

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

City Hall, Committee Room 263



Meeting Agenda

Thursday, September 17, 2009

10:00 AM

Regular Meeting

Members: David Campos, Chris Daly, Michela Alioto-Pier

Clerk: Linda Wong (415) 554-7719

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. 091048 [Appointment, Sunshine Ordinance Task Force]

Hearing to consider appointing one member, term ending April 27, 2011, to the Sunshine Ordinance Task Force.

Seat 1, succeeding Ketaki Gokhale, resigned, must be appointed from names submitted by New California Media and be a journalist from a racial/ethnic-minority-owned news organization, for the unexpired portion of a two-year term ending April 27, 2011.

8/20/09, RECEIVED AND ASSIGNED to Rules Committee.

1 seat/ 1 applicant

Suzanne Manneh, seat 4 (Residency Waiver Required)

2. **090877** **[Confirming the reappointment of Kimberly K. Brandon to the San Francisco Port Commission]** **Mayor**
Motion confirming the reappointment of Kimberly K. Brandon to the San Francisco Port Commission for a four-year term ending May 1, 2013.

7/13/09, RECEIVED AND ASSIGNED to Rules Committee.
8/6/09, CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: None.
3. **091060** **[Confirming the appointment of Claudine Cheng to the Treasure Island Development Authority Board of Directors]** **Mayor**
Motion confirming the appointment of Claudine Cheng to the Treasure Island Development Authority Board of Directors for a four-year term ending February 26, 2010.

(Appointments of Directors who are officers of SF or officers of SF Redevelopment Agency are effective immediately unless rejected by 2/3 vote of BOS within 30 days written notice (3.100 (17)). Appointments of Directors who are not City officers or officers of SF Redevelopment Agency are effective only upon approval by a majority of the BOS. Transmittal date - August 24, 2009.)

8/24/09, RECEIVED AND ASSIGNED to Rules Committee.
The Chair intends to entertain a motion to send this item to Board as Committee Report on September 22, 2009.
4. **091065** **[Appointment, Arts Commission - Greg Chew]**
Motion approving the Mayor's appointment of Greg Chew to the Arts Commission, for the term ending January 15, 2013.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - August 24, 2009.)

8/24/09, RECEIVED AND ASSIGNED to Rules Committee.
The Chair intends to entertain a motion to send this item to Board as Committee Report on September 22, 2009.
5. **091066** **[Appointment, Arts Commission - Greg Chew]**
Motion rejecting the Mayor's appointment of Greg Chew to the Arts Commission, for the term ending January 15, 2013.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - August 24, 2009.)

8/24/09, RECEIVED AND ASSIGNED to Rules Committee.

The Chair intends to entertain a motion to send this item to Board as Committee Report on September 22, 2009.

6. 091049 [Appointments, Assessment Appeals Board No. 1]

Hearing to consider appointing four members, terms ending September 7, 2012, to the Assessment Appeals Board No. 1.

Vacant seat, succeeding Alec Lambie, term expiring on September 7, 2009, seat 2, for a three-year term ending September 7, 2012.

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, succeeding Lawrence Lee, term expiring on September 7, 2009, seat 5, for a three-year term ending September 7, 2012.

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, succeeding Hayes Miles, term expiring on September 7, 2009, seat 6, for a three-year term ending September 7, 2012.

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 Appraisers; or he or she is a current member of an assessment appeals board. ALTERNATE /HEARING OFFICER *Pursuant to Section 1623 the three year term will end on the first Monday in September.

Vacant seat, succeeding David Wilbur, term expiring on September 7, 2009, seat 8, for a three-year term ending September 7, 2012.

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 Appraisers; or he or she is a current member of an assessment appeals board. ALTERNATE /HEARING OFFICER *Pursuant to Section 1623 the three year term will end on the first Monday in September.

8/20/09, RECEIVED AND ASSIGNED to Rules Committee.

