



City and County of San Francisco
Meeting Minutes - Final
Rules Committee

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

Members: Jane Kim, Mark Farrell, John Avalos

Clerk: Linda Wong (415) 554-7719

Thursday, November 15, 2012

1:30 PM

City Hall, Committee Room 263

Regular Meeting

President David Chiu appointed Supervisor Scott Wiener to serve on the Rules Committee for the meeting of November 15, 2012, in place of Supervisor Mark Farrell.

Present: 3 - Jane Kim, John Avalos, and Scott Wiener

Excused: 1 - Mark Farrell

MEETING CONVENED

The meeting convened at 1:42 p.m.

REGULAR AGENDA

121087 [Appointment, Board of Appeals - Darryl Honda]

Sponsor: Mayor

Motion approving/rejecting the Mayor's appointment of Darryl Honda to the Board of Appeals for the term ending July 1, 2016.

(Section 4.106 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - October 30, 2012)

10/30/12; RECEIVED AND ASSIGNED to Rules Committee.

Speakers: Darryl Honda; spoke on his qualifications. Jon Givner (City Attorney's Office); answered questions raised throughout the hearing matter. Sue Hestor; spoke in opposition to the Mayor's appointment. Dick Allen; Sabrina Gee-Shin; spoke in support of the Mayor's appointment.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 3 - Kim, Avalos, Wiener

Excused: 1 - Farrell

Motion approving the Mayor's appointment of Darryl Honda to the Board of Appeals for the term ending July 1, 2016.

(Section 4.106 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - October 30, 2012)

RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - Kim, Avalos, Wiener

Excused: 1 - Farrell

121101 [Appointment, Bicycle Advisory Committee - Timothy Doherty]

Hearing to consider appointing one member, term ending November 19, 2014, to the Bicycle Advisory Committee. (Clerk of the Board)

Vacant seat 8, succeeding Timothy Doherty, term expiring on November 19, 2012, must be a nominee of District 8 Supervisor. The member shall serve a two-year term or for the tenure of the supervisor who nominated the member, whichever is shorter in duration.

11/06/12; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speaker: Supervisor Scott Wiener (Board of Supervisors); spoke on the hearing matter.

Appointment of Tim Doherty, seat 8, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Timothy Doherty, term ending November 19, 2014, to the Bicycle Advisory Committee. (Clerk of the Board)

Timothy Doherty, seat 8, succeeding himself, term expiring on November 19, 2012, must be a nominee of District 8 Supervisor. The member shall serve a two-year term or for the tenure of the supervisor who nominated the member, whichever is shorter in duration, for a term ending November 19, 2014.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Avalos, Wiener

Excused: 1 - Farrell

121058 [Appointments, Veterans Affairs Commission - M. Lee Burnette, John Gallagher, and Michael Maffei]

Hearing to consider appointing three members, terms ending January 31, 2016, to the Veterans Affairs Commission. (Clerk of the Board)

Vacant seat 3, succeeding Anthony Alfidi, resigned, must be an at-large appointment, for the unexpired portion of a four-year term ending January 31, 2016.

Vacant seat 6, succeeding George Gibbs, term expired, must be a veteran with a physical disability, for the unexpired portion of a four-year term ending January 31, 2016.

Vacant seat 9, succeeding Dara Wong, term expired, must be an at-large appointment, for the unexpired portion of a four-year term ending January 31, 2016.

10/24/12; RECEIVED AND ASSIGNED to Rules Committee.

11/01/12; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: M. Lee Burnette; David Adams; Mary Tramil; John Gallagher; Michael Maffei; spoke on their qualifications. Jon Givner (City Attorney's Office); answered questions raised throughout the hearing. Stephen Noetzel; Wallace Levin; Eduardo Ramirez; Terrence Jones; Raymond Wong; spoke in support of various applicants.

Heard in Committee. Speakers: Leo Madrid; spoke on his qualifications. Wallace Levin, Stephen Noetzel, Dorothy Guy, and John Caldera (Veteran Affairs Commission); spoke in support of various applicants.

Appointment of M. Lee Burnette, seat 3, recommended.

Appointment of John Gallagher, seat 6, recommended.

Appointment of Michael Maffei, seat 9, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing M. Lee Burnette, John Gallagher, and Michael Maffei, terms ending January 31, 2016, to the Veterans Affairs Commission. (Clerk of the Board)

M. Lee Burnette, seat 3, succeeding Anthony Alfidi, resigned, must be an at-large appointment, for the unexpired portion of a four-year term ending January 31, 2016.

John Gallagher, seat 6, succeeding George Gibbs, term expired, must be a veteran with a physical disability, for the unexpired portion of a four-year term ending January 31, 2016.

Michael Maffei, seat 9, succeeding Dara Wong, term expired, must be an at-large appointment, for the unexpired portion of a four-year term ending January 31, 2016.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Avalos, Wiener

Excused: 1 - Farrell

121117 [Appointment, Market and Octavia Community Advisory Committee]

Hearing to consider appointing one member, term ending December 16, 2014, to the Market and Octavia Community Advisory Committee. (Clerk of the Board)

Vacant seat 3, succeeding Peter Cohen, term expired, must be a low-income resident and live or work within the Plan area, for a two-year term ending December 16, 2014.

11/08/12; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Nicholas Wolff; spoke on his qualifications. Eugénie Fitzgerald (San Francisco LGBT Community Center); spoke in support of the applicant. Peter Cohen; spoke neither in support nor opposition to the applicant.

CONTINUED to December 6, 2012, by the following vote:

Ayes: 3 - Kim, Avalos, Wiener

Excused: 1 - Farrell

121103 [Appointments, Shelter Monitoring Committee - Julia D'Antonia, Jennie Parrilla, Nicholas Kimura, Andrew Mendes, and Isaac Langford]

Hearing to consider appointing six members, terms ending November 23, 2014, to the Shelter Monitoring Committee. (Clerk of the Board)

Vacant seat 1, succeeding Simon Martinez, term expiring November 23, 2012, must be homeless or formerly homeless within the 3 years prior to appointment and living with their homeless child under age 18, for a two-year term ending November 23, 2014.

Vacant seat 2, succeeding Judy Kerns, resigned, must be homeless or formerly homeless within the 3 years prior to appointment with a disability, for a two-year term ending November 23, 2014.

Vacant seat 3, succeeding Deborah Muise, term expiring November 23, 2012, must have experience providing direct services to the homeless through a community setting, for a two-year term ending November 23, 2014.

Vacant seat 4, succeeding Ramon Lacayo, term expiring November 23, 2012, must be selected from a list of candidates that are nominated by community agencies that provide behavioral health, housing placement, or other services to the homeless, for a two-year term ending November 23, 2014.

Vacant seat 5, succeeding Maxine Pauson, term expiring November 23, 2012, must be selected from a list of candidates that are nominated by non-profit agencies that provide advocacy or organizing services to homeless people and be homeless or formerly homeless, for a two-year term ending November 23, 2014.

Vacant seat 6, succeeding Will Daley, term expiring November 23, 2012, must be selected from a list of candidates that are nominated by non-profit agencies that provide advocacy or organizing services to homeless people, for a two-year term ending November 23, 2014

11/06/12; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Bernice Casey, Marta Rebolledo (Shelter Monitoring Committee); presented information concerning the matter and answered questions raised throughout the hearing. Matthew Steen; requested to withdraw his application. Julia D'Antonia; Jennie Parrilla; Isaac Langford; Nicholas Kimura; Andrew Mendes; spoke on their qualifications. Will Daley; spoke in support of various applicants. Walter Paulson; Matthew Steen; Charles Pitts; spoke neither in support nor opposition of the applicants. Jon Givner (City Attorney's Office); answered questions raised throughout the hearing.

Appointment of Julia D'Antonia, seat 1, recommended.

Appointment of Jennie Parrilla, seat 2, recommended.

Appointment of Nicholas Kimura, seat 3, recommended.

Appointment of Andrew Mendes, seat 4, recommended.

Appointment of Isaac Langford, seat 5, recommended.

