

City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689



MEETING MINUTES

Monday, July 28, 2008

8:30 AM

City Hall, Room 263

Special Meeting

Rules Committee

Members: Chris Daly, Bevan Dufty, Tom Ammiano

Clerk: Mary Red (415) 554-4442

Members Present: *Chris Daly, Bevan Dufty, Tom Ammiano.*

Members Excused: *None.*

Members Absent: *None.*

Convened

The meeting convened at 8:39 a.m.

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.

Heard in committee. Speakers: Adele Fasick; Supervisor Ammiano; Betty Packard; Francisco da Costa.

PREPARED IN COMMITTEE AS A MOTION.

Motion appointing Adele Fasick, term ending November 30, 2008, to the Ballot Simplification Committee.

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

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Daly, Ammiano

Absent: 1 - Dufty

- 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.
Heard in committee. Speakers: Ann Moller Caen; Supervisor Ammiano; Supervisor Daly; Cheryl Adams, Deputy City Attorney; Francisco da Costa.
RECOMMENDED AS COMMITTEE REPORT by the following vote:
Ayes: 3 - Daly, Dufty, Ammiano
- 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.
TABLED by the following vote:
Ayes: 3 - Daly, Dufty, Ammiano
- 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.
Heard in committee. Speakers: Cristine DeBerry, Mayor's Office; Francisco da Costa; Tony Kelly.
Pursuant to Richard Sklar's request, his name is withdrawn.
TABLED by the following vote:
Ayes: 3 - Daly, Dufty, Ammiano
- 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.
TABLED by the following vote:
Ayes: 3 - Daly, Dufty, Ammiano
- 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.
Heard in committee. Speakers: Supervisor Dufty.
RECOMMENDED AS COMMITTEE REPORT by the following vote:
Ayes: 3 - Daly, Dufty, Ammiano
- 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.
TABLED by the following vote:

Ayes: 3 - Daly, Dufty, Ammiano

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.

Heard in committee. Speakers: Nora Vargas; Supervisor Ammiano; Supervisor Dufty; Supervisor Daly; Gwyneth Borden; Elmy Bermejo, HOPE; Jessica Trubowitch, Jewish Community Relations; Francisco da Costa.

REFERRED WITHOUT RECOMMENDATION AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Daly, Dufty, Ammiano

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.

REFERRED WITHOUT RECOMMENDATION AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Daly, Dufty, Ammiano

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.

Heard in committee. Speakers: Cristine DeBerry.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Daly, Dufty, Ammiano

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.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Daly, Dufty, Ammiano

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.

(7/28/08, Supervisor Dufty dissenting in committee).

6/10/08, 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.

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

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.

Heard in committee. Speakers: Peter Wright; Ted Gullicksen; Keith Bernstein; Brooke Turner; Supervisor Dufty.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Daly, Ammiano

Noes: 1 - Dufty

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.*

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

Ayes: 3 - Daly, Dufty, Ammiano

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.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Daly, Dufty, Ammiano

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.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Daly, Dufty, Ammiano

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.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Daly, Dufty, Ammiano

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.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Daly, Dufty, Ammiano

Report on Closed Session

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.

Unanimous vote not to disclose discussion to the public by the following vote:

Ayes: 3 - Daly, Dufty, Ammiano

ADJOURNMENT