4 seats/ 5 applicants
Alec Lambie, seat 2
Lawrence Lee, seat 5
Hayes Miles, seats 2, 5, 6, 8
Scott Spertzel, seats 2, 5, 6, 8
John Emery, seats 6, 8

7. 091050 [Appointments, Assessment Appeals Board No. 2]

Hearing to consider appointing four members, terms ending September 7, 2012, to the Assessment Appeals Board No. 2.

Vacant seat, succeeding Louisa Mendoza, term expiring on September 7, 2009, seat 1, for a three-year term ending September 7, 2012.

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, succeeding John McGary, term expiring on September 7, 2009, seat 5, for a three-year term ending September 7, 2012.

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, succeeding Dona Crowder, term expiring on September 7, 2009, seat 6, for a three-year term ending September 7, 2012.

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. ALTERNATE /HEARING OFFICER *Pursuant to Section 1623 the three year term will end on the first Monday in September.

Vacant seat, succeeding Arthur Tom III, term expiring on September 7, 2009, seat 7, for a three-year term ending September 7, 2012.

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. ALTERNATE /HEARING OFFICER *Pursuant to Section 1623 the three year term will end on the first Monday in September.

8/20/09, RECEIVED AND ASSIGNED to Rules Committee.

4 seats/ 9 applicants

Louisa Mendoza, seat 1

John McGary, seat 5

Donna Crowder, seat 6

Arthur Tom, seats 1, 5, 7

Colin Gallagher, seats 1, 5

Howard Chung, seats 1, 5

Ilse Cordoni, seats 1, 5, 6, 7

Scott Spertzel, seats 1, 5, 6, 7

John Emery, seats 6, 7

8. 090258 [Reports, Shelter Monitoring Committee]

Hearing to consider the quarterly reports of the Shelter Monitoring Committee. (Clerk of the Board)

(Pursuant to Article 12-20 of the San Francisco Administrative Code, Ord. No. 283-04, the Committee shall prepare and submit quarterly reports. Original reports are in File 051713 and File 060377).

2/26/09, RECEIVED AND ASSIGNED to Rules Committee.

8/6/09, CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speaker: John Smith.

9. 090983 [Shelter Reservation Extension Policy]

Supervisor Daly

Hearing to discuss the amended changes to the Shelter Reservation Extension Policy.

8/4/09, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

8/21/09, TRANSFERRED to Rules Committee.

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.

10. 090955 [Settlement of Administrative Enforcement Action]

Resolution approving the settlement of the unlitigated administrative enforcement action filed by

the San Francisco Bay Regional Water Quality Control Board against San Francisco imposing a penalty of \$115,000.

8/4/09, RECEIVED AND ASSIGNED to Rules Committee.

11. 091005 [Settlement of Unlitigated Claim - Rajitha Sangha - \$30,000]

Resolution approving the settlement of unlitigated claim of Rajitha Sangha against the City and County of San Francisco for \$30,000; claim was filed on July 7, 2008. (City Attorney)

8/7/09, RECEIVED AND ASSIGNED to Rules Committee.

12. 091006 [Settlement of Unlitigated Claim - Ferry Building Associates - \$107,798.50]

Resolution approving the settlement of the unlitigated claim filed by Ferry Building Associates against the City and County of San Francisco for \$107,798.50; claim was filed on January 26, 2009. (City Attorney)

8/7/09, RECEIVED AND ASSIGNED to Rules Committee.

13. 091009 [Settlement of Unlitigated Claim - Rose Dennis - \$90,670.20]

Resolution approving settlement of the unlitigated claim submitted by Rose Dennis against the City and County of San Francisco for \$90,670.20; claim was submitted on April 2, 2009. (City Attorney)

8/7/09, 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 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.

091031 [Police Department Command Staff]

Supervisors Campos, Alioto-Pier, Avalos, Chiu, Daly, Mar, Maxwell, Mirkarimi

Ordinance amending the Administrative Code to authorize the Chief of Police to select for appointment to non-civil service ranks above the rank of Captain any sworn law enforcement officer with supervisory experience, either with the San Francisco Police Department or with any local, state or federal agency that employs sworn law enforcement officers.

8/18/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 9/17/2009.

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 by mail 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 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 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site www.sfgov.org/ethics