

# City and County of San Francisco

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



## MEETING MINUTES

Monday, July 13, 2009

9:00 AM

City Hall, Legislative Chamber, Room 250

Special Meeting

Rules Committee

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*Members: Chris Daly, Carmen Chu, David Campos*

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

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**Members Present:** *Chris Daly, David Campos, David Chiu*

**Members Excused:** *Carmen Chu*

**Members Absent:**

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### MEETING CONVENED

The meeting convened at 9:05 a.m.

President Chiu appointed himself to the Rules Committee meeting of July 13, 2009.

### REGULAR AGENDA

**090622 [Charter Amendment - Instituting two-year budgetary cycle, providing for the adoption of a five-year financial plan and imposing a deadline of May 15th for submission of MOUs for**

**Mayor, Supervisors Chiu, Mirkarimi, Avalos, Campos**

Charter Amendment (Second Draft) amending Sections 3.105, 9.100, 9.101, 9.102, 9.103, 9.104, 9.113, 9.113.5, 9.114, 11.100, A8.409-4, A8.590-5, A8.590-8, and Article XVII, and adding Sections 9.119 and

9.120 to institute a "rolling" two-year budgetary cycle (the City would adopt a new two-year budget each year), allow the Board of Supervisors to convert the rolling two-year budgetary cycle for some or all departments into a "fixed" two-year cycle (each two-year budget would stay in effect for two years), impose a deadline of May 10 or May 15 for submission to the Board of Supervisors of new terms and conditions of employment for miscellaneous or safety employees if those terms and conditions are to be effective during the upcoming fiscal year, allow the Board of Supervisors to determine, by ordinance, how City departments, including the Board of Supervisors, will comply with the Charter's publication requirements, and allow the Controller to certify the availability of funds based on the expectation that funds will become available during the course of the budgetary cycle.

(Supervisor Daly

5/19/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/18/2009.

7/2/09, DIVIDED. Heard in Committee. Speakers: Supervisor David Chiu; Ben Rosenfield, Office of the Controller; Rick Caldeira, Office of the Clerk of the Board; Mariam Morley, Office of the City Attorney; Jim Templeton; Bobbie Lernman; Molly Lee, Office of the City Attorney. Duplicated into File 090850.

7/2/09, CONTINUED AS DIVIDED. Continued to July 6, 2009.

7/6/09, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Supervisor David Chiu; Mariam Morley, Office of the City Attorney; Mary Howell; Department of Human Resources.

7/6/09, CONTINUED AS AMENDED. Continued to July 13, 2009.

Heard in Committee. Speakers: None.

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

Ayes: 2 - Campos, Chiu

Noes: 1 - Daly

Absent: 1 - Chu

**090606 [Charter Amendment - Eliminating the 48.7-hour limit on the work week for firefighters] Supervisors Avalos, Daly**

Charter Amendment (First Draft) to amend Section A8.452 to: (1) eliminate the 48.7-hour limitation on the work week for uniformed officers and member of the Fire Department, (2) establish a work week of at least 52 hours, on an annualized basis, for uniformed officers and members assigned to fire fighting companies and units, with the minimum 52-hour work week requirement to be effective for any amendment or extension to the Memorandum of Understanding (MOU) between the City and County of San Francisco (City) and the San Francisco Fire Fighters Union Local 798 (Union) in effect July 1, 2007 through June 30, 2011, and for the successor MOU and each MOU between the City and Union thereafter, and (3) eliminate superseded language setting holiday schedule and compensation requirements for firefighters; and by adding Section A8.590-9 to provide that the work week for firefighters assigned to fire fighting companies and units shall be governed by Section A8.452 and not be subject to binding interest arbitration under Charter Section A8.590-5.

(Supervisor Daly requested to be added as a co-sponsor)

(Supervisor

5/19/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/18/2009.

Heard in Committee. Speakers: None.

**CONTINUED TO CALL OF THE CHAIR by the following vote:**

Ayes: 2 - Campos, Chiu

Noes: 1 - Daly

Absent: 1 - Chu

**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 - Daly, Campos, Chiu

Absent: 1 - Chu

**090783 [Settlement of Lawsuit - Jane Martin and David Baker - \$190,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Jane Martin and David Baker against the City and County of San Francisco for \$190,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

6/2/09, RECEIVED AND ASSIGNED to Rules Committee.

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

Ayes: 3 - Daly, Campos, Chiu

Absent: 1 - Chu

**090784 [Settlement of Unlitigated Claim - Freda Quimbo - \$70,000]**

Resolution approving the settlement of the unlitigated claim filed by Freda Quimbo against San Francisco for \$70,000; claim was filed on February 11, 2009. (City Attorney)

6/4/09, RECEIVED AND ASSIGNED to Rules Committee.

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

Ayes: 3 - Daly, Campos, Chiu

Absent: 1 - Chu

**090811 [Settlement of Lawsuit - Craig Yates and Richard Skaff - \$312,000]**

Ordinance authorizing settlement of multiple lawsuits filed by Craig Yates and Richard Skaff against the City and County of San Francisco and San Francisco Uptown Parking Corporation for \$312,000; further authorizing settlement of San Francisco's cross-claims against San Francisco Parking, Inc., d/b/a City Park for \$150,000 to be paid to the City and County of San Francisco; the lawsuits entitled: (1) Craig Yates v. Union Square, et al., Case No. C07-4087-JSW, filed August 9, 2007, in the United States District Court, Northern District of California; (2) Craig Yates v. Union Square, et al., Case No. CGC-08-473176, filed March 11, 2008, in San Francisco Superior Court; (3) Richard Skaff v. Union Square, et al., Case No. 08-CV-2555-JSW, filed May 20, 2008, in the United States District Court, Northern District of California; and (4) Richard Skaff v. Union Square, et al., Case No. CGC-08-475516, filed May 20, 2008, in San Francisco Superior Court. (City Attorney)

6/15/09, RECEIVED AND ASSIGNED to Rules Committee.

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

Ayes: 3 - Daly, Campos, Chiu

Absent: 1 - Chu

**090845 [Settlement of Lawsuit - Yao Tondo - \$140,000]**

Ordinance authorizing settlement of the lawsuit filed by Yao Tondo as successor in interest to decedent Joe Tondo against the City and County of San Francisco for \$140,000; the lawsuit was filed on June 4, 2007, in San Francisco Superior Court, Case No. 463-946; entitled Yao Tondo as successor in interest to decedent Joe Tondo v. City and County of San Francisco, et al. (City Attorney)

6/26/09, RECEIVED AND ASSIGNED to Rules Committee.

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

Ayes: 3 - Daly, Campos, Chiu

Absent: 1 - Chu

**090846 [Settlement of Lawsuit - Mai Tai Investors L.P., et al. - \$40,000]**

Ordinance authorizing settlement of the lawsuit filed by Mai Tai Investors L.P., et al. against the City and County of San Francisco for \$40,000; the lawsuit was filed on March 12, 2009, in San Francisco Superior Court, Case No. CGC-09-486061; entitled Mai Tai Investors L.P., et al., v. City and County of San Francisco, et al. (City Attorney)

6/26/09, RECEIVED AND ASSIGNED to Rules Committee.

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

Ayes: 3 - Daly, Campos, Chiu

Absent: 1 - Chu

**090847 [Settlement of Lawsuit - Tony Nguyen, dba MicroLan - \$100,000]**

Ordinance authorizing settlement of the lawsuit filed by Tony Nguyen, dba MicroLan, against the City and County of San Francisco for \$100,000; the lawsuit was filed on December 10, 2007, in the San Francisco Superior Court, Case No. 469890; entitled Tony Nguyen, dba MicroLan v. City and County of San Francisco, et al. (City Attorney)

6/26/09, RECEIVED AND ASSIGNED to Rules Committee.

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

Ayes: 3 - Daly, Campos, Chiu

Absent: 1 - Chu

**090831 [Settlement of Potential Litigation - George Boutros - \$25,000]**

Resolution authorizing settlement of potential litigation with George Boutros, individually and in his representative capacity as Trustee of The Boutros Family Trust, related to encroachments on San Francisco Public Utilities Commission Right of Way easements that cross Boutros residential property located at 90 Sea Cliff Avenue, San Francisco, CA. (City Attorney)

6/22/09, RECEIVED AND ASSIGNED to Rules Committee.

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

Ayes: 3 - Daly, Campos, Chiu

Absent: 1 - Chu

*After a closed session, if one occurs, the Committee shall adopt a motion either to disclose or not to disclose.*

*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 - Daly, Campos, Chiu

Absent: 1 - Chu

**ADJOURNMENT**