

City and County of San Francisco

Rules Committee

City Hall, Room 263



Meeting Agenda

Thursday, May 17, 2007

10:00 AM

Regular Meeting

Members: Tom Ammiano, Sean Elsbernd, Aaron Peskin

Clerk: Gail Johnson (415) 554-4445

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. 070513 [Urging the California State Legislature to repeal Section 1569.147 of the Health and Safety Code] Supervisor Ammiano**

Resolution urging the California State Legislature to repeal Section 1569.147 of the Health and Safety Code to allow local governments to limit the annual rent increase imposed on occupied units of licensed residential care facilities for the elderly.

4/17/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

4/24/07, REFERRED to Rules Committee. Supervisor Jew requested this item be severed so that it might be considered separately. Supervisor Jew requested that this matter be referred to Committee.

2. **070578** [City's ability to amend the Administrative Code by adding Chapter 80, Sections 80.1 through 80.10 to require refiners of motor fuels to divorce company-owned service stations in the City] **Supervisor Ammiano**

Hearing regarding the City's ability to amend the Administrative Code by adding Chapter 80, Sections 80.1 through 80.10 to require refiners of motor fuels to divorce company-owned service stations in the City and County of San Francisco, to preclude refiners from owning service stations in San Francisco in the future, and barring discrimination by refiners in the wholesale prices charged to service stations in San Francisco.

5/1/07, RECEIVED AND ASSIGNED to Rules Committee. Sponsor requests that the item be calendared at the May 17, 2007 Rules Committee.

3. **070650** [Appointment - Immigrant Rights Commission]

Resolution appointing Joaquin Gonzalez, term ending June 6, 2008, and Felix Levy, term ending June 6, 2009, to the Immigrant Rights Commission.

Joaquin Gonzalez, succeeding Ivy Lee, resigned, seat 5, must have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2008. Felix Levy, succeeding himself, term expiring June 6, 2007, seat 6, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for a new two-year term ending June 6, 2009.

5/10/07, RECEIVED AND ASSIGNED to Rules Committee.

2 Seats/5 Applicants

Michael A. Lim, Seat 5

Christian J. Martinez, Seat 5

S. Marisela Sookraj, Seat 5

Joaquin (Jay) Gonzalez, Seat 5

Felix Levy, Seat 6

4. **070439** [Appointment - Citizens' General Obligation Bond Oversight Committee]

Resolution appointing Kristin Chu, term ending November 21, 2008, to the Citizens' General Obligation Bond Oversight Committee.

Kristin Chu, succeeding John Hentz, term expired, seat 3, must be active in a community organization, for the unexpired portion of a two-year term ending November 21, 2008.

3/27/07, RECEIVED AND ASSIGNED to Rules Committee.

4/5/07, CONTINUED TO CALL OF THE CHAIR. Speakers: None. (Applicant [James J. Byrnes] has withdrawn his application.) Seats 1 and 3 unfilled.

2 Seats/1 Applicant

Kristin Chu, Seat 3

The Chair intends to entertain a motion to send this item (File 070439) to Board as a Committee Report for consideration on May 22, 2007.

- 5. 070648 [Appointment - In-Home Supportive Services Public Authority]**
Resolution appointing Elva Moran Hernandez, term ending March 1, 2010, to the In-Home Supportive Services Public Authority; residency requirement waived.

Elva Moran Hernandez, succeeding Jose Quintana, seat 4, term expired, must be a worker who provides personal assistance services to a consumer, for the unexpired portion of a three-year term ending March 1, 2010.

5/10/07, RECEIVED AND ASSIGNED to Rules Committee.

1 Seat/1 Applicant
Elva Moran Hernandez, Seat 4 (residency waiver required)
- 6. 070649 [Appointment - Bicycle Advisory Committee]**
Resolution appointing Marc Brandt, term ending November 19, 2008, to the Bicycle Advisory Committee.

Marc Brandt, succeeding Frank Chan, term expired, seat 3, must be a nominee of District 3 Supervisor, for the unexpired portion of a two-year term ending November 19, 2008.

5/10/07, RECEIVED AND ASSIGNED to Rules Committee.

1 Seat/1 Applicant
Marc Brandt, Seat 3
- 7. 070652 [Appointment - Community Oversight Committee Regarding Enforcement of Marijuana Offenses]**
Resolution appointing Aleem Raja, term ending January 1, 2009, to the Community Oversight Committee Regarding Enforcement of Marijuana Offenses.

Aleem Raja, new appointment, seat 2, must be a member of the public defender's office, for the unexpired portion of a two-year term ending January 1, 2009.

5/10/07, RECEIVED AND ASSIGNED to Rules Committee.

1 Seat/1 Applicant
Aleem Raja, Seat 2
- 8. 070651 [Appointment - Entertainment Commission]**
Motion appointing James Meko, term ending July 1, 2011, to the Entertainment Commission.

James Meko, succeeding himself, term expiring July 1, 2007, seat 1, must represent the interests of City neighborhood associations or groups, for a new four-year term ending July 1, 2011.

5/10/07, RECEIVED AND ASSIGNED to Rules Committee.

1 Seat/2 Applicants
Hanley Chan, Seat 1
James Meko, Seat 1

9. 070654 [Appointment - Graffiti Advisory Board]

Resolution appointing Nino Parker, term ending April 10, 2009, to the Graffiti Advisory Board.

Nino Parker, new appointment, seat 12, 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, 2009.

