

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES

Tuesday, May 11, 2021 - 2:00 PM

Held via Videoconference  
(remote public access provided via teleconference)

[www.sfgovtv.org](http://www.sfgovtv.org)

### Regular Meeting

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SHAMANN WALTON, PRESIDENT

CONNIE CHAN, MATT HANEY, RAFAEL MANDELMAN, GORDON MAR, MYRNA MELGAR,  
AARON PESKIN, DEAN PRESTON, HILLARY RONEN, AHSHA SAFAI, CATHERINE STEFANI

*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

#### Committee Membership

**Budget and Appropriations Committee**  
Supervisors Haney, Safai, Mar, Ronen, Walton

**Budget and Finance Committee**  
Supervisors Haney, Safai, Mar

**Government Audit and Oversight Committee**  
Supervisors Preston, Chan, Mandelman

**Land Use and Transportation Committee**  
Supervisors Melgar, Preston, Peskin

**Public Safety and Neighborhood Services Committee**  
Supervisors Mar, Stefani, Haney

**Rules Committee**  
Supervisors Peskin, Mandelman, Chan

**Youth, Young Adult, and Families Committee**  
Supervisors Ronen, Safai, Melgar

#### Meeting Days

Wednesday  
1:00 PM

Wednesday  
10:30 AM

1st and 3rd Thursday  
10:00 AM

Monday  
1:30 PM

2nd and 4th Thursday  
10:00 AM

Monday  
10:00 AM

2nd Friday  
10:00 AM

First-named Supervisor is Chair, Second-named Supervisor is Vice-Chair of the Committee.

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**Members Present:** Connie Chan, Matt Haney, Rafael Mandelman, Gordon Mar, Myrna Melgar, Aaron Peskin, Dean Preston, Hillary Ronen, Ahsha Safai, Catherine Stefani, and Shamann Walton

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*The Board of Supervisors of the City and County of San Francisco met in regular session through videoconferencing, and provided public comment through teleconferencing, on Tuesday, May 11, 2021, with President Shamann Walton presiding.*

*President Walton called the meeting to order at 2:03 p.m.*

### **Remote Access to Information and Participation**

*In accordance with Governor Newsom's Executive Order No. N-33-20 declaring a State of Emergency regarding the COVID-19 outbreak and Mayor London N. Breed's Proclamation declaring a Local Emergency issued on February 25, 2020, including the guidance for gatherings issued by the San Francisco Department of Public Health Officer, aggressive directives were issued to reduce the spread of COVID-19. On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely (via Microsoft Teams) and will allow remote public comment via teleconference. Visit the SFGovTV website at ([www.sfgovtv.org](http://www.sfgovtv.org)) to stream the live meetings, or to watch meetings on demand. Members of the public are encouraged to participate remotely via detailed instructions on participating via teleconference available at <https://sfbos.org/remote-meeting-call>.*

*Members of the public may participate by phone or may submit their comments by email to: [bos@sfgov.org](mailto:bos@sfgov.org); all comments received will be made a part of the official record. Board of Supervisors Regular Meetings begin at 2:00 p.m. on Tuesdays. Board Agendas and their associated documents are available at <https://sfbos.org/meetings/42>. As the COVID-19 disease progresses, please visit the Board's website ([www.sfbos.org](http://www.sfbos.org)) regularly to be updated on the current situation as it affects the legislative process. For more information contact the Office of the Clerk of the Board at (415) 554-5184.*

### **ROLL CALL AND PLEDGE OF ALLEGIANCE**

*On the call of the roll, Supervisors Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, and Walton were noted present.*

*All Members were present.*

*President Walton recessed the meeting at 2:05 p.m. and reconvened at 2:26 p.m.*

*Upon reconvening, Supervisor Safai was noted not present.*

*President Walton presented the ancestral homeland acknowledgement of the Ramaytush Ohlone, who are the original inhabitants of the San Francisco Peninsula, pursuant to Board Rule 4.7.1.*

*Supervisor Safai was noted present at 2:28 p.m.*

## COMMUNICATIONS

Angela Calvillo, Clerk of the Board, announced that due to the COVID-19 health emergency, Board Members will participate in the meeting remotely, through videoconference and to the same extent as if they were physically present. To the members of the public, when general public comment is called, you may contribute live comments for up to two minutes by dialing the provided telephone number. When you are connected, you will receive another prompt, dial \* 3 to be added to the queue to speak. Make sure to call from a quiet location, speak clearly and slowly, and turn down your television or radio. Written comments may be submitted through email ([bos@sfgov.org](mailto:bos@sfgov.org)) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

## APPROVAL OF MEETING MINUTES

President Walton inquired whether any Member of the Board had any corrections to the April 6, 2021, Board Regular Meeting Minutes or the April 8, 2021, Special Board Meeting Minutes at the Public Safety and Neighborhood Services Committee, which constituted a quorum of the Board of Supervisors, as presented. There were no corrections requested from any Member of the Board.

Supervisor Mandelman, seconded by Supervisor Melgar, moved to approve the April 6, 2021, Board Regular Meeting Minutes and the April 8, 2021, Special Board Meeting Minutes at the Public Safety and Neighborhood Services Committee, which constituted a quorum of the Board of Supervisors, as presented. The motion carried by the following vote, following general public comment:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

## AGENDA CHANGES

*There were no agenda changes.*

## REGULAR AGENDA

### UNFINISHED BUSINESS

#### Recommendation of the Budget and Finance Committee

**210312 [Accept and Expend In-Kind Grant - Retroactive - Dogpatch and Northwest Potrero Hill Green Benefit District - Esprit Park Renovation Design Grant - Valued at Approximately \$835,000]**

**Sponsors: Mayor; Walton**

Resolution retroactively authorizing the Recreation and Park Department to accept and expend an in-kind grant valued at approximately \$835,000 from the Dogpatch and Northwest Potrero Hill Green Benefit District of design services for the Esprit Park renovation project, for the project term of March 1, 2021, through December 31, 2023. (Recreation and Park Department)

*Privilege of the floor was granted unanimously to Nathan Tinclair (Recreation and Park Department) and Jeremy Spitz (Public Work) who responded to questions raised throughout the discussion.*

**Supervisor Walton, seconded by Supervisor Peskin, moved that this Resolution be CONTINUED to the Board of Supervisors meeting of May 18, 2021. The motion carried by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

#### Recommendation of the Government Audit and Oversight Committee

**210329 [Settlement of Lawsuit - Recology San Francisco, Sunset Scavenger Company, and Golden Gate Disposal and Recycling Company - San Francisco Refuse Ratepayers to Receive \$94,520,000 in Restitution; City to Receive \$7,000,000]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Recology San Francisco, Sunset Scavenger Company, and Golden Gate Disposal and Recycling Company for payment of at least \$94,520,000 in restitution and related interest as well as \$7,000,000 in civil penalties; the lawsuit was filed on March 4, 2021, in San Francisco Superior Court, Case No. CGC-21-590091; entitled People of the State of California, acting by and through Dennis J. Herrera as City Attorney of San Francisco; and City and County of San Francisco v. Recology San Francisco, Sunset Scavenger Company, and Golden Gate Disposal and Recycling Company; the lawsuit involves Defendants' violations of California's Unfair Competition Law and San Francisco Campaign and Governmental Conduct Code based on improper overcharging of San Francisco refuse Ratepayers and unlawful gifts and contributions made to city employees and officers or to third-parties at their request; other material terms of the settlement are that Defendants agree to be bound to a four-year injunction to be presented and entered by the court after the settlement agreement is approved. (City Attorney)

**Ordinance No. 075-21**

**FINALLY PASSED** by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

## **Recommendation of the Land Use and Transportation Committee**

### **210286 [Planning Code - Landmark Designation - Lyon-Martin House, 651 Duncan Street]**

**Sponsors: Mandelman; Preston, Peskin, Safai, Mar and Chan**

Ordinance amending the Planning Code to designate Lyon-Martin House, 651 Duncan Street, Assessor's Parcel Block No. 6604, Lot No. 036, as a Landmark consistent with the standards set forth in Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

*Supervisor Chan requested to be added as a co-sponsor.*

**Ordinance No. 074-21**

**FINALLY PASSED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

## **NEW BUSINESS**

## **Recommendations of the Budget and Finance Committee**

### **210252 [Emergency Contract - A. Ruiz Construction Co. & Assoc., Inc - Steam Pipe Repair at Larkin and McAllister - Contract Amount \$275,271.70]**

Resolution approving an emergency public work contract under Administrative Code, Section 6.60, between Public Works and A. Ruiz Construction Co. & Assoc., Inc. to make repairs on the Civic Center Steam Loop for a total contract amount of \$275,271.70. (Public Works)  
(Fiscal Impact)

**Resolution No. 217-21**

**ADOPTED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

### **210308 [Expenditure Schedule Amendment - Retroactive - U.S. Department of Housing and Urban Development Emergency Solutions Grants Program - ESG-CV Round 2 Entitlement Grant - \$10,000,000]**

**Sponsor: Mayor**

Resolution retroactively approving an amendment of the CARES Act Emergency Solutions Grants Coronavirus (ESG-CV) Round 2 Entitlement Expenditure Plan from the U.S. Department of Housing and Urban Development in the amount of \$10,000,000 for operations and services for a congregate shelter for the period of July 1, 2020, through June 30, 2023.

**Resolution No. 218-21**

**ADOPTED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

**210336 [Contract Amendment - Department of Energy Western Area Power Administration - Delivery of Low-Cost Power - Not to Exceed \$27,691,541]**

Resolution approving Amendment No. 1 to the contract between the City and County of San Francisco and the United States, through the Department of Energy Western Area Power Administration, for delivery of low-cost power to Treasure Island and Yerba Buena Island, extending the term by 30 years for a total term of January 1, 2005, through December 31, 2054, and increasing the contract amount by \$7,691,541 for a total not to exceed amount of \$27,691,541 to commence upon Board approval. (Public Utilities Commission)  
(Fiscal Impact)

**Resolution No. 219-21**

**ADOPTED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

*President Walton requested File Nos. 210342 and 210372 be called together.*

**210342 [Lease Amendment No. 3 - World Duty Free Group North America, LLP - Terminal 2 Newsstands, Coffee and Specialty Stores - Term Extension]**

