



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

Monday, July 12, 2010

10:00 AM

City Hall, Legislative Chamber, Room 250

Special Meeting

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

MEETING CONVENED

The meeting convened at 10:14 a.m.

REGULAR AGENDA

100637 [San Francisco Municipal Transportation Agency - Appointments Policy and Other Procedures]

Sponsors: Campos; Mirkarimi, Chiu and Mar

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section(s) 8A. 101, 8A.102, 8A.104, 8A.105, 8A.106, 8A.107, 8A.108, A8.409-1, A8.409-4 and A8.428, and deleting Section and A8.404, to provide for split appointments to the San Francisco Municipal Transportation Agency (MTA) Board of Directors, allocate a share of property tax revenues to the Transportation Fund, require the MTA to resubmit an Agency budget if its budget is rejected by the Board of Supervisors, establish an Office of the MTA Inspector General, and eliminate formulas governing operator wages and benefit payments and subject these matters instead to collective bargaining.

05/18/10; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/17/2010.

06/25/10; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Supervisor Ross Mirkarimi; Supervisor David Chiu; Supervisor Bevan Dufty; Nathaniel Ford, Executive Director, Municipal Transportation Agency; Ben Rosenfield, Controller, Controller's Office; Daniel Murphy; Dave Snyder; Tom Hilldritch; Male Speaker; Leah LaCroix, Youth Commission; Female Speaker.

Heard in Committee. Speakers: President David Chiu, Board of Supervisors; Supervisor Ross Mirkarimi, Board of Supervisors; Andy Thornley; Peter Straus; Sue Vaughan.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections 8A.100, 8A.101, 8A.102, 8A.104, 8A.105, 8A.106, 8A.107, 8A.108, 8A.113, A8.409-1, A8.409-4, and A8.428, and repealing Section A8.404, to: provide for split appointments to the San Francisco Municipal Transportation Agency (MTA) Board of Directors; allocate a share of property tax revenues to the Transportation Fund; require the MTA to resubmit an Agency budget if its budget is rejected by the Board of Supervisors; establish an Office of the MTA Inspector General; and, eliminate formulas governing operator wages and benefit payments and subject these matters instead to collective bargaining.

CONTINUED TO CALL OF THE CHAIR AS AMENDED

Ayes: 2 - Campos, Mar

Absent: 1 - Alioto-Pier

100632 [Public Education Enrichment Fund]

Sponsor: Alioto-Pier

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section 16.23-10, to extend the automatic expiration of the Public Education Enrichment Fund from June 30, 2015, to June 30, 2016; amending Sections 16.123-2 and 16.123-8, to make conforming changes; amending Section 16.123-3, to use any surplus returned from the Library Preservation Fund Baseline to fund part of the City's required disbursements under the Public Education Enrichment Fund for, among other things, library programs; amending Section 16.123-5, to allow the City to use monies in the Fund to pay college tuition and fees for students attending City College or San Francisco State; amending Section 16.123-6, to authorize the Youth Commission to review expenditure plans submitted by the School District and the First Five Commission, amending Section 16.123-8, to require the City to recommend a Rainy Day Reserve policy for the San Francisco Unified School District covering local revenues and authorize the City to suspend disbursements from the Fund to the School District unless the District certifies that it has adopted and followed the policy; and, repealing Section 16.123-7 as obsolete.

05/18/10; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/24/2010. The 30 Day Rule does not begin until the Charter Amendment is approved as to form by the City Attorney's Office.

5/25/10 - Received the Charter Amendment approved as to form by the City Attorney's Office.

Heard in Committee. Speaker: James Chaffee.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Section 16.23-10, to extend the automatic expiration of the Public Education Enrichment Fund from June 30, 2015, to June 30, 2016; amending Sections 16.123-2 and 16.123-8, to make conforming changes; amending Section 16.123-3, to use any surplus returned from the Library Preservation Fund Baseline to fund part of the City's required disbursements under the Public Education Enrichment Fund for, among other things, library programs; amending Section 16.123-5, to allow the City to use monies in the Fund to pay college tuition and fees for students attending City College or San Francisco State; amending Section 16.123-6, to authorize the Youth Commission to review expenditure plans submitted by the School District and the First Five Commission, amending Section 16.123-8, to require the City to recommend a Rainy Day Reserve policy for the San Francisco Unified School District covering local revenues and authorize the City to suspend disbursements from the Fund to the School District unless the District certifies that it has adopted and followed the policy; and repealing Section 16.123-7 as obsolete.

CONTINUED TO CALL OF THE CHAIR AS AMENDED by the following vote:

Ayes: 3 - Campos, Alioto-Pier, Mar

100267 [Election Day Voter Registration]**Sponsor: Mirkarimi**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Article XVII to change the definition of "voters."

03/09/10; ASSIGNED UNDER 30 DAY RULE to Rules Committee.

Heard in Committee. Speakers: Supervisor Ross Mirkarimi, Board of Supervisors; Sue Vaughan.

