



City and County of San Francisco
Meeting Minutes
Rules Committee

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

Members: Norman Yee, Katy Tang, David Campos

Clerk: Alisa Miller (415) 554-4447

Thursday, April 3, 2014

2:00 PM

City Hall, Committee Room 263

Regular Meeting

Present: 3 - Norman Yee, Katy Tang, and David Campos

MEETING CONVENED

The meeting convened at 2:07 p.m.

REGULAR AGENDA

Supervisor Campos was noted present at 2:12 p.m.

140250 [Confirming Appointment, Treasure Island Development Authority Board of Directors - Jean-Paul Samaha]

Sponsor: Mayor

Motion confirming the Mayor's appointment of Jean-Paul Samaha, term ending February 26, 2018, to the Treasure Island Development Authority Board of Directors.

03/07/14; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Jean-Paul Samaha; spoke on his qualifications. Eric Brooks (SF Green Party/Our City); spoke neither in support nor against the the Mayor's appointment.

RECOMMENDED by the following vote:

Ayes: 3 - Yee, Tang, Campos

140251 [Confirming Appointment, Treasure Island Development Authority Board of Directors - Vivian Fei Tsen]

Sponsor: Mayor

Motion confirming the Mayor's appointment of Vivian Fei Tsen, term ending February 28, 2018, to the Treasure Island Development Authority Board of Directors.

03/07/14; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Vivian Fei Tsen; spoke on her qualifications. Eric Brooks (SF Green Party/Our City); spoke neither in support nor against the Mayor's appointment.

RECOMMENDED by the following vote:

Ayes: 3 - Yee, Tang, Campos

140300 [Appointment, Citizen's Committee on Community Development - Eddie Ahn]

Hearing to consider appointing two members, terms ending February 23, 2016, to the Citizen's Committee on Community Development. (Rules Committee)

Vacant seat 3, succeeding Eddie Ahn, term expired, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City and not be employed or serve on the governing body of any entity that has a Community Development Block Grant or Emergency Shelter Grant application pending with the City, for the unexpired portion of a two-year term ending February 23, 2016.

Vacant seat 4, succeeding Miquel Penn, term expired, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City and not be employed or serve on the governing body of any entity that has a Community Development Block Grant or Emergency Shelter Grant application pending with the City, for the unexpired portion of a two-year term ending February 23, 2016.

03/21/14; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Eddie Ahn; Miquel Penn; spoke on their qualifications. Joanna Le; spoke in support of the Eddie Ahn. Tammy Chen; spoke in support of Miquel Penn. Jackie Flin; Utuma Belfrey; Javier Flores; spoke in support of Eddie Ahn and Miquel Penn. Eric Brooks (SF Green Party/Our City); spoke neither in support nor against the applicants.

Appointment of Eddie Ahn, seat 3, recommended.

Appointment of seat 4 was considered with Duplicated File No. 140154.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Eddie Ahn, term ending February 23, 2016, to the Citizen's Committee on Community Development. (Rules Committee)

(Supervisor Campos dissented in committee.)

Eddie Ahn, seat 3, succeeding himself, term expired, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City and not be employed or serve on the governing body of any entity that has a Community Development Block Grant or Emergency Shelter Grant application pending with the City, for the unexpired portion of a two-year term ending February 23, 2016.

See Duplicated File No. 140154.

DUPLICATED by the following vote:

Ayes: 3 - Yee, Tang, Campos

RECOMMENDED by the following vote:

Ayes: 2 - Yee, Tang

Noes: 1 - Campos

140154 [Appointment, Citizen's Committee on Community Development - Miquel Penn]

Motion appointing Miquel Penn, term ending February 23, 2016, to the Citizen's Committee on Community Development. (Rules Committee)

Miquel Penn, seat 4, succeeding himself, term expired, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City and not be employed or serve on the governing body of any entity that has a Community Development Block Grant or Emergency Shelter Grant application pending with the City, for the unexpired portion of a two-year term ending February 23, 2016

See File No. 140300.

DUPLICATED from File No. 140300

RECOMMENDED by the following vote:

Ayes: 3 - Yee, Tang, Campos

140301 [Appointments, Food Security Task Force - Heather Tufts and Orla O'Keeffe]

Hearing to consider appointing two members, for indefinite terms, to the Food Security Task Force.
(Rules Committee)

Vacant seat 12, succeeding Jessie Mandle, resigned, must be a representative from the Department of Children, Youth and Their Families, for an indefinite term.

Vacant seat 14, succeeding Zetta Reicker, term sunsetted, must be a representative from the San Francisco Unified School District, for an indefinite term.

03/21/14; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Paula Jones (Department of Public Health); presented information and answered questions raised throughout the discussion. Heather Tufts; Orla O'Keeffe; spoke on their qualifications

Appointment of Heather Tufts, seat 12, recommended.

Appointment of Orla O'Keeffe, seat 14, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Heather Tufts and Orla O'Keeffe, for indefinite terms, to the Food Security Task Force.
(Rules Committee)

Heather Tufts, seat 12, succeeding Jessie Mandle, resigned, must be a representative from the Department of Children, Youth and Their Families, for an indefinite term.