Seat 6 was not filled.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Julia D'Antonia, Jennie Parrilla, Nicholas Kimura, Andrew Mendes, and Isaac Langford, terms ending November 23, 2014, to the Shelter Monitoring Committee. (Clerk of the Board) Julia D'Antonia, seat 1, succeeding Simon Martinez, term expiring November 23, 2012, must be homeless or formerly homeless within the 3 years prior to appointment and living with their homeless child under age 18, for a two-year term ending November 23, 2014.

Jennie Parrilla, seat 2, succeeding Judy Kerns, resigned, must be homeless or formerly homeless within the 3 years prior to appointment with a disability, for a two-year term ending November 23, 2014.

Nicholas Kimura, seat 3, succeeding Deborah Muise, term expiring November 23, 2012, must have experience providing direct services to the homeless through a community setting, for a two-year term ending November 23, 2014.

Andrew Mendes, 4, succeeding Ramon Lacayo, term expiring November 23, 2012, must be selected from a list of candidates that are nominated by community agencies that provide behavioral health, housing placement, or other services to the homeless, for a two-year term ending November 23, 2014.

Isaac Langford, seat 5, succeeding Maxine Pauson, term expiring November 23, 2012, must be selected from a list of candidates that are nominated by non-profit agencies that provide advocacy or organizing services to homeless people and be homeless or formerly homeless, for a two-year term ending November 23, 2014.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Avalos, Wiener

Excused: 1 - Farrell

121057 [Board of Supervisors' Rules of Order Amendment]

Sponsor: Elsbernd

Motion amending the Board of Supervisors' Rules of Order, in their entirety, to correct clerical corrections, proper placement of sections, and additional updates.

10/23/12; RECEIVED AND ASSIGNED to Rules Committee.

11/01/12; AMENDED. Heard in Committee. Speakers: Supervisor Sean Elsbernd, Angela Calvillo, Clerk of the Board, Kay Gulbengay (Board of Supervisors); presented information concerning the matter and answered questions raised throughout the hearing. David Pilpel; spoke in support of the hearing matter.

11/01/12; CONTINUED AS AMENDED.

Heard in Committee. Speakers: Angela Calvillo, Clerk of the Board (Board of Supervisors); Jon Givner (City Attorney's Office); presented information concerning the matter and answered questions raised throughout the hearing. David Pilpel; spoke neither in support nor opposition to the hearing matter.

Supervisor Wiener indicated an amendment to add Section 3.6.1 to the Rules of Order, included in File No. 121057.

ADOPTED, after accepting the amendment to the Rules of Order, by the following vote:

Ayes: 3 - Kim, Avalos, Wiener

Excused: 1 - Farrell

RECOMMENDED by the following vote:

Ayes: 3 - Kim, Avalos, Wiener

Excused: 1 - Farrell

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 - Kim, Avalos, Wiener

Excused: 1 - Farrell

121106 [Settlement of Lawsuit - Pacific Rod and Gun Club]

Sponsor: Elsbernd

Ordinance authorizing settlement of the unlawful detainer lawsuit entitled City and County of San Francisco, et al., v. Pacific Rod and Gun Club, et al. filed on September 24, 2012, in San Francisco Superior Court, Case No. CUD-12-642832 regarding City owned property located at 520 John Muir Drive in San Francisco; material terms of the settlement agreement include City and Club executing an amended and restated month to month lease with improved insurance, indemnity and other provisions in favor of the City, a new ninety day termination notice requirement, and a stipulation for entry of judgment without trial to facilitate City obtaining a writ of possession following such notice period.

11/06/12; RECEIVED AND ASSIGNED to Rules Committee.

Speakers: David Pilpel; Dick Morton; spoke neither in support nor opposition to the hearing matter. Jon Givner (City Attorney's Office); Steven Ritchie and Radhika Fox (Public Utilities Commission); presented information concerning the hearing matter during closed session.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Avalos, Wiener

Excused: 1 - Farrell

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 - Kim, Avalos, Wiener

Excused: 1 - Farrell

ADJOURNMENT

The meeting adjourned at 3:46 p.m.