

City and County of San Francisco

Rules Committee

City Hall, Room 263



Meeting Agenda

Monday, July 28, 2008

8:30 AM

Special Meeting

Members: Chris Daly, Bevan Dufty, Tom Ammiano

Clerk: Mary Red (415) 554-4442

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.

AGENDA CHANGES

REGULAR AGENDA

1. 080987 [Appointment, Ballot Simplification Committee - Adele Fasick]

Hearing to consider appointing one member to the Ballot Simplification Committee.

1 seat being considered

Vacant seat, succeeding Suzanne Stassevitch, seat 3, term expired, must represent the League of Women Voters of San Francisco, for the unexpired portion of a three-year term ending November 30, 2008.

7/21/08, RECEIVED AND ASSIGNED to Rules Committee.

1 Seat/1 Applicant
Adele Fasick - Seat 3

The Chair intends to entertain a motion to send this item to Board as a Committee Report for consideration on July 29, 2008.

2. 080977 [Appointment, Public Utilities Commission - Ann Moller Caen]

Motion confirming the Mayor's appointment of Ann Moller Caen to the Public Utilities Commission, Seat 3, for the term ending August 1, 2012. (Mayor)

7/11/08, RECEIVED AND ASSIGNED to Rules Committee.

The Chair intends to entertain a motion to send this item to Board as a Committee Report for consideration on July 29, 2008.

3. 080978 [Appointment, Public Utilities Commission - Ann Moller Caen]

Motion rejecting the Mayor's appointment of Ann Moller Caen to the Public Utilities Commission, Seat 3, for the term ending August 1, 2012. (Mayor)

7/11/08, RECEIVED AND ASSIGNED to Rules Committee.

The Chair intends to entertain a motion to send this item to Board as a Committee Report for consideration on July 29, 2008.

4. 080979 [Appointment, Public Utilities Commission - Richard Sklar]

Motion confirming the Mayor's appointment of Richard Sklar to the Public Utilities Commission, Seat 4, for the term ending August 1, 2010. (Mayor)

7/11/08, RECEIVED AND ASSIGNED to Rules Committee.

The Chair intends to entertain a motion to send this item to Board as a Committee Report for consideration on July 29, 2008.

5. 080980 [Appointment, Public Utilities Commission - Richard Sklar]

Motion rejecting the Mayor's appointment of Richard Sklar to the Public Utilities Commission, Seat 4, for the term ending August 1, 2010. (Mayor)

7/11/08, RECEIVED AND ASSIGNED to Rules Committee.

The Chair intends to entertain a motion to send this item to Board as a Committee Report for consideration on July 29, 2008.

6. 080981 [Appointment, Public Utilities Commission - Francis X. Crowley]

Motion confirming the Mayor's appointment of Francis X. Crowley to the Public Utilities Commission, Seat 5, for the term ending August 1, 2012. (Mayor)

7/11/08, RECEIVED AND ASSIGNED to Rules Committee.

The Chair intends to entertain a motion to send this item to Board as a Committee Report for consideration on July 29, 2008.

7. 080982 [Appointment, Public Utilities Commission - Francis X. Crowley]

Motion rejecting the Mayor's appointment of Francis X. Crowley to the Public Utilities Commission, Seat 5, for the term ending August 1, 2012. (Mayor)

7/11/08, RECEIVED AND ASSIGNED to Rules Committee.

The Chair intends to entertain a motion to send this item to Board as a Committee Report for consideration on July 29, 2008.

8. 080983 [Appointment, Public Utilities Commission - Nora Vargas]

Motion confirming the Mayor's appointment of Nora Vargas to the Public Utilities Commission, Seat 2, for the term ending August 1, 2010. (Mayor)

7/11/08, RECEIVED AND ASSIGNED to Rules Committee.

The Chair intends to entertain a motion to send this item to Board as a Committee Report for consideration on July 29, 2008.

9. 080984 [Appointment, Public Utilities Commission - Nora Vargas]

Motion rejecting the Mayor's appointment of Nora Vargas to the Public Utilities Commission, Seat 2, for the term ending August 1, 2010. (Mayor)

7/11/08, RECEIVED AND ASSIGNED to Rules Committee.

The Chair intends to entertain a motion to send this item to Board as a Committee Report for consideration on July 29, 2008.

10. 080985 [Appointment, Public Utilities Commission - Francesca Vietor]

Motion confirming the Mayor's appointment of Francesca Vietor to the Public Utilities Commission, Seat 1, for the term ending August 1, 2012. (Mayor)

7/11/08, RECEIVED AND ASSIGNED to Rules Committee.

The Chair intends to entertain a motion to send this item to Board as a Committee Report for consideration on July 29, 2008.

11. 080986 [Appointment, Public Utilities Commission - Francesca Vietor]

Motion rejecting the Mayor's appointment of Francesca Vietor to the Public Utilities Commission, Seat 1, for the term ending August 1, 2012. (Mayor)

7/11/08, RECEIVED AND ASSIGNED to Rules Committee.

The Chair intends to entertain a motion to send this item to Board as a Committee Report for consideration on July 29, 2008.

12. 080821 **[Residential Rent Ordinance, defining and prohibiting tenant harassment and providing remedies of rent reduction, criminal and civil penalties]** Supervisor Daly

Motion ordering submitted to the voters an ordinance concerning tenant rights and remedies against harassment under the City's residential rent ordinance, at an election to be held on November 4, 2008.

6/10/08, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 7/10/2008.

6/17/08, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 7/10/2008.

6/17/08, SUBSTITUTED. Supervisor Daly submitted a substitute motion bearing new title.

7/10/08, NO ACTION TAKEN. PENDING IN COMMITTEE..

7/17/08, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Cheryl Adams, Deputy City Attorney; Peter Wrights; Iris Bond; Cam Len; Howard Epstein; Jane Martin; Keith Bernstein; Debbie Newiz; Gilbert; Kendra Frostman; Miguel Wooden; Ted Galizon; Art Swratz; Sean Pritchard; Francisco Da Costa; Noni Richards; Michael Wallen; Espanola Jackson. 07/17/08 - Amendment of the whole bearing the same title.

7/17/08, CONTINUED TO CALL OF THE CHAIR AS AMENDED.

The Chair intends to entertain a motion to send this item to Board as a Committee Report for consideration on July 29, 2008.

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. Government 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. 080709 **[Settlement of City's Lawsuit Against Defendant Coral Energy Resources, L.P. - \$277,000]**

Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against defendant Coral Energy Resources, L.P.; the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023) was filed on June 8, 2004, and has been coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides approximately \$277,000 to the City from defendant Coral Energy Resources, L.P. (City Attorney)

5/22/08, RECEIVED AND ASSIGNED to Rules Committee.

The Chair intends to entertain a motion to send this item to Board as a Committee Report for consideration on July 29, 2008.

14. 080710 [Settlement of City's Lawsuit Against Defendants Reliant Energy Services, Inc., Reliant Energy, Inc. (f/k/a Reliant Resources, Inc.), and Mary Kathleen Zanaboni - \$297,500]

Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against defendants Reliant Energy Services, Inc., Reliant Energy, Inc. (f/k/a Reliant Resources, Inc.), and Mary Kathleen Zanaboni (Reliant); the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023) was filed on June 8, 2004, and has been coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides approximately \$297,500 to the City from the Reliant defendants. (City Attorney)

5/22/08, RECEIVED AND ASSIGNED to Rules Committee.

The Chair intends to entertain a motion to send this item to Board as a Committee Report for consideration on July 29, 2008.

15. 080896 [Settlement of Lawsuit - City and County of San Francisco, et al., v. Pravin Dahy Abhai Patel, et al.]

Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco and the People of the State of California, by and through Dennis J. Herrera, City Attorney for the City and County of San Francisco, against Pravin Dahy Abhai Patel, George Patel, and Sanjay Patel in exchange for an agreement to rescind the notice of withdrawal submitted pursuant to Government Code section 7060(a); the lawsuit was filed on July 12, 2006, in San Francisco Superior Court, Case No. CGC- 06-454092; entitled City and County of San Francisco, et al., v. Pravin Dahy Abhai Patel, et al; other material terms of said settlement are set forth in the Settlement Agreement contained in Board of Supervisors File No. 080896. (City Attorney)

6/20/08, RECEIVED AND ASSIGNED to Rules Committee.

The Chair intends to entertain a motion to send this item to Board as a Committee Report for consideration on July 29, 2008.

16. 080897 [Settlement of Lawsuit - Schram Construction, Inc. - \$722,104.09]

Ordinance authorizing settlement of the lawsuit filed by Schram Construction, Inc. ("Schram") against the City and County of San Francisco (the "City") seeking \$1,000,000; the lawsuit was filed on June 23, 2006 in the Superior Court of the City and County of San Francisco, Case No.CGC-06-453479, entitled Schram Construction, Inc., v. City and County of San Francisco; other material terms of said settlement are: 1) The City will pay a total of \$722,104.09 to Schram; 2) Schram will indemnify the City against potential legal claims and/or lawsuits from subcontractors and suppliers; 3) All warranties not yet expired will remain in full force and effect; and 4) The City reserves all rights relating to latent defects. (City Attorney)

6/25/08, RECEIVED AND ASSIGNED to Rules Committee.

The Chair intends to entertain a motion to send this item to Board as a Committee Report for consideration on July 29, 2008.

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 Committee 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.

There are no items now pending under 30-day Rule.

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