Orla O'Keeffe, seat 14, succeeding Zetta Reicker, term sunsetted, must be a representative from the San Francisco Unified School District, for an indefinite term.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Tang, Campos

140302 [Appointments, Graffiti Advisory Board - John Austin and Rebecca Delgado Rottman]

Hearing to consider appointing two members, terms ending April 10, 2015, to the Graffiti Advisory Board.
(Rules Committee)

Vacant seat 12, succeeding Michael Grgich, resigned, must represent youth groups who provide services for juveniles involved in alternative programs for graffiti diversion, for the unexpired portion of a two-year term ending April 10, 2015.

Vacant seat 16, succeeding Rebecca Delgado Rottman, term expired, must represent private schools or art schools who operate in San Francisco, for the unexpired portion of a two-year term ending April 10, 2015.

03/21/14; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Larry Stringer (Department of Public Works); presented information and answered questions raised throughout the discussion. John Austin; Rebecca Delgado Rottman; spoke on their qualifications. Ronn Grant; Genevieve Jopanda; Rudy Asercion; Marily Mondejar; Lynn Jefferson; Julie Soo; spoke in support of Rebecca Delgado Rottman.

Appointment of John Austin, seat 12, recommended.

Appointment of Rebecca Delgado Rottman, seat 16, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing John Austin and Rebecca Delgado Rottman , terms ending April 10, 2015, to the Graffiti Advisory Board. (Rules Committee)

John Austin, seat 12, succeeding Michael Grgich, resigned, must represent youth groups who provide services for juveniles involved in alternative programs for graffiti diversion , for the unexpired portion of a two-year term ending April 10, 2015.

Rebecca Delgado Rottman, seat 16, succeeding herself, term expired, must represent private schools or art schools who operate in San Francisco, for the unexpired portion of a two-year term ending April 10, 2015.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Tang, Campos

140303

[Appointments, Park, Recreation and Open Space Advisory Committee - Patricia Delgado, Tom Valtin, Nicholas Belloni, and Les Hilger]

Hearing to consider appointing one member, term ending February 1, 2015, and three members, terms ending February 1, 2016, to the Park, Recreation and Open Space Advisory Committee. (Rules Committee)

Vacant seat 1, succeeding Tom Valtin, term expired, must be nominated by the District 9 Supervisor from organizations listed in Resolution No. 391-13, for the unexpired portion of a two-year term ending February 1, 2016.

Vacant seat 2, succeeding Patricia Delgado, term expired, must be nominated by the District 9 Supervisor and from District 9, for the unexpired portion of a two-year term ending February 1, 2015.

Vacant seat 3, succeeding Nicholas Belloni, term expired, must be nominated by the District 4 Supervisor from the organizations listed in Resolution No. 391-13, for the unexpired portion of a two-year term ending February 1, 2016.

Vacant seat 13, succeeding Les Hilger, term expired, must be nominated by the District 1 Supervisor from the organizations listed in Resolution No. 391-13, for the expired portion of a two-year term ending February 1, 2016.

03/21/14; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Patricia Delgado; Nicolas Belloni; Les Hilger; spoke on their qualifications.

Appointment of Tom Valtin, seat 1, recommended.

Appointment of Patricia Delgado, seat 2, recommended.

Appointment of Nicholas Belloni, seat 3, recommended.

Appointment of Les Hilger, seat 13, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Patricia Delgado, term ending February 1, 2015, and Tom Valtin, Nicholas Belloni, and Les Hilger, terms ending February 1, 2016, to the Park, Recreation and Open Space Advisory Committee. (Rules Committee)

Tom Valtin, seat 1, succeeding himself, term expired, must be nominated by the District 9 Supervisor from organizations listed in Resolution No. 391-13, for the unexpired portion of a two-year term ending February 1, 2016.

Patricia Delgado, seat 2, succeeding herself, term expired, must be nominated by the District 9 Supervisor and from District 9, for the unexpired portion of a two-year term ending February 1, 2015.

Nicholas Belloni, seat 3, succeeding himself, term expired, must be nominated by the District 4 Supervisor from the organizations listed in Resolution No. 391-13, for the unexpired portion of a two-year term ending February 1, 2016.

Les Hilger, seat 13, succeeding himself, term expired, must be nominated by the District 1 Supervisor from the organizations listed in Resolution No. 391-13, for the expired portion of a two-year term ending February 1, 2016.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Tang, Campos

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 - Yee, Tang, Campos

140182 [Settlement of Lawsuit - Michael Yaki - City to Receive \$75,000]

Ordinance authorizing settlement of the lawsuit filed by City Attorney Dennis J. Herrera against Michael Yaki for \$75,000; the lawsuit was filed on December 4, 2013, in San Francisco Superior Court, Case No. CGC-13-535880; entitled Dennis J. Herrera in his official capacity as San Francisco City Attorney v. Michael Yaki; other material terms of the settlement are that Yaki will register as a lobbyist with the San Francisco Ethics Commission, file monthly lobbyist disclosures for the period of July 2012 through August 2013, and complete a lobbyist training. (City Attorney)

02/28/14; RECEIVED FROM DEPARTMENT.