Resolution approving Amendment No. 3 to the Terminal 2 Newsstands, Coffee and Specialty Stores Lease No. 10-0232, between World Duty Free Group North America, LLP, as tenant, and the City and County of San Francisco, acting by and through its Airport Commission, for an extension of the term for no later than June 30, 2023, with a condition that the Airport Director, at his sole and absolute discretion, may terminate earlier by providing six months' advance written notice, with no change to the current minimum annual guarantee, subject to adjustment in accordance with the terms and conditions of the Lease, effective upon approval by the Board of Supervisors. (Airport Commission)

**Resolution No. 220-21**

**ADOPTED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

**210372 [Lease Amendment - Smarte Carte, Inc - Airport Luggage Cart and Operating - Charge for Luggage Carts in the Federal Inspection Service Area]**

Resolution approving Amendment No. 2 to the Airport Luggage Cart Lease and Operating Agreement No. 19-0069 between Smarte Carte, Inc., as tenant, and the City and County of San Francisco, acting by and through its Airport Commission, to change the luggage cart service in the Federal Inspection Service (FIS) area from a free service to a paid service, give the Airport Director authorization to reinstate the provision of free carts in the FIS and resume payment of the Annual Service Fee, at the Airport Director's discretion, and exercise the one three-year option for a total term of January 1, 2020, through December 31, 2025, to commence following Board approval. (Airport Commission)

**Resolution No. 221-21**

**ADOPTED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

President Walton requested File Nos. 210373 and 210374 be called together.

**210373 [Contract Amendment - San Francisco New Deal - Feeding Services for Alternative Shelter Locations - Not to Exceed \$18,990,675]**

Resolution approving a contract amendment between the City and County of San Francisco and San Francisco New Deal, for feeding services for Alternative Shelter locations, to extend the contract term by twelve months for a total term of May 18, 2020, through May 17, 2022, and to increase the contract amount by \$9,073,625 for a total not to exceed amount of \$18,990,675 to commence on May 18, 2021. (Human Services Agency)  
(Fiscal Impact)

**Resolution No. 222-21**

**ADOPTED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

**210374 [Contract Amendment - SMG Food and Beverage LLC - Feeding Services for Alternative Shelter Locations - Not to Exceed \$16,807,483]**

Resolution approving a contract amendment between the City and County of San Francisco and SMG Food and Beverage LLC, for feeding services for Alternative Shelter locations, to extend the contract term by twelve months for a total term of May 18, 2020, through May 17, 2022, and to increase the contract amount by \$7,327,666 for a total not to exceed amount of \$16,807,483 to commence on May 18, 2021. (Human Services Agency)  
(Fiscal Impact)

**Resolution No. 223-21**

**ADOPTED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

President Walton requested File Nos. 210385 and 210386 be called together.

**210385 [Issuance of Development Special Tax Bonds - City and County of San Francisco Special Tax District No. 2020-1 (Mission Rock Facilities and Services) - Not to Exceed Aggregate Principal Amount of \$64,900,000]**

**Sponsor: Mayor**

Resolution authorizing the issuance and sale of one or more series of Development Special Tax Bonds for City and County of San Francisco Special Tax District No. 2020-1 (Mission Rock Facilities and Services) in the aggregate principal amount not to exceed \$64,900,000 supplementing Resolution No. 196-20; approving related documents, as defined herein, including an Official Statement, a First Supplement to Fiscal Agent Agreement, Bond Purchase Agreement, and Continuing Disclosure Certificate; and determining other matters in connection therewith, as defined herein.

**Resolution No. 224-21**

**ADOPTED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

**210386 [Pledge Agreement Related Documents - CCSF Infrastructure Financing District No. 2 (Port of San Francisco) Sub-Project Areas I-1 through I-13 - Special Tax Bonds - CCSF Special Tax District No. 2020-1 (Mission Rock Facilities and Services)]**

**Sponsor: Mayor**

Resolution approving certain documents and actions related to a Pledge Agreement by City and County of San Francisco (CCSF) Infrastructure Financing District No. 2 (Port of San Francisco) and special tax bonds for City and County of San Francisco Special Tax District No. 2020-1 (Mission Rock Facilities and Services); and determining other matters in connection therewith, as defined herein.  
(Fiscal Impact.)

**Resolution No. 225-21**

**ADOPTED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

**Recommendation of the Land Use and Transportation Committee**

**210259 [Fire, Existing Building Codes - Fire Alarm Systems Upgrade Deadline]**

**Sponsors: Stefani; Peskin, Safai, Chan and Mandelman**

Ordinance amending the Fire Code and Existing Building Code to extend the deadline for building owners to upgrade existing fire alarm systems from July 1, 2021, to July 1, 2023; making findings under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

*Supervisors Chan and Mandelman requested to be added as co-sponsors.*

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

**Recommendations of the Rules Committee**

**210443 [Appointment, Sugary Drinks Distributor Tax Advisory Committee - Dianna Cavagnaro]**

Motion appointing Dianna Cavagnaro, term ending December 31, 2022, to the Sugary Drinks Distributor Tax Advisory Committee. (Clerk of the Board)

