

Appointment of Deborah Muise, seat 3, recommended.

Appointment of Ramon Lacayo, seat 4, recommended, residency requirement waived.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Simon Martinez, Deborah Muise, and Ramon Lacayo, terms ending November 23, 2012, to the Shelter Monitoring Committee. (Clerk of the Board)

Simon Martinez, 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.

Deborah Muise, 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.

Ramon Lacayo (residency requirement waived), 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.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Farrell

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)

07/19/11; RECEIVED AND ASSIGNED to Rules Committee.

David Augustine (Treasurer's Office); presented information concerning the matter and answered questions raised throughout the hearing.

RECOMMENDED.. 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.

Speakers: None.

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

Ayes: 3 - Kim, Elsbernd, Farrell

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)

09/21/11; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Farrell

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)

09/23/11; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Farrell

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)

10/07/11; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. 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.

Speakers: None.

Unanimous vote not to disclose by the following vote:

Ayes: 3 - Kim, Elsbernd, Farrell

ADJOURNMENT

The meeting adjourned at 3:28 p.m.