



City and County of San Francisco
Meeting Agenda
Rules Committee

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

Members: Supervisors Matt Gonzalez, Tony Hall and Tom Ammiano

Clerk: Victor Young

Wednesday, July 11, 2001

10:00 AM

Legislative Chambers - Second Floor

Special Meeting

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation*
- 2) Budget Analyst report*
- 3) Legislative Analyst report*
- 4) Department or Agency cover letter and/or report*
- 5) Public correspondence*

These items will be available for review at City Hall, Room 244, Reception Desk.

Meeting Convened

AGENDA CHANGES

REGULAR AGENDA

1. 010970 [Land Fill in San Francisco Bay]**Supervisors Peskin, Ammiano, Hall, Daly, Sandoval, Leno, Maxwell**

Charter amendment(Third Draft) to adopt a new Section 16.122, to allow the qualified electors of the City and County of San Francisco the right to vote on any Project of said city and county that would place 100 acres or more of fill in San Francisco Bay.

5/21/01, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/20/2001.

6/22/01, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Supervisor Aaron Peskin; John Artner; David Lewis, Save the Bay; Timothy Treacy; Marc Salomon; Richard Zimmerman; Michele Moss.

6/22/01, AMENDED. Amended on Page 2, section "a", line 2, to replace the words "of fill to" with "of fill in".

Page 3, line 3, replace the words "90 days" with "150 days".

Page 3, section "b" line 2 to, replace the words "of fill to" with "of fill in".

6/22/01, CONTINUED. Continued to June 29, 2001.

6/29/01, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Supervisor Aaron Peskin; Ted Lakey, Deputy City Attorney; John Martin, Airport Director; Supervisor Jake McGoldrick; David Lewis; Dorley Rolph; Frederick Hobson; Oscar Braun; Zeke Grader, Pacific Coast Federation of Fisherman Association; Nathan Naman; Stan Warren; Tom Jordan; Mike Hardeman; Marjorie Mandell; Sean Randolph; Sarah Owsowitz-Klein, Deputy City Attorney; Doug Comstock; Armidine Jaba; Marc Salomon; Arthur Chang. Amendment of the whole bearing a new title.

6/29/01, AMENDED. Amended on page 2, section "c" line 9, replace the words "150 days" with "one hundred and twenty (120) days".

6/29/01, CONTINUED. Continued to July 6, 2001.

7/6/01, RECOMMENDED "DO SUBMIT". Heard in Committee. Speakers: Supervisor Aaron Peskin; Sarah Owsowitz-Klein, Deputy City Attorney; Peter Nardosa, Deputy Director, San Francisco Airport; Arthur Feinstein; Amy Quirk; Lena Brook, Clean Water Action.

2. 010540 [Vacancy in an Elective Office]**Supervisors McGoldrick, Ammiano**

Charter amendment (Fourth Draft) to repeal Sections 2.102 and 6.107, to amend Sections 3.102, 8.100 and 8.101, and to add Section 13.101.5 to shorten the period following a vacancy in an elective office before there is an election to fill the unexpired term.

3/26/01, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 4/25/2001.

5/3/01, CONTINUED. Heard in Committee. Speakers: Supervisor McGoldrick; Ted Lakey, Deputy City Attorney; Caleb Kleppaer; American Kepner; Janet Carpinelli; Gilbert Criswell; Michael Nolty.

Continued to May 17, 2001.

5/17/01, CONTINUED TO CALL OF THE CHAIR. Supervisor McGoldrick requested that this item be continued to the Call of the Chair.

6/22/01, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Ted Lakey, Deputy City Attorney; Debra Newman, Budget Analyst's Office; Supervisor Jake McGoldrick; Steven Hill; Chris Bowman; Marc Salomon; John Bardis; Bill Barnes, aide to Supervisor Chris Daly.

Supervisor Gonzalez requested this item be considered first on the agenda.

6/22/01, CONTINUED. Continued to June 29, 2001.