**Motion No. M21-076**

**APPROVED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton



**210451 [Appointments, Veterans Affairs Commission - Jason Chittavong, George Ishikata, and Nicholas Rusanoff]**

Motion appointing Jason Chittavong, term ending January 31, 2023, and George Ishikata and Nicholas Rusanoff, terms ending January 31, 2025, to the Veterans Affairs Commission. (Rules Committee)

**Motion No. M21-077**

**APPROVED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

**SPECIAL ORDER 2:30 P.M. - Recognition of Commendations**

*President Walton suspended all commendations during the declaration of local health emergency.*

**COMMITTEE REPORTS****Recommendation of the Government Audit and Oversight Committee****210456 [Emergency Ordinance - COVID-Related Hazard Pay]**

**Sponsor: Walton**

Reenactment of emergency ordinance (Ordinance No. 36-21) to temporarily require certain retail locations that include grocery stores or pharmacies, and property service contractors for retail locations that include grocery stores or pharmacies, to pay employees an additional five dollars per hour during the public health emergency related to COVID-19.

(Pursuant to Charter, Section 2.107, this matter requires the affirmative vote of two-thirds of the Board of Supervisors (8 votes) for passage)

**Ordinance No. 073-21**

**FINALLY PASSED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

## **Recommendation the Rules Committee**

### **210418 [Mayoral Appointment, Retirement Board - Shruti Gandhi]**

Motion approving/rejecting the Mayor's nomination for appointment of Shruti Gandhi to the Retirement Board, for a term ending February 20, 2024. (Clerk of the Board)  
(Charter, Section 3.100(18), provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within thirty days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date: April 16, 2021)

*Privilege of the floor was granted unanimously to Shruti Gandhi, Appointee, and Sophia Kittler (Mayor's Office) who responded to questions raised throughout the discussion.*

**Supervisor Peskin, seconded by Supervisor Melgar, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 3, by striking 'rejecting', and Line 16, by striking 'rejects'. The motion carried by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton  
Motion approving the Mayor's nomination for appointment of Shruti Gandhi to the Retirement Board, for a term ending February 20, 2024. (Clerk of the Board)  
(Charter, Section 3.100(18), provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within thirty days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date: April 16, 2021)

**Motion No. M21-078**

**APPROVED AS AMENDED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

## **ROLL CALL FOR INTRODUCTIONS**

*See Legislation Introduced below.*

## **PUBLIC COMMENT**

*Anonymous; expressed concerns regarding documents received through a public records request for tickets bought to a certain event (see Addendum on page 414).*

*Gilbert Crisswell; expressed concerns regarding public transportation and the need to expand or reopen certain service lines.*

*Susanna Parsons; expressed support of the Resolution supporting Senate Bill No. 617 regarding residential solar energy systems permitting (File No. 210512).*

*Francisco Da Costa; expressed concerns regarding community benefit districts and issues around funding received.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

*Supervisor Stefani was noted absent at 4:30 p.m. and present at 4:40 p.m.*

### **210513 [Supporting California State Senate Bill No. 693 (Stern) - The Never Again Education Act]**

**Sponsors: Stefani; Melgar, Mandelman, Safai and Preston**

Resolution supporting California State Senate Bill No. 693, The Never Again Education Act, authored by Senator Henry Stern, that would establish the Governor's Council on Genocide and Holocaust Education to establish best practices for, and promote implementation of, education on genocide, including the Holocaust, and submit an annual report to the Legislature.

*Supervisors Melgar, Mandelman, Safai, and Preston requested to be added as co-sponsors.*

**Resolution No. 228-21**

**ADOPTED**

### **210515 [Recognizing the Asian Art Museum]**

**Sponsors: Chan; Preston, Safai, Mar and Haney**

Resolution recognizing and honoring the contributions of the San Francisco's Asian Art Museum and their role to leverage the power of art to confront prejudice and bridge cultural divides on the occasion of Asian Heritage Month.

*Supervisors Preston, Safai, Mar, and Haney requested to be added as co-sponsors.*

**Resolution No. 229-21**

**ADOPTED**

### **210485 [Parcel Map No. 9610 - Potrero HOPE SF Project, Phase 2]**

Motion approving Parcel Map No. 9610, Potrero HOPE SF Project, Phase 2, relating to the Potrero HOPE SF Project, the merger and resubdivision of existing Assessor's Parcel Block Nos. 4285B-001 and 4285B-002 resulting in two lots intended for housing and two lots dedicated to the City as public right-of-way by separate instrument, subject to certain conditions; approving a Public Improvement Agreement related to the Parcel Map; and acknowledging findings pursuant to the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Works)

**Motion No. M21-079**

**APPROVED**

*The foregoing items were acted upon by the following vote:*

*Ayes: 10 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Walton*

*Absent: 1 - Stefani*

*Supervisor Stefani, seconded by Supervisor Walton, moved to rescind the previous vote. The motion carried by the following vote*

*Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton*

**The foregoing items were acted upon by the following vote:**

**Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton**

**Severed from the For Adoption Without Committee Reference Agenda**

*Supervisor Mar requested that File No. 210510 be severed so that it may be considered separately.*

**210510 [Urging Continued Access to Angel Island]**

**Sponsors: Mar; Melgar, Chan, Peskin and Safai**

Resolution reaffirming the importance of Angel Island State Park and the Angel Island Immigration Station as sites of immense public and historic interest, and urging the California Public Utilities Commission, California Department of Parks and Recreation, and Golden Gate Bridge Highway and Transportation District Board of Directors to take all necessary measures to ensure continued access to Angel Island.