RECOMMENDED AS COMMITTEE REPORT

Ayes: 2 - Campos, Mar

Absent: 1 - Alioto-Pier

100633 [Split Appointments to the Recreation and Park Commission]**Sponsors: Mirkarimi; Campos, Mar, Daly and Avalos**

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by amending Section 4.113 to split the power to make appointments to the Recreation and Park Commission between the Mayor and the Board of Supervisors, and amending Section 15.105 to provide that the appropriate appointing authority may initiate removal of Recreation and Park Commissioners.

05/19/10; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/17/2010.

06/18/10; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Supervisor Ross Mirkarimi, Board of Supervisors; Mark Buell, Recreation and Park Commission; Phil Ginsburg, Recreation and Park Department; Cynthia Goldstein, Board of Appeals; AnMarie Mabbutt; Nan Roth; Ernestine Weiss; Catherine Enny; Martha Hoffman; Greg Miller; Alfonso Felder; Sheri Sternberg; Dennis Juarez; Nancy Werfel; Hiroshi Fukuda; Tony Rossmann; Dave Rhody; Kelly Nice; Nancy Connor; Mark Duffett; Phil Ryan; Reid Swanson; Jenee Gill; Carolyn Blair; Linda Yacobucci; Casey Allen; Rose Hillson; Jared Hirsch; Annie Adams; Eliote Durham; Gene Thompson; Susanne Dumont; John Rizzo; Owen O'Donnell; Phil Day; Kevin Lee; Joan Intrator; Meredith Thomas; Larry Lizby; Sean McGreen; Darcy Villere; Gregory Weir; Allen Scott; Crystal Vann Wallstrom; Mary Spoerer; Dennis Antenore; Dennis Mosgofian; Larry Bair; Mark Renne; Pam Hemphill; Mr. Brown; Walter Paulson; Andrea O'Leary; Bill Wilson; David Aldridge; Eric Brooks; Katherine Howard; Karen Arnold; Peg Stevenson, Controller's Office; Andrew Shen, City Attorney's Office.

06/18/10; CONTINUED TO CALL OF THE CHAIR AS AMENDED.

07/08/10; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Jeremy Pollock, Office of Supervisor Ross Mirkarimi; Patrick Monette-Shaw; Mark Buell, Recreation and Park Commission; Phil Ginsburg, Recreation and Park Department; Walter Paulson; John Rizzo; George Weeding; Oscar Frick; Christina Sieana.; Phillip Carlton; Steven Lui; Greg Miller; Nancy Wuerfel; Linnette L.; Martha Hoffman; Elias Moosa; Hiroshi Fukuda; Suzanne Dumont; Pam Hemphill; Brent Plater; Marilyn Kohn; Mary Ann Miller; Lynn Lee; Barbara Kawaguchi; David Aldridge; Denis Mosgofian; Dennis Antenore; Karen Anderson; Katherine Howard.

07/08/10; CONTINUED TO CALL OF THE CHAIR AS AMENDED.

Heard in Committee. Speakers: Supervisor Ross Mirkarimi, Board of Supervisors; Katherine Howard; Owen Vow; Craig Miller; David Albert.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Campos, Mar

Absent: 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: 2 - Campos, Mar

Absent: 1 - Alioto-Pier

100856 [Settlement of Lawsuit - Jeffrey Bitton, Sandra Bitton and Micha Bitton - \$48,500]

Ordinance authorizing settlement of the lawsuit filed by Jeffrey Bitton, Sandra Bitton, and Micha Bitton against the City and County of San Francisco for \$48,500; the lawsuit was filed on December 15, 2008, in the United States District Court, Northern District of California, Case No. C08-5585; entitled Jeffrey Bitton, et al. v. City and County of San Francisco, et al. (City Attorney)

06/21/10; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Campos, Mar

Absent: 1 - Alioto-Pier

100857 [Settlement of Attorney's Fees/Costs for Claim in Lawsuit - A.N.S.W.E.R. Coalition - \$90,000]

Ordinance authorizing settlement of the claim for attorney's fees and costs incurred by A.N.S.W.E.R. Coalition - San Francisco in litigation against the City and County of San Francisco for \$90,000; the lawsuit was filed on June 16, 2006, in San Francisco Superior Court, Case No. CPF-06-506438; entitled A.N.S.W.E.R. Coalition - San Francisco v. City and County of San Francisco. (City Attorney)

06/21/10; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Campos, Mar

Absent: 1 - Alioto-Pier

100858 [Settlement of Unlitigated Claim - Barbara Whittenburg - \$60,000]

Resolution approving the settlement of the unlitigated claim filed by Barbara Whittenburg against the City and County of San Francisco for \$60,000; claim was filed on November 12, 2009. (City Attorney)

06/21/10; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Campos, Mar

Absent: 1 - Alioto-Pier

100859 [Settlement of Unlitigated Claim - Lance Gentile - \$105,000]

Resolution approving the settlement of the unlitigated claim filed by Lance Gentile against the City and County of San Francisco for \$105,000; claim was filed on September 28, 2009. (City Attorney)

06/21/10; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Campos, Mar

Absent: 1 - Alioto-Pier

Deputy City Attorney Andrew Shen 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 to not to disclose by the following vote

Ayes: 2 - Campos, Mar

Absent: 1 - Alioto-Pier

ADJOURNMENT

The meeting adjourned at 11:19 a.m.