6/29/01, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Buck Delventhal, Deputy City Attorney; Supervisor Gavin Newsom; Bob Planthold; Chris Bowman; Ginny Vida, Ethics Commission; Fred Ridel; Doug Comstock; Marc Solomon, Supervisor Chris Daly. Amendment of the whole bearing the same title.

6/29/01, CONTINUED. Continued to July 6, 2001.

7/6/01, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Buck Delventhal, Deputy City Attorney; Mark South; Chris Bowman; Supervisor Jake McGoldrick; Maxwell Peltz, Deputy City Attorney.

Amendment of the whole bearing the same title.

7/6/01, CONTINUED. Continued to July 11, 2001.

3. 010967 [Livable Streets Fund]**Supervisors Leno, Maxwell, Newsom**

Charter amendment (Second Draft) to add Section 16.121, to create a Livable Streets Fund.

(Fiscal impact.)

5/21/01, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/20/2001.

6/29/01, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Supervisor Mark Leno; Peg Stevenson, Controller's Office; Buck Delventhal, Deputy City Attorney. Amendment of the whole bearing the same title.

6/29/01, CONTINUED. Continued to July 6, 2001.

7/6/01, REFERRED WITHOUT RECOMMENDATION. Heard in Committee. Speakers: Supervisor Mark Leno; Tom Owen, Deputy City Attorney; Buck Delventhal; Jose Luis Moscovich, Interim Executive Director, Transportation Authority; Peg Stevenson, Controller's Office; Peter Tanin, Parking and Traffic; Bob Planthold; male; Leah Shahum; Roger Bazeley; Garnet Huber; Gene Lynch; Alexis Harte; Doug Wildman; Ms. Blair; Marc Salomon; Anthony Travis; Janet Black; Cathleen Sneath; Steve Kawa, Mayor's Office.

4. 010956 [Charter Amendment regarding Elections, Ethics, Redistricting and Outside Counsel]**Supervisors Newsom, Daly, Gonzalez, Hall, Ammiano**

Charter amendment (Third Draft) adding Section 13.103.5 and 13.104.5 and amending Sections 6.102, 13.104, 13.110, 15.100, 15.101, 15.102, 15.105, C3.699-13, C3.699-14 and C3.699-15 to create an Elections Commission; to establish employment provisions for Department of Election employees; to establish procedures for the hiring of outside legal counsel for the Elections Commission and the Department of Elections when the City Attorney has a conflict of interest; to provide a removal process for members of the Elections Commission; to strengthen the conflicts of interest provisions for members and employees of the Ethics Commission; to strengthen civil service protection of Ethics Commission employees; to amend the Ethics Commission's investigative process; to establish a process to provide for outside legal counsel for the Ethics Commission if the City Attorney has an ethical or financial conflict of interest; to prohibit the City Attorney from participating in campaigns other than his or her own; to establish procedures whereby City officers, department heads, boards and commissions may engage the services of outside counsel if the City Attorney has an ethical or financial conflict of interests; to require the use of adjusted census figures for the purposes of analyzing population requirements for redistricting Supervisorial districts; and to set a deadline for the Elections Task Force to redraw supervisorial district lines.

5/21/01, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/20/2001.

6/22/01, CONTINUED. Heard in Committee. Speakers: Supervisor Gavin Newsom; Chad Jacobs, Deputy City Attorney; Ted Lakey, Deputy City Attorney; Bill Barnes, aide to Supervisor Chris Daly; Paul Melbostad, Ethics Commission; Robert Dockingdoff; Charlie Marsteller; Ruth Balis; Ernestine Weiss; Chris Bowman; Kay Bert; Louise Renne, City Attorney.

Continued to June 29, 2001.

6/29/01, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Buck Delventhal, Deputy City Attorney; Supervisor Gavin Newsom; Bob Planthold; Chris Bowman; Ginny Vida, Ethics Commission; Fred Ridel; Doug Comstock; Marc Solomon, Supervisor Chris Daly. Amendment of the whole bearing a new title.

6/29/01, CONTINUED. Continued to July 6, 2001.

7/6/01, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Buck Delventhal, Deputy City Attorney; Supervisor Gavin Newsom; Peg Stevenson, Controller's Office; Maxwell Peltz, Deputy City Attorney; Gina Vida, Ethics Commission; Chris Bowman; John Bardis; Bob Planthold; Marc Salomon. Amendment of the whole bearing a new title.

7/6/01, CONTINUED. Continued to July 11, 2001.

5. 010597 [Power and Water Authority]
Supervisors Newsom, Hall

Charter amendment (Sixth Draft) to repeal Sections 4.112, and A8.508, amending Sections 3.101, 9.107, 16.103 and A8.500, and adding new Sections 4.140, 4.141, 4.143, 4.144, 4.145 and 4.146 and 4.147 to: (1) eliminate the Public Utilities Commission; (2) form a Power and Water Authority which shall succeed to all powers and responsibilities of the Public Utilities Commission and, in addition, be responsible for (a) the generation, sale and transmission of electricity, steam and other energy and (b) proposing ordinances setting energy and water efficiency goals and standards that may become effective without action by the Board of Supervisors; (3) modify authority for the transfer of excess surplus utility funds to the City's General Fund.

(Fiscal impact.)

4/2/01, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 5/2/2001.

4/9/01, SUBSTITUTED. Supervisor Newsom submitted a substitute charter amendment (Second Draft) bearing new title.

4/9/01, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 5/9/2001.

4/16/01, SUBSTITUTED. Supervisor Newsom submitted a substitute charter amendment (Third Draft), approved as to form, bearing new title.

4/16/01, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 5/16/2001.

5/21/01, SUBSTITUTED. Supervisor Newsom submitted a substitute charter amendment (Fourth Draft), approved as to form, bearing new title.

5/21/01, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/20/2001.

6/29/01, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speaker: none. Amendment of the whole bearing a new title.

6/29/01, CONTINUED. Continued to July 6, 2001.

7/2/01, CALLED FROM COMMITTEE. Pursuant to Rule 2.14 Supervisor Newsom call this measure from the Rule Committee for consideration July 16, 2001.

7/9/01, AMENDED. 7/9/01 - Supervisor Newsom presented an amendment of the whole bearing new title.

7/9/01, RE-REFERRED. Re-referred to the Rules Committee.

6. 010957 [Municipal Water and Power Agency]
Supervisor Ammiano

Charter amendment (Third Draft) to repeal Section 4.112 and 16.103, and A8.508, amend Section 9.107, 13.101 and A8.500, and add a new Chapter 8B, to: (1) eliminate the Public Utilities Commission; (2) form a Municipal Water and Power Agency which shall succeed to all powers and responsibilities of the Public Utilities Commission and, in addition, be responsible for the generation, sale and transmission of electricity, steam and other energy, be responsible for proposing ordinances setting energy and water efficiency goals and standards to the Board of Supervisors; (3) adopt a two year budget subject to review by the Controller; and, (4) prohibit the transfer of excess surplus utility funds to the City's General Fund until the Agency has adopted a 10 year capital plan, a 5 year business plan, and a two year budget.

(Fiscal impact.)

5/21/01, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/20/2001.

6/29/01, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speaker: none. Amendment of the whole bearing a new title.

6/29/01, CONTINUED. Continued to July 6, 2001.

7/6/01, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Theresa Mueller, Deputy City Attorney; James Barry, Public Utilities Commission; Peg Stevenson; Supervisor Gavin Newsom; Paul; Mark Loye; Paul Goercke; Don Elsburger; Dan Burn; Mark Stout; Paul Fen, Local Power; Joan Girardot, Coalition for San Francisco Neighborhoods; Todd Cresan; Bruce Brugmann; Buck Delventhal, Deputy City Attorney; Marc Salomon; John Bardis; Doug Comstock; Ross Marcarini; Henry Cohn. Amendment of the whole bearing a new title.

7/6/01, CONTINUED. Continued to July 11, 2001.