*Supervisors Chan, Peskin, and Safai requested to be added as co-sponsors.*

*ADOPTED by the following vote:*

*Ayes: 10 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Walton*

*Absent: 1 - Stefani*

*Supervisor Stefani, seconded by Supervisor Walton, moved to rescind the previous vote. The motion carried by the following vote*

*Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton*

**Resolution No. 226-21**

**ADOPTED by the following vote:**

*Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton*

Supervisor Safai requested that File No. 210512 be severed so that it may be considered separately.

**210512 [Supporting California State Senate Bill No. 617 (Wiener) - Residential Solar Energy Systems: Permitting]**

**Sponsors: Safai; Mar**

Resolution supporting California State Senate Bill No. 617, Residential Solar Energy Systems: Permitting, introduced by Senator Scott Wiener, that would direct jurisdictions of a certain size to implement automated permitting for small residential rooftop solar systems, and calls for the California Energy Commission to establish a grant program that would provide resources for cities and counties to do this.

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

ADOPTED by the following vote:

Ayes: 10 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Walton

Absent: 1 - Stefani

Supervisor Stefani, seconded by Supervisor Walton, moved to rescind the previous vote. The motion carried by the following vote

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

**Resolution No. 227-21**

**ADOPTED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Supervisor Chan requested that File No. 210516 be severed so that it may be considered separately.

**210516 [James W. Chow Day - May 12, 2021]**

**Sponsors: Chan; Mar and Peskin**

Resolution commending James W. Chow on the occasion of his 100th birthday, and declaring May 12, 2021, as James W. Chow Day in the City and County of San Francisco.

Supervisors Mar and Peskin requested to be added as co-sponsors.

**Resolution No. 230-21**

**ADOPTED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

## IMPERATIVE AGENDA

*There were no imperative agenda items.*

## LEGISLATION INTRODUCED AT ROLL CALL

### Introduced by a Supervisor or the Mayor

*Pursuant to Charter, Section 2.105, an Ordinance or Resolution may be introduced before the Board of Supervisors by a Member of the Board, a Committee of the Board, or the Mayor and shall be referred to and reported upon by an appropriate Committee of the Board.*

## ORDINANCES

### **210285 [Planning, Business and Tax Regulations, Police Codes - Small Business Recovery Act]**

#### **Sponsor: Mayor**

Ordinance amending the Planning, Business and Tax Regulations, and Police Codes to simplify procedures and allow flexibility for neighborhood, cultural, and entertainment establishments by 1) expanding streamlined review and inspection procedures to principally permitted storefront uses citywide; 2) deleting separate definitions of "Cat Boarding," "Gym," "Trade Shop," and "Services, Instructional" from the Planning Code; 3) allowing permitted conditional uses to continue after three years of abandonment; 4) allowing the continuation of longstanding places of entertainment; 5) allowing Outdoor Activity Areas on rooftops; 6) temporarily requiring a conditional use authorization for uses replacing Nighttime Entertainment uses; 7) allowing accessory catering uses in Restaurants; 8) allowing accessory dwelling units on the ground floor in Neighborhood Commercial Districts; 9) allowing temporary outdoor entertainment, arts, and recreation activities; 10) deleting certain conditional use finding requirements for Nighttime Entertainment use; 11) deleting conditional use findings related to formula retail concentrations in certain districts; 12) requiring expedited permit processing for commercial uses on the ground floor; 13) eliminating Historic Preservation Commission review of minor alteration permits and certificates of appropriateness; 14) eliminating the one night dance permit; 15) extending time for limited live performances from 10 p.m. to 11 p.m.; 16) allowing additional One-Time Entertainment Permits and One-Time Outdoor Amplified Sound Permits; 17) exempting single individual performances without amplification from permit requirements; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

03/16/21; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 4/15/2021.

03/23/21; RESPONSE RECEIVED.

03/23/21; REFERRED TO DEPARTMENT.

03/30/21; RESPONSE RECEIVED.

04/06/21; SUBSTITUTED AND ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.

04/14/21; REFERRED TO DEPARTMENT.

04/21/21; RESPONSE RECEIVED.

05/11/21; SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

**210533 [Compensation for Unrepresented Employees]****Sponsor: Mayor**

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensation is subject to the provisions of Charter, Section A8.409, in job codes not represented by an employee organization, and establishing working schedules and other terms and conditions of employment and methods of payment effective July 1, 2021.

05/11/21; ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 6/10/2021.

**210534 [Administrative Code and Amending Ordinance No. 49-17 - Deferring Payments to and Use of the 180 Jones Affordable Housing Fund]****Sponsor: Haney**

Ordinance amending Ordinance No. 49-17, as amended by Ordinance No. 209-17, to change the timeline for the payments of a \$2,700,000 gift and \$9,750,000 from the project sponsor of the project at 950-974 Market Street to the 180 Jones Street Affordable Housing Fund; amending the Administrative Code regarding use of the 180 Jones Street Affordable Housing Fund; and authorizing actions in furtherance of this Ordinance, as defined herein.

05/11/21; ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 6/10/2021.

**210535 [Planning Code - Conditional Use Authorization Requirements Regarding Residential Care Facilities]****Sponsors: Mandelman; Ronen, Preston, Peskin, Melgar and Mar**

Ordinance amending the Planning Code to eliminate the requirement of Conditional Use Authorization for Residential Care Facilities for seven or more people in Residential, House (RH) Districts; require Conditional Use Authorization for a change of use or demolition of a Residential Care Facility, and consideration of certain factors in determining whether to grant Conditional Use Authorization; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience, and general welfare findings pursuant to Planning Code, Section 302.

05/11/21; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 6/10/2021.

**210536 [Health, Business and Tax Regulations Codes - Alternate Water Sources for Non-Potable Applications]****Sponsors: Mandelman; Mar and Melgar**

Ordinance amending the Health Code to 1) lower the threshold, from 250,000 to 100,000 square feet of gross floor area, for requiring that new buildings be constructed, operated, and maintained using specified alternate water sources for required non-potable uses; 2) exempt certain affordable housing projects and property uses from that requirement; 3) require that certain categories of new buildings use specific sources of non-potable water for specific purposes; 4) require that new developments with multiple buildings install an alternate water source system serving the entire development; 5) modify certain administrative review fees; and 6) require the payment of excess use charges and penalties for failure to properly use and maintain alternate water source systems; amending the Business and Tax Regulations Code to update certain annual license fee amounts for operating alternate water source systems; and affirming the Planning Department's determination under the California Environmental Quality Act.

05/11/21; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 6/10/2021.

**210537 [Administrative Code - Extension Of Temporary Tenant Protections Due To COVID-19]****Sponsors: Preston; Walton, Ronen, Peskin, Chan, Mandelman, Haney, Melgar, Safai and Mar**

Ordinance amending the Administrative Code to extend the COVID-19 based limit on residential evictions, which allows evictions only if based on the non-payment of rent or violence or health and safety issues, from June 30, 2021, to September 30, 2021.

05/11/21; ASSIGNED to Land Use and Transportation Committee.

**210538 [Appropriation - Fiscal Cliff Reserve \$128,300,000 - Mayor's Office of Housing and Community Development - \$64,150,000 for Rent Relief and \$64,150,000 for Social Housing - FY2021-2022]****Sponsors: Preston; Haney and Ronen**

Ordinance appropriating \$13,757,390 from the COVID Contingency Reserve to the Mayor's Office of Housing and Community Development for rent relief under the Rent Resolution and Relief Fund; and appropriating \$13,757,390 for the acquisition, creation and operation of affordable, social housing under the Housing Stability Fund in Fiscal Year (FY) 2020-2021.

(Fiscal Impact; No Budget and Legislative Analyst Report)

05/11/21; ASSIGNED UNDER 30 DAY RULE to Budget and Appropriations Committee, expires on 6/10/2021.

**210539 [Health Code - Designating Fire Department Paramedics to Initiate 5150 Holds]****Sponsors: Safai; Melgar, Stefani, Walton, Ronen, Mar, Mandelman and Haney**

Ordinance amending the Health Code to designate all certified and accredited paramedics employed by the Fire Department to initiate temporary psychiatric holds, subject to state law procedures and requirements adopted by the county behavioral health director; and require that the Fire Department and Department of Public Health ensure that designated Fire Department paramedics receive all appropriate training.

05/11/21; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 6/10/2021.

**210540 [Police Code - "Ghost Guns"]****Sponsors: Stefani; Mandelman, Mar, Haney, Safai, Melgar, Ronen and Walton**

Ordinance amending the Police Code to prohibit any person other than a licensed manufacturer or importer from possessing, selling, offering for sale, transferring, purchasing, transporting, receiving, or manufacturing an unfinished firearm frame or receiver that has not been imprinted with a serial number, subject to certain exceptions; and prohibiting any person from manufacturing or assembling a firearm that has not been imprinted with a serial number, subject to certain exceptions.

05/11/21; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 6/10/2021.



## RESOLUTIONS

### **210541 [Opposing Human Rights Violations in Colombia]**

**Sponsors: Haney; Preston and Walton**

Resolution opposing human rights violations in Colombia and demanding the implementation of the Leahy Law to suspend economic assistance to the Colombian Anti-Riot Police Force, also known as the Mobile Anti-Disturbances Squadron.

05/11/21; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### **210542 [Queer and Transgender Asian and Pacific Islanders Week - May 22 through 29, 2021]**

**Sponsors: Mandelman; Walton, Chan, Haney, Mar, Safai, Peskin, Melgar, Ronen, Stefani and Preston**

Resolution celebrating Queer and Transgender Asian and Pacific Islanders (QTAPI) and declaring May 22 through 29, 2021, as QTAPI Week in the City and County of San Francisco.

05/11/21; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### **210543 [Urging Passage of California State Assembly Bill No. 816 (Chiu) - State and Local Agencies: Homelessness Plan]**

**Sponsors: Mandelman; Haney, Ronen, Chan, Melgar, Mar and Safai**

Resolution urging passage of California State Assembly Bill No. 816, authored by Assembly Member David Chiu, to create a statewide planning process to reduce homelessness by 90 percent by 2029 and to hold state and local governments accountable for addressing homelessness.

05/11/21; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

### **210553 [Recognizing and Honoring the Service and Sacrifices of the Filipino Nurse Community]**

**Sponsors: Melgar; Chan, Haney, Preston, Stefani, Ronen, Safai, Walton, Peskin, Mandelman and Mar**

Resolution recognizing and honoring the service and sacrifices of the Filipino Nurse community; recognizing the disproportionate impact that the Filipino nurses and their families have experienced during the COVID-19 pandemic; and expressing gratitude to them for their contributions and remembering those who made the ultimate sacrifice.

05/11/21; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**210544 [Contract Modification - Retroactive - Catherine Wagner LLC - Central Subway Artwork - Term Extension - Not to Exceed \$328,376]****Sponsor: Peskin**

Resolution retroactively approving Modification Nos. 3 and 4 to extend the contract and to increase the amount of the contract by \$15,906 for a total amount not to exceed \$328,376; and approving Modification No. 5 to extend the term of the contract for a total term of June 1, 2011, through December 31, 2021, between the Arts Commission, the Municipal Transportation Agency and Catherine Wagner LLC, to provide designs and consult on the fabrication and installation of artwork to be displayed in the Central Subway.

05/11/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**210545 [Contract Modification - Retroactive - Paramedia, LLC - Central Subway Artwork - Term Extension]****Sponsor: Peskin**

Resolution retroactively approving Contract Modification No. 2 to extend the term to June 29, 2021; and approving Contract Modification No. 3 to extend the term for a total term of June 1, 2011, through December 31, 2021, with no increase to the contract amount of \$536,550 between the Arts Commission, Municipal Transportation Agency, and Paramedia, LLC, to provide designs and consult on the fabrication and installation of artwork to be displayed in the Central Subway.

05/11/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**210546 [Contract Modification - Retroactive - Tomie Arai - Central Subway Artwork - Term Extension]****Sponsor: Peskin**

Resolution retroactively approving Modification No. 3 between the Arts Commission, the Municipal Transportation Agency and Tomie Arai to extend the term of the contract for one year for a total term of March 1, 2011, through December 31, 2021, with no increase to the contract amount of \$290,500 to provide designs and consult on the fabrication and installation of artwork to be displayed in the Central Subway.

05/11/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**210547 [Contract Modification - Retroactive - White Light Inc. - Werner Klotz Public Art Inc. - Central Subway Artwork - Term Extension]****Sponsor: Peskin**

Resolution retroactively approving Contract Modification No. 4 to extend the term of the contract for a total term of June 1, 2011, through December 31, 2021, with no change to the contract amount of \$458,823 between the Arts Commission, Municipal Transportation Agency, White Light Inc. and Werner Klotz Public Art Inc., to provide designs and consult on the fabrication and installation of artwork to be displayed in the Central Subway.

05/11/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**210548 [Contract Modification - Retroactive - Yumei Hou - Central Subway Artwork - Term Extension]****Sponsor: Peskin**

Resolution retroactively approving Contract Modification No. 2 between the Arts Commission, the Municipal Transportation Agency and Yumei Hou to extend the term of the contract for two years for a total term of March 1, 2011, through December 31, 2021, with no increase to the contract amount of \$60,500 to provide designs and consult on the fabrication and installation of artwork to be displayed in the Central Subway.

05/11/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**210549 [Supporting California State Assembly Bill No. 528 (Wicks) - Abandoned Lots and Properties into Opportunity Act]****Sponsors: Preston; Walton, Chan, Peskin, Haney, Ronen, Melgar, Mar, Safai and Mandelman**

Resolution supporting California State Assembly Bill No. 528, Abandoned Lots and Properties into Opportunity Act, authored by Assembly Member Buffy Wicks, that would remove certain tax-defaulted and abandoned properties from neighborhoods, give affordable housing developers an opportunity to build in more places, and remove tax delinquent properties from the county ledger, while keeping existing tenants housed by strengthening and improving the existing Chapter 8 process for acquiring and rehabbing tax delinquent second homes.

05/11/21; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**210550 [Supporting California State Assembly Bill No. 812 (Garcia) - The Repeal of the Spousal Rape Exception Act]****Sponsors: Stefani; Walton, Chan, Preston, Safai, Mandelman, Melgar and Mar**

Resolution supporting California State Assembly Bill No. 812, The Repeal of the Spousal Rape Exception Act, authored by State Assembly Member Cristina Garcia, which would eliminate the "spousal rape exception" in the California Penal Code (Section 262) to ensure that "spousal rape" is treated and punished as seriously as rape of a non-spouse.

05/11/21; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**MOTION****210524 [Mayoral Reappointment, Port Commission - Kimberly Brandon]**

Motion approving/rejecting the Mayor's nomination for reappointment of Kimberly Brandon to the Port Commission, for a term ending May 1, 2025. (Clerk of the Board)

(Charter, Section 4.114, provides that the Mayor's appointment is subject to confirmation by a majority (six votes) of the Board of Supervisors, with no timeframe to confirm specified.

Transmittal Date: May 5, 2021.)

05/05/21; RECEIVED AND ASSIGNED to Rules Committee.