5/10/07, RECEIVED AND ASSIGNED to Rules Committee.

1 Seat/1 Applicant
Nino Parker, Seat 12

10. 070653 [Appointment - SRO Task Force]

Resolution appointing Charles Siron to the SRO Task Force, term ending December 31, 2009.

Charles Siron, new appointment, seat 1, must be SRO tenant, for the unexpired portion of a three-year term ending December 31, 2009.

5/10/07, RECEIVED AND ASSIGNED to Rules Committee.

1 Seat/1 Applicant
Charles Siron, Seat 1

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. Government Code Section 54956.9(a) and San Francisco 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/or claims listed below.

11. 070558 [Settlement of Lawsuit - A. Ruiz Construction & Associates, Inc.]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against A. Ruiz Construction & Associates, Inc. for \$200,000; the lawsuit was filed on January 28, 2005 in San Francisco Superior Court, Case No. 438-235; entitled City and County of San Francisco, et al. v. A. Ruiz Construction & Associates, et al. (City Attorney)

4/24/07, RECEIVED AND ASSIGNED to Rules Committee.

- 12. 070559 [Settlement of Lawsuit - Proven Management, Inc.]**
Ordinance authorizing settlement of the lawsuits filed by: (1) the City and County of San Francisco ("the "City") against Proven Management, Inc. ("Proven") on August 01, 2005, in San Francisco Superior Court Case No. CGC 05-443632, entitled, City and County of San Francisco et. al. v. Proven Management, Inc. et. al., and (2) Proven against the City on December 15, 2005, in Tuolumne County Superior Court Case No. 51778, entitled, Proven Management, Inc. v. City and County of San Francisco et. al., with (a) Proven paying the City: \$250,000 in damages; reimbursing the City up to \$450,000 to administer corrective work; and Proven replacing valve assemblies and correcting numerous items of work on the Baden Pumps Station Project; and completing its contract; and (b) the City increasing Proven's contract amount on the Priest Bypass Project by \$700,000 and releasing all contract balances. (City Attorney)
- 4/24/07, RECEIVED AND ASSIGNED to Rules Committee.
- 13. 070598 [Partial Settlement of Lawsuit - AON Risk Services of New York, Inc.]**
Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Aon Risk Services of New York, Inc. for \$220,000; San Francisco's causes of action against AON were filed on February 15, 2006, and constitute part of the coordinated proceeding entitled Jail No. 3 Replacement Project Cases, JCCP Case No: 4422, venued in San Mateo Superior Court; other material terms of said settlement are that San Francisco and AON will execute a mutual release, San Francisco will execute and file dismissals of all claims with prejudice, San Francisco and AON will each bear their own fees and costs of suit, AON will provide reasonable cooperation to San Francisco in regards to evidence that San Francisco may need for the case against ACMI and its related entities in the on-going litigation, and the settlement does not constitute an admission of liability regarding any claim. (City Attorney)
- 5/7/07, RECEIVED AND ASSIGNED to Rules Committee.
- 14. 070599 [Settlement of Lawsuit - Coast Marine Industrial Supply, Inc.]**
Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Coast Marine Industrial Supply, Inc. for \$30,500; the lawsuit was filed on August 3, 2005 in San Francisco Superior Court, Case No. 443-691; entitled City and County of San Francisco, et al. v. Coast Marine Industrial Supply, Inc., et al. (City Attorney)
- 5/7/07, RECEIVED AND ASSIGNED to Rules Committee.
- 15. 070600 [Settlement of Administrative Civil Liability Complaint - San Francisco Water Quality Control Board]**
Resolution approving the settlement of the unlitigated administrative civil liability complaint filed by the San Francisco Bay Regional Water Quality Control Board against San Francisco imposing a penalty of \$626,000; and alternatively approving an environmental mitigation project, subject to approval of the Regional Water Quality Control Board, in the amount not to exceed \$582,000, plus payment of a \$44,000 penalty. (City Attorney)
- 5/7/07, RECEIVED AND ASSIGNED to Rules Committee.

Report on Closed Session

[Elect To Disclose] Motion that the Board 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.

- 16. 070587 [Creating an Office of Public Safety; requiring an annual Public Safety Plan; appropriating and allocating \$20 million annually for public safety programs; creating a Citizens' Oversight** **Supervisor Daly**
- Charter amendment (Second Draft) to add Sections 16.126-1 through 16.126-8, to: create an Office

of Public Safety; require an annual Public Safety Plan; appropriate and allocate \$20 million annually for the Office, law enforcement programs including crime lab funding and community policing, and crime prevention and intervention programs; create a Citizens' Oversight Committee; and provide an expiration date of July 1, 2013.

5/1/07, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 5/31/2007.

17. 070588 [Creating a Public Works Commission, setting its powers and duties; authorizing the Mayor to appoint the Director of Public Works; requiring a performance audit of DPW every 3 years; and Supervisor Sandoval

Charter amendment (First Draft) to add a new Section 4.121.5 and to amend Sections 4.130, D3.750-4, and F1.104, to create a Public Works Commission and establish its powers and duties, authorize the Mayor to appoint the Director of Public Works, and require the Controller to conduct a performance audit of the Department of Public Works every three years, and by amending Section 9.113.5, to allocate one-tenth of any excess General Fund revenues in any given year, as defined in the Rainy Day Reserve amendment, to street repair and reconstruction.

5/1/07, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 5/31/2007.

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 Frank Darby by mail to 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 contacting Mr. Darby or 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 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics