

City and County of San Francisco

Rules Committee

City Hall, Room 263



Meeting Agenda

Thursday, February 7, 2008

10:00 AM

Regular Meeting

Members: Tom Ammiano, Sean Elsbernd, Aaron Peskin

Clerk: Gail Johnson (415) 554-4445

Note: Each item on the Consent or Regular agenda may include the following documents: 1) Legislation 2) Budget Analyst report 3) Legislative Analyst report

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

MEETING CONVENED

REGULAR AGENDA

- 1. 071661 [Menu Labeling At Chain Restaurants] Supervisors Ammiano, Dufty, Mirkarimi, McGoldrick, Maxwell**

Ordinance amending Sections 468 through 468.8 of the San Francisco Health Code to (1) require chain restaurants to disclose, per standard menu item, the total number of calories on menu boards and food tags, and the total amount of calories, saturated fat, carbohydrates and sodium on menus; (2) revise existing requirements for providing nutritional information on alternative disclosure media; and (3) authorize the Department of Public Health to impose a fee on chain restaurants for implementation of the ordinance.

12/11/07, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services

Committee, expires on 1/10/2008.

1/8/08, SUBSTITUTED. Supervisor Ammiano submitted a substitute ordinance bearing the same title.

1/8/08, ASSIGNED to City Operations and Neighborhood Services Committee.

2/1/08, TRANSFERRED to Rules Committee. (Referred to Small Business Commission for comment and recommendation.)

2. 071299 [Updating a statutory reference in provision regarding settlement of minors' claims] Supervisor Peskin

Ordinance amending the San Francisco Administrative Code by amending Section 10.22-1, to update a statutory reference in a Code provision regarding the settlement of claims made against the City by minors.

9/11/07, RECEIVED AND ASSIGNED to Rules Committee.

3. 080165 [Appointment- Peninsula Corridor Joint Powers Board] Supervisor Peskin

Motion appointing Supervisor Sean R. Elsbernd to the Peninsula Corridor Joint Powers Board.

(Supervisor Elsbernd was excused from voting in Committee).

1/29/08, RECEIVED AND ASSIGNED to Rules Committee.

4. 080183 [Appointment - Biodiesel Access Task Force]

Motion appointing Eric Smith, Kevin Clark, Michele Swiggers and Joe Burgard, terms ending December 31, 2009, to the Biodiesel Access Task Force.

Eric Smith, succeeding Melissa Hardy, term expired, seat 3, must be member of the public who represents the biodiesel community, such as a gas station owner, fleet operator and consumer, for a term ending December 31, 2009.

Kevin Clark, succeeding Karri Ving, resigned, seat 5, must be member of the public who represents the biodiesel community, such as a gas station owner, fleet operator and consumer, for a term ending December 31, 2009.

Michele Swiggers, new appointment, seat 6, must be member of the public who represents the biodiesel community, such as a gas station owner, fleet operator and consumer, for a term ending December 31, 2009.

Joe Burgard, new appointment, seat 7, must be member of the public who represents the biodiesel community, such as a gas station owner, fleet operator and consumer, for a term ending December 31, 2009.

1/31/08, RECEIVED AND ASSIGNED to Rules Committee.

4 Seats/4 Applicants

Eric Smith, Seats 3, 5, 6 and 7

Kevin A. Clark, Seats 3, 5, 6 and 7

Michele Swiggers, Seats 3, 5, 6 and 7

Joe Burgard, Seats 3, 5, 6 and 7

5. 080184 [Appointment - In-Home Supportive Services Public

Authority]

Motion appointing Tatiana Kostanian, term ending March 1, 2010, to the In-Home Supportive Services Public Authority.

Tatiana Kostanian, succeeding Elizabeth Grigsby, resigned, seat 9, must be a member of the Mayor's Disability Council, recommended to the Board by the Council, for the unexpired portion of a three-year term ending March 1, 2010.

1/31/08, RECEIVED AND ASSIGNED to Rules Committee.

1 Seat/1 Applicant

Tatiana Kostanian, Seat 9

6. 080064 **[Confirming the appointment of Malcolm Heinicke to the Municipal Transportation Agency Board of Directors, term ending March 1, 2008]** Mayor

Motion confirming the appointment of Malcolm Heinicke to the Board of Directors of the Municipal Transportation Agency, term ending March 1, 2008.

1/8/08, RECEIVED AND ASSIGNED to Rules Committee.

1/17/08, CONTINUED. Heard in Committee. Speaker: Cristine DeBerry, Mayor's Office. Continued to January 24, 2008, meeting.

1/24/08, CONTINUED. Heard in Committee. Speakers: Malcolm Heinicke; Keith Sagers; Howard Strassner, Sierra Club; Paul Gillespie, President, Taxi Commission; Cristine DeBerry, Mayor's Office. Continued to February 7, 2008, meeting.

7. 080065 **[Confirming the appointment of Jerry Lee to the Municipal Transportation Agency Board of Directors, term ending March 1, 2011]** Mayor

Motion confirming the appointment of Jerry Lee to the Board of Directors of the Municipal Transportation Agency, term ending March 1, 2011.

1/8/08, RECEIVED AND ASSIGNED to Rules Committee.

1/17/08, CONTINUED. Heard in Committee. Speakers: Jerry Lee; Sebastian Wong, Self Help for the Elderly; Andy Thornley, San Francisco Bicycle Coalition; Doreen, Cameron House; Male Speaker; Rachel K., San Francisco Bicycle Coalition; Cheryl Brinkman, Board President, Livable City; Paul Gillespie, President, San Francisco Taxi Commission; Nathan Gray, President, Yellow Cab Cooperative. Continued to January 24, 2008, meeting.

1/24/08, CONTINUED. Speakers: None. Continued to February 7, 2008, meeting.

8. 080066 **[Confirming the appointment of Bruce Oka to the Municipal Transportation Agency Board of Directors, term ending March 1, 2008]** Mayor

Motion confirming the appointment of Bruce Oka to the Board of Directors of the Municipal Transportation Agency, term ending March 1, 2008.

1/8/08, RECEIVED AND ASSIGNED to Rules Committee.

1/17/08, CONTINUED. Heard in Committee. Speakers: Bruce Oka; Edward Evans; Nathan; Daniel Murphy, Chair, MTA Citizens' Advisory Council; Paul Gillespie, President, San Francisco Taxi Commission; S. Jordan. Continued to January 24, 2008, meeting.

1/24/08, CONTINUED. Speakers: None. Continued to February 7, 2008, meeting.

9. 071679 [Solar Energy Incentive Program]

Ordinance amending the Environment Code by adding Chapter 18 creating a Solar Energy Incentive Program; establishing limits on the incentive payments; providing eligibility criteria for the incentive payments; establishing limits on the amount of assistance available; allocating program funding among types of buildings; and imposing duties and responsibilities on the program administrator. (Assessor-Recorder)

(Supervisor Daly dissented in committee.)

12/11/07, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/10/2008.

10. 080108 [Solar Energy Incentive Program]

Mayor

Hearing to consider the proposed initiative Ordinance to be submitted by the Mayor to the voters at the June 3, 2008 election entitled "Ordinance amending the Environment Code by adding Chapter 18 creating a Solar Energy Incentive Program; establishing limits on the incentive payments; providing eligibility criteria for the incentive payments; establishing limits on the amount of assistance available; allocating program funding among types of buildings; and imposing duties and responsibilities on the program administrator".

1/15/08, RECEIVED AND ASSIGNED to Rules Committee. 2/15/08 - Transmitted a correspondence to the Department of Elections informing that a public hearing was held on February 7, 2008 at the Rules Committee of the Board of Supervisors.

11. 080109 [Prohibition on accepting campaign contributions from contractors doing business with the City]

Mayor

Hearing to consider the proposed initiative ordinance to be submitted by the Mayor to the voters at the June 3, 2008 election entitled "Ordinance amending Chapter 1 of Article I of the Campaign and Governmental Conduct Code by amending section 1.126 to prohibit elected officials and their controlled committees from soliciting or accepting contributions from certain City contractors".

1/15/08, RECEIVED AND ASSIGNED to Rules Committee. 2/15/08 - Transmitted a correspondence to the Department of Elections informing that a public hearing was held on February 7, 2008 at the Rules Committee of the Board of Supervisors.

12. 080110 [Prohibition on making, soliciting or accepting campaign contributions from persons with conditional use or California Environmental Quality Act appeals at the Board of Supervisors for]

Mayor

Hearing to consider the proposed initiative ordinance to be submitted by the Mayor to the voters at the June 3, 2008 election entitled "Ordinance amending Chapter 1 of Article I of the Campaign and Governmental Conduct Code by adding section 1.127 to prohibit making, soliciting or accepting contributions to members of the Board of Supervisors, candidates for the Board of Supervisors, and

their controlled committees from any party with a conditional use or California Environmental Quality Act appeal pending at the Board of Supervisors and for six months following the conclusion of the appeal if the cost of the project is \$10 million or more".

1/15/08, RECEIVED AND ASSIGNED to Rules Committee. 2/15/08 - Transmitted a correspondence to the Department of Elections informing that a public hearing was held on February 7, 2008 at the Rules Committee of the Board of Supervisors.

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.

13. 080135 [Settlement of Lawsuit - Mark Chambers]

Ordinance authorizing settlement of the class action lawsuit entitled Chambers v. City and County of San Francisco, filed on October 11, 2006 in the United States District Court for the Northern District of California, Case No. C06-06346 WHA. Pursuant to the proposed settlement, the City will enhance community-based housing and services for residents of Laguna Honda Hospital and for other San Franciscans who would benefit from long-term community-based care. (City Attorney)

1/24/08, RECEIVED AND ASSIGNED to Rules Committee.

14. 080136 [Approving Settlement with the California Independent System Operator and adopting the First Amended and Restated Operating Agreement]

Ordinance authorizing settlement of proceedings initiated by the California Independent System Operator before the Federal Energy Regulatory Commission in Docket No. ER06-227-000 to establish operational, scheduling and settlement requirements for certain City electrical transmission transactions and adopting the First Amended and Restated Operating Agreement. (City Attorney)

1/25/08, RECEIVED AND ASSIGNED to Rules Committee.

After a closed session, if one occurs, the Committee shall adopt a motion either to disclose or not to disclose.

[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

IMPORTANT INFORMATION

NOTE: 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. Any written comments should be sent to: Committee Clerk of the Rules Committee, San Francisco Board of Supervisors, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102 by 5:00 p.m. on the day prior to the hearing. Comments which cannot be delivered to the committee clerk by that time may be taken directly to the hearing at the location above.

LEGISLATION UNDER THE 30-DAY RULE

(Not to be considered at this meeting)

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.

- 15. 080160 [Prohibition on accepting campaign contributions from contractors doing business with the City] Supervisor Peskin**
- Ordinance amending Chapter 1 of Article I of the Campaign and Governmental Conduct Code by amending sections 1.104 and 1.126 to expand the definition of controlled committees to encompass elected officials who raise \$10,000 or more in contributions for the committee and to prohibit elected officials and their controlled committees from soliciting or accepting contributions from certain City contractors.

1/29/08, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/28/2008.

(Referred to Ethics Commission for comment and recommendation.)

16. 080161 [Prohibition on making, soliciting, or accepting campaign contributions from persons with land use matters before a decision-making body] Supervisor Peskin

Ordinance amending Chapter 1 of Article I of the Campaign and Governmental Conduct Code by amending section 1.104 and adding section 1.127 to prohibit making, soliciting or accepting contributions to members of the Board of Supervisors, candidates for the Board of Supervisors, the Mayor, candidates for Mayor and their controlled committees from any person with a land use matter before a Board or Commission.

1/29/08, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/28/2008.
(Referred to Ethics Commission for comment and recommendation.)

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 at a Committee meeting 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) signs to be brought into the meeting or displayed in the room; 4) standing in the meeting room.

Citizens are encouraged to testify at Committee meetings and to write letters to the Clerk of a Committee or to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer. **THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT CITY HALL, ROOM 244, RECEPTION DESK.**

Agendas are available on the internet at www.sfgov.org/site/bos_meetings

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Requests for language interpreters at a meeting 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 en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.



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 J, K, L, M, N, and T (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-

6142.

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 decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine 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 Frank Darby by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102 by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.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 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics