



**City and County of San Francisco**  
**Meeting Minutes**  
**Rules Committee**

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

*Members: David Campos, Michela Alioto-Pier, Eric Mar*

*Clerk: Linda Wong (415) 554-7719*

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Thursday, September 30, 2010

10:00 AM

City Hall, Committee Room 263

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**Special Meeting**

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**Present:** 3 - David Campos, Michela Alioto-Pier and Eric Mar

**MEETING CONVENED**

*The meeting convened at 10:07 a.m.*

**REGULAR AGENDA**

**101146 [Appointment, Commission on the Aging Advisory Council - Ken Prag]**

Hearing to consider appointing one member, term ending March 31, 2012, to the Commission on the Aging Advisory Council. (Clerk of the Board)

Seat 7, succeeding Ken Prag, term expired, must be a nominee of District 8 Supervisor, for the unexpired portion of a two-year term ending March 31, 2012.

09/14/10; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speaker: Alexander Randolph, Office of Supervisor Bevan Dufty.*

*Appointment of Ken Prag, seat 7, recommended.*

**PREPARED IN COMMITTEE AS A MOTION**

Motion appointing Ken Prag, term ending March 31, 2012, to the Commission on the Aging Advisory Council. (Clerk of the Board)

Ken Prag, succeeding himself, term expired, must be a nominee of District 8 Supervisor, for the unexpired portion of a two-year term ending March 31, 2012.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Campos, Alioto-Pier, Mar

**100776 [Reappointment, Planning Commission - Gwyneth Borden]**

Motion approving the Mayor's reappointment of Gwyneth Borden to the Planning Commission term ending July 1, 2014. (Clerk of the Board)  
(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 100777. Transmittal date - September 2, 2010.)

09/09/10; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speakers: Gwyneth Borden, Planning Commission; John Schlesinger; Ron Miguel and Christina Olague, Planning Commission; Danny Flores; Eric Brooks, SF Green Party; Sue Hestor; Joe Cabos.*

**RECOMMENDED AS COMMITTEE REPORT by the following vote:**

Ayes: 3 - Campos, Alioto-Pier, Mar

**100777 [Reappointment, Planning Commission - Gwyneth Borden]**

Motion rejecting the Mayor's reappointment of Gwyneth Borden to the Planning Commission term ending July 1, 2014. (Clerk of the Board)  
(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 100776. Transmittal date - September 2, 2010.)

08/09/10; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speakers: Gwyneth Borden, Planning Commission; John Schlesinger; Ron Miguel and Christina Olague, Planning Commission; Danny Flores; Eric Brooks, SF Green Party; Sue Hestor; Joe Cabos.*

**TABLED by the following vote:**

Ayes: 3 - Campos, Alioto-Pier, Mar

**100906 [Appointment, Police Commission - R. James Slaughter]****Sponsor: Mayor**

Motion confirming the Mayor's nomination of, and appointing, R. James Slaughter to the San Francisco Police Commission for the unexpired portion of a four-year term ending April 30, 2012. (Section 4.109 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - August 12, 2010.)

08/12/10; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speakers: R. James Slaughter; Shannon Wilber, Legal Services for Children; Katy Albright.*

**RECOMMENDED AS COMMITTEE REPORT by the following vote:**

Ayes: 3 - Campos, Alioto-Pier, Mar

**101133 [Appointments, Assessment Appeals Board No. 1 - Jeffrey Morris and Gregory Blaine]**

Hearing to consider appointing two members, terms ending September 2, 2013, to the Assessment Appeals Board No. 1. (Clerk of the Board)

Vacant seat 1, succeeding Jeffrey Morris, term expired, for a three-year term ending September 2, 2013. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board. \*Pursuant to Section 1623 the three year term will end on the first Monday in September.

Vacant seat 4, succeeding Gregory Blaine, term expired, for a three-year term ending September 2, 2013. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board. \*Pursuant to Section 1623 the three year term will end on the first Monday in September.

09/07/10; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speakers: Mark Watts; Jeffrey Morris.*

*Appointment of Jeffrey Morris, seat 1, recommended.*

*Appointment of Gregory Blaine, seat 4, recommended.*

**PREPARED IN COMMITTEE AS A MOTION**

Motion appointing Jeffrey Morris and Gregory Blaine, terms ending September 2, 2013, to the Assessment Appeals Board No. 1. (Clerk of the Board)

Jeffrey Morris, seat 1, succeeding himself, term expired, for a three-year term ending September 2, 2013. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board. \*Pursuant to Section 1623 the three year term will end on the first Monday in September.

Gregory Blaine, seat 4, succeeding himself, term expired, for a three-year term ending September 2, 2013. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board. \*Pursuant to Section 1623 the three year term will end on the first Monday in September.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Campos, Alioto-Pier, Mar

**101134 [Appointments, Assessment Appeals Board No. 2 - Margaret Ruxton and Alfredo Perez]**

Hearing to consider appointing three members, terms ending September 2, 2013, to the Assessment Appeals Board No. 2. (Clerk of the Board)

Vacant seat 2, succeeding Margaret Ruxton, term expired, for a three-year term ending September 2, 2013. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board. \*Pursuant to Section 1623 the three year term will end on the first Monday in September.

Vacant seat 3, succeeding Mervin Conlan, term expired, for a three-year term ending September 2, 2013. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraiser; or he or she is a current member of an assessment appeals board. \*Pursuant to Section 1623 the three year term will end on the first Monday in September.

Vacant seat 4, succeeding Alfredo Perez, term expired, for a three-year term ending September 2, 2013. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraiser; or he or she is a current member of an assessment appeals board. \*Pursuant to Section 1623 the three year term will end on the first Monday in September.

09/07/10; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speakers: Joyce Lewis; Dawn Duran, Assessment Appeals Board; Alfredo Perez; Margaret Ruxton.*

*Appointment of Margaret Ruxton, seat 2, recommended.*

*Appointment of Alfredo Perez, seat 4, recommended.*

*Seat 3 was not filled.*

Motion appointing Margaret Ruxton and Alfredo Perez, terms ending September 2, 2013, to the Assessment Appeals Board No. 2. (Clerk of the Board)  
Margaret Ruxton, seat 2, succeeding herself, term expired, for a three-year term ending September 2, 2013. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board. \*Pursuant to Section 1623 the three year term will end on the first Monday in September.

Alfredo Perez, seat 4, succeeding himself, term expired, for a three-year term ending September 2, 2013. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraiser; or he or she is a current member of an assessment appeals board. \*Pursuant to Section 1623 the three year term will end on the first Monday in September.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Campos, Alioto-Pier, Mar

**101212 [Outside Counsel for Mayoral Succession Issues]**

**Sponsor: Chiu**

Resolution approving the retention of the Office of Santa Clara County Counsel to advise the City, in place of the City Attorney's Office, on legal issues relating to Mayoral succession.  
(Supervisor Alioto-Pier dissented in Committee.)

09/21/10; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speaker: Jesse Smith, City Attorney's Office.*

**RECOMMENDED AS COMMITTEE REPORT by the following vote:**

Ayes: 2 - Campos, Mar

Noes: 1 - Alioto-Pier

## 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.*

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

Ayes: 3 - Campos, Alioto-Pier, Mar

#### **100910 [Settlement of Lawsuit - California Department of Fair Employment and Housing (Zimmerman) - \$105,000]**

Ordinance authorizing settlement of the lawsuit filed by the California Department of Fair Employment and Housing (Plaintiff), Linda Zimmerman (Real Party in Interest) against the City and County of San Francisco for \$105,000, the lawsuit was filed on March 4, 2009, in San Francisco Superior Court, Case No. CGC-09-485723; entitled Department of Fair Employment and Housing (Zimmerman) v. City and County of San Francisco. (City Attorney)

08/04/10; RECEIVED AND ASSIGNED to Rules Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Campos, Alioto-Pier, Mar

#### **100911 [Settlement of Lawsuit - Michael Lew - \$90,000]**

Ordinance authorizing settlement of the lawsuit filed by Michael Lew against the City and County of San Francisco for \$90,000, including reemployment and restoration of vacation and sick leave; the lawsuit was filed on May 11, 2009, in San Francisco Superior Court, Case No. CGC-09-488262; entitled Michael Lew v. City and County of San Francisco, et al. (City Attorney)

08/04/10; RECEIVED AND ASSIGNED to Rules Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Campos, Alioto-Pier, Mar

#### **100912 [Settlement of Lawsuit - Robin Leiter Cohen - \$31,000]**

Resolution approving the settlement of the unlitigated claim filed by Robin Leiter Cohen against the City and County of San Francisco for \$31,000; claim was filed on September 4, 2009. (City Attorney)

08/04/10; RECEIVED AND ASSIGNED to Rules Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Campos, Alioto-Pier, Mar

**100959 [Settlement of Lawsuit - Carlos Garcia - \$2,400,000]**

Ordinance authorizing settlement of the lawsuit filed by Carlos Garcia against the City and County of San Francisco for \$2,400,000; the lawsuit was filed on December 5, 2005, in San Francisco Superior Court, Case No. CGC-05-447342; entitled Carlos Garcia, et al. v. City and County of San Francisco, et al. (City Attorney)

07/19/10; RECEIVED AND ASSIGNED to Rules Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Campos, Alioto-Pier, Mar

**101003 [Settlement of Grievance - Bruce Dunlap - \$57,500]**

Resolution authorizing the settlement of the grievances (ERD No. 45-09-1973 and ERD No. 45-09-1964) filed by International Federation of Professional and Technical Engineers, Local 21 (Union) on behalf of Grievant, Bruce Dunlap, against the City and County of San Francisco for \$57,500. (City Attorney)

07/26/10; RECEIVED AND ASSIGNED to Rules Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Campos, Alioto-Pier, Mar

**100985 [Settlement of Anticipated Litigation - Bonneville Non-Exclusive Easement]**

Resolution authorizing settlement of anticipated litigation to be filed by Bonneville International Corporation against the City and County of San Francisco for a non-exclusive easement on Bayview Hill for access to the radio tower owned by Bonneville. (City Attorney)

09/03/10; RECEIVED AND ASSIGNED to Rules Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Campos, Alioto-Pier, Mar

*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 by the following vote:**

Ayes: 3 - Campos, Alioto-Pier, Mar

**ADJOURNMENT**

*The meeting adjourned at 12:25 p.m.*