03/11/14; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Tang, Campos

140185 [Settlement of Lawsuit - Syncora Guarantee, Inc., formerly XL Capital Assurance, Inc. - City to Receive \$180,000]

Ordinance authorizing a settlement of the lawsuit filed by the City and County of San Francisco against Syncora Guarantee, Inc. (formerly known as XL Capital Assurance, Inc.) for \$180,000; the lawsuit was filed on October 8, 2008, in San Francisco Superior Court, Case No. CGC-08-480708; entitled City and County of San Francisco v. AMBAC Financial Group Inc., et al.; this partial settlement applies only to claims against Syncora Guarantee; other material terms of the settlement are that Syncora will waive its claim for attorneys fees and costs and cooperate in future discovery. (City Attorney)

02/28/14; RECEIVED FROM DEPARTMENT.

03/11/14; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Tang, Campos

140277 [Settlement of Lawsuit - Daniel Dallabrida - \$150,000]

Ordinance authorizing settlement of the lawsuit filed by Daniel Dallabrida against the City and County of San Francisco for \$150,000; the lawsuit was filed on October 19, 2011, in San Francisco Superior Court, Case No. CGC 11-515117; entitled Daniel Dallabrida v. City and County of San Francisco, et al. (City Attorney)

03/19/14; RECEIVED FROM DEPARTMENT.

04/01/14; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Tang, Campos

140278 [Settlement of Lawsuit - Fletcher Ranch Road Properties, LLC - Grant of Access Easements]

Ordinance authorizing settlement of the lawsuit filed by Fletcher Ranch Road Properties, a Limited Liability Company, Robert N. Fletcher as Trustee Of The Robert N. And Patricia A. Fletcher Living Trust, Richard S. Fletcher as Trustee Of The Richard S. And Linda K. Fletcher Revocable Inter Vivos Trust, and C. Nelson Fletcher As Trustee Of The C. Nelson And Betty S. Fletcher Revocable Inter Vivos Trust against the City and County of San Francisco by granting limited access easements benefitting four parcels owned by plaintiffs; the lawsuit was filed on April 22, 2010, in Alameda County Superior Court, Case No. VG10510699; entitled Fletcher Ranch Road Properties, LLC, et al. v. City and County of San Francisco; other material terms of said settlement are that plaintiffs agree to waive all other claims of access over property owned by the City and County of San Francisco and to permanently restrict their use of the easements. (City Attorney)

03/19/14; RECEIVED FROM DEPARTMENT.

04/01/14; ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Tang, Campos

140279 [Settlement of Lawsuit - California Coastal Protection Network - \$125,000]

Ordinance authorizing settlement of the lawsuit filed by California Coastal Protection Network against the City and County of San Francisco for \$125,000; the lawsuit was filed on August 9, 2011, in San Francisco County Superior Court, Case No. CGC-11-513176; entitled California Coastal Protection Network v. City and County of San Francisco; other material terms of said settlement include implementation of long-term adaptive management plan for the South Reach of Ocean Beach; and making environmental findings. (City Attorney)

03/24/14; RECEIVED FROM DEPARTMENT.

03/27/14; REFERRED TO DEPARTMENT. Referred to the Planning Department for environmental review.

03/27/14; RESPONSE RECEIVED. The Agreement is not subject to review under the California Environmental Quality Act.

04/01/14; ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Tang, Campos

140280 [Settlement of Unlitigated Claim - Rajiv Bhatia - \$155,000]

Resolution approving settlement of the unlitigated claim asserted by Dr. Rajiv Bhatia against the City and County of San Francisco on September 10, 2013, for \$155,000. (City Attorney)

03/19/14; RECEIVED FROM DEPARTMENT.

04/01/14; ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Tang, Campos

140281 [Settlement of Lawsuit - Thomas Cooke, III - \$650,000]

Ordinance authorizing settlement of the lawsuit filed by Thomas Cooke, III against the City and County of San Francisco for \$650,000; the lawsuit was filed on August 31, 2011, in San Francisco Superior Court, Case No. CGC-11-515143; entitled Thomas Cooke, III, et al. v. City and County of San Francisco. (City Attorney)

04/01/14; RECEIVED FROM DEPARTMENT.

04/01/14; ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Tang, Campos

140282 [Settlement of Lawsuit - 2342 Broadway, LLC - \$37,500]

Ordinance authorizing settlement of the lawsuit filed by 2342 Broadway, LLC, against Phil Ting in his official capacity as the Assessor-Recorder of the City and County of San Francisco; the City and County of San Francisco, a California chartered city and county; and DOES 1 through 20, inclusive, in settlement of \$37,500 to Twentythree Fortytwo, LLC; the lawsuit was filed on April 10, 2012, in San Francisco Superior Court, Case No. CGC 12-519888; entitled 2342 Broadway, LLC, v. Phil Ting, et al. (City Attorney)

03/24/14; RECEIVED FROM DEPARTMENT.

04/01/14; ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Tang, Campos

Deputy City Attorney Jon Givner 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 - Yee, Tang, Campos

ADJOURNMENT

The meeting adjourned at 3:34 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Rules Committee on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.