7. 010968 **[Mayor's Budget deadline]**
 Supervisor McGoldrick
Charter amendment (First Draft) to amend Section 9.100 to require the Mayor, beginning in 2003, to submit the proposed budget to the Board of Supervisors not later than February 28 of each year.
- 5/21/01, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/20/2001.
6/29/01, CONTINUED. Heard in Committee. Speaker: Supervisor Jake McGoldrick; Buck Delventhal, Deputy City Attorney.
Continued to July 6, 2001.
7/6/01, CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Supervisor Jake McGoldrick; Steve Kawa, Mayor's Office; John Bardis; Peg Stevenson, Controller's Office; Buck Delventhal.
8. 010983 **[Revenue Bonds, Renewable Energy and Energy Conservation Projects]**
 Supervisors Ammiano, Daly, Maxwell
Charter amendment (Second Draft) to amend Section 9.107 to provide for the financing of the acquisition, construction, improvement, reconstruction or replacement of renewable energy facilities and energy conservation facilities.
- (Fiscal impact.)
Amendment of the whole bearing the same title.
(Supervisor Hall dissenting in Committee.)
- 5/21/01, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/20/2000.
6/29/01, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speaker: Paul Fen.
Amendment of the whole bearing the same title.
6/29/01, CONTINUED. Continued to July 6, 2001.
7/6/01, RECOMMENDED "DO SUBMIT". Heard in Committee. Speakers: Peg Stevenson, Controller's Office.
9. 010964 **[Appointments to Planning Commission]**
 Supervisors Gonzalez, McGoldrick, Daly
Charter amendment (First Draft) to amend Section 4.105 to provide that appointments to the Planning Commission shall be shared by the Mayor and the Board of Supervisors.
- 5/21/01, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/20/2001.
6/29/01, CONTINUED. Heard in Committee. Speakers: Buck Delventhal, Deputy City Attorney; Supervisor Jake McGoldrick.
Continued to July 6, 2001.
7/6/01, CONTINUED TO CALL OF THE CHAIR.
10. 010969 **[Board of Appeals appointments]**
 Supervisors McGoldrick, Leno, Maxwell, Sandoval, Gonzalez, Daly, Ammiano, Hall
Charter amendment (Second Draft) to amend Section 4.106 to provide that appointments to the Board of Appeals shall be shared by the Mayor and the Board of Supervisors.
- 5/21/01, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/20/2001.
6/29/01, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Buck Delventhal, Deputy City Attorney; Supervisor Jake McGoldrick.
6/29/01, CONTINUED. Continued to July 6, 2001.
7/6/01, CONTINUED TO CALL OF THE CHAIR.

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 5.42 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.

**011164 [Community Assessment, Referral and Intake Division]
Supervisors Gonzalez, Sandoval**

Ordinance amending Chapter 2A of the San Francisco Administrative Code to add Article XVI, including Section 2A.233 setting forth findings, Section 2A.234 requiring the Juvenile Probation Department to establish the Community Assessment, Referral and Intake Division ("Intake Division") of the Juvenile Probation Department and defining its operations, and Section 2A.235 directing the implementation of the Intake Division.

6/18/01, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 7/18/2001.

**011167 [MTBE Purchase Ban]
Supervisor Newsom**

Ordinance amending San Francisco Administrative Code by adding Chapter 12S prohibiting the bulk purchase of gasoline and/or other motor vehicle fuel containing MTBE by City Departments.

(Fiscal impact.)

6/18/01, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 7/18/2001.

6/29/01, TRANSFERRED to Audit, Labor and Government Efficiency Committee.

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.

Agenda are available on the internet at www.ci.sf.ca.us/bdsupvrs.bos.htm.

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Requests for language translation at a meeting must be received no later than noon the Friday before the meeting.

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.

翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7701

Disability Access

Both the Committee Room (Room 263) and the Legislative Chamber are wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 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.

The following services are available when requested by 4:00 p.m. of the Friday before the Board meeting:

For American Sign Language interpreters, use of a reader during a meeting, or sound enhancement system, contact Violeta Mosuela at (415) 554-7704.

For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706. The Clerk of the Board's Office TTY number for speech-hearing impaired is (415) 554-5227.

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Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.ci.sf.ca.us/bdsupvrs/sunshine.htm>