## REQUEST FOR HEARING

### **210551 [Hearing - Technology and Biotechnology Start-Ups]**

**Sponsor: Haney**

Hearing on the technology and biotechnology sectors in San Francisco, particularly as it relates to new start-up companies and businesses; requesting information on trends in growth and decline of new technology companies, jobs and employment, the impact of remote work and COVID-19 on the sector, efforts that have or can be taken by the City to support technology sector startups in the City; and requesting the Office of Economic and Workforce Development, Controller's Office, Office of Small Business, and Office of Treasurer and Tax Collector to report.

05/11/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

## **Introduced at the Request of a Department**

*Pursuant to Rules of Order of the Board of Supervisors, Section 2.7.1, Department Heads may submit proposed legislation to the Clerk of the Board, in which case titles of the legislation will be printed at the rear of the next available agenda of the Board.*

## PROPOSED ORDINANCE

### **210490 [Joint Stipulation - American Beverage Association, California State Outdoor Advertising Association, and California Retailers Association - \$0]**

Ordinance authorizing the entry of a joint stipulation in the lawsuit filed by the American Beverage Association, California State Outdoor Advertising Association, and California Retailers Association against the City and County of San Francisco; the lawsuit was filed on July 24, 2015, in U.S. District Court for the Northern District of California, Case No. 3:15-cv-03415 EMC; entitled American Beverage Association et al. v. City and County of San Francisco; the lawsuit claims that the City's sugar-sweetened beverage warning law, codified in Article 42 of the San Francisco Health Code, violates the United States Constitution; the joint stipulation provides for dismissal of the lawsuit if the City repeals Article 42 of the San Francisco Health Code and conditionally extends Plaintiffs' time to file a motion for attorneys' fees and costs by four years. (City Attorney)

05/03/21; RECEIVED FROM DEPARTMENT.

05/11/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

## PROPOSED RESOLUTIONS

**210482 [Lease Agreement - New Cingular Wireless PCS, LLC (d.b.a. AT&T) - Cellular Service Partner Lease - Base Rent of \$2,400,000 for Year 1 - One-Time Reimbursement Payment to City of \$28,600,000]**

Resolution approving a Lease Agreement for Cellular Service Partner (CSP), Lease No. 2020-0181, between New Cingular Wireless PCS, LLC (d.b.a. AT&T), as tenant, and the City and County of San Francisco, acting by and through its Airport Commission, for a term of ten years, and an annual base rent of \$2,400,000 for the first year of the Lease and a one time reimbursement payment of \$28,600,000 for neutral host distributed antennae system improvements to Harvey Milk Terminal 1 and the Grand Hyatt at SFO, to commence upon approval by the Board of Supervisors. (Airport Commission)

04/28/21; RECEIVED FROM DEPARTMENT.

05/11/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**210483 [Comparative Fault Indemnification Provision - General Electric Renewable US LLC - Design-Build Construction Contract]**

Resolution approving the negotiated comparative fault indemnification provision in the San Francisco Public Utilities Commission design-build construction contract with General Electric Renewable US LLC for the Moccasin Powerhouse Generator Rehabilitation Project, pursuant to Administrative Code, Section 6.22(c), to commence following Board approval. (Public Utilities Commission)

04/30/21; RECEIVED FROM DEPARTMENT.

05/11/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**210484 [Contract - San Francisco Pretrial Diversion Project - Pretrial Services - Not to Exceed \$18,764,430]**

Resolution authorizing the Sheriff's Office to contract with the San Francisco Pretrial Diversion Project, Inc., for pretrial services for a three-year period from July 1, 2021, through June 30, 2024, with two one-year options to extend for a contract total not to exceed amount of \$18,764,430. (Sheriff)  
(Fiscal Impact)

05/03/21; RECEIVED FROM DEPARTMENT.

05/11/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

## In Memoriams

*Jose "Tony" A. Rodriguez - Entire Board*

*Christopher G. Yock - Entire Board*

*Holly Giles - Supervisor Melgar*

*Fred Townson - Supervisor Mandelman*

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour 4:50 p.m.*

*N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.*

*Approved by the Board of Supervisors on June 22, 2021.*

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Angela Calvillo, Clerk of the Board

## ADDENDUM

*Pursuant to Administrative Code, Section 67.16, the following statement was provided by a speaker during the public comment period who supplied a brief written summary of their comments, which shall be included in the meeting minutes and are incorporated by individual reference as fully set forth herein. The content is neither generated by, nor subject to approval or verification of accuracy by, the Clerk of the Board of Supervisors.*

*An anonymous speaker submitted the following additional information during General Public Comment, as follows: "In FY2014, SFPUC appears to have paid city vendor Young Community Developers, then headed by now-President Walton, \$1200 for 16 tickets (16x\$75) to a YCD 40th anniversary honoring PUC's own GM, Harlan Kelly. Before that, PUC appears to have paid YCD \$850 for 10 tickets (10x\$75) and an ad (\$100) at YCD's 39th year "fundraising celebration;" but PUC certified these expenses were "fees associated with memberships, conferences, educational presentations, training sessions or publications... provided by a governmental, professional, or trade organization or association." Does this Board think these are appropriate expenses for a public agency? Cited public records are available at [https://twitter.com/journo\\_anon/status/1391921163941543942](https://twitter.com/journo_anon/status/1391921163941543942)."*