



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, May 15, 2014

2:00 PM

City Hall, Committee Room 263

Regular Meeting

Present: 2 - Norman Yee, and Katy Tang

Excused: 1 - David Campos

MEETING CONVENED

The meeting convened at 2:07 p.m.

Supervisor Tang, seconded by Supervisor Yee, moved to excuse Supervisor David Campos from the May 15, 2014, meeting of the Rules Committee. The motion carried by the following vote:

Ayes: 2 - Yee, Tang

Excused: 1 - Campos

REGULAR AGENDA

140498 [Appointment, Commission on Aging Advisory Council - Elinore Lurie]

Hearing to consider appointing one member, term ending March 31, 2016, to the Commission on Aging Advisory Council. (Rules Committee)

Vacant seat 1, succeeding Elinore Lurie, term expired, must be a nominee of the District 2 Supervisor, for the unexpired portion of a two-year term ending March 31, 2016.

05/02/14; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Aja Monet; spoke in support of the applicant.

Appointment of Elinore Lurie, seat 1, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Elinore Lurie, term ending March 31, 2016, to the Commission on Aging Advisory Council. (Rules Committee)

Elinore Lurie, seat 1, succeeding herself, term expired, must be a nominee of the District 2 Supervisor, for the unexpired portion of a two-year term ending March 31, 2016.

RECOMMENDED.. by the following vote:

Ayes: 2 - Yee, Tang

Excused: 1 - Campos

140499 [Appointments, Commission of Animal Control and Welfare - Annemarie Fortier, Nanci Haines, Davi Lang, and Shari O'Neill]

Hearing to consider appointing one member, term ending April 30, 2015, and three members, terms ending April 30, 2016, to the Commission of Animal Control and Welfare. (Rules Committee)

Vacant seat 1, succeeding Annemarie Fortier, term expired, must be a member representing the general public having interest and experience in animal matters, for the unexpired portion of a two-year term ending April 30, 2016.

Vacant seat 2, succeeding Susanna Russo, term expired, must be a member representing the general public having interest and experience in animal matters, for the unexpired portion of a two-year term ending April 30, 2016.

Vacant seat 3, succeeding Zachary Marks, resigned, must be a member representing the general public having interest and experience in animal matters, for the unexpired portion of a two-year term ending April 30, 2015.

Vacant seat 7, succeeding Shari O'Neil, term expired, must be a licensed veterinarian practicing in San Francisco, for the unexpired portion of a two-year term ending April 30, 2016.

05/02/14; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Amy Van Nest; Nanci Haines; James Yorck; Davi Lang; Annemarie Fortier; Shari O'Neill; spoke on their qualifications. Chris Hyland; spoke in support of Nanci Haines. Dana Roze; Steven Kight; Peter Stevens; spoke in support of Davi Lang. Aja Monet; Sally Stephens; spoke in support of various applicants. Walter Paulson; spoke on various concerns regarding the hearing matter.

Appointment of Annemarie Fortier, seat 1, recommended.

Appointment of Nanci Haines, seat 2, recommended.

Appointment of Davi Lang, seat 3, recommended.

Appointment of Shari O'Neill, seat 7, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Davi Lang member, term ending April 30, 2015, and Annemarie Fortier, Nanci Haines, and Shari O'Neill, terms ending April 30, 2016, to the Commission of Animal Control and Welfare. (Rules Committee)

Annemarie Fortier, seat 1, succeeding herself, term expired, must be a member representing the general public having interest and experience in animal matters, for the unexpired portion of a two-year term ending April 30, 2016.

Nanci Haines, seat 2, succeeding Susanna Russo, term expired, must be a member representing the general public having interest and experience in animal matters, for the unexpired portion of a two-year term ending April 30, 2016.

Davi Lang, seat 3, succeeding Zachary Marks, resigned, must be a member representing the general public having interest and experience in animal matters, for the unexpired portion of a two-year term ending April 30, 2015.

Shari O'Neill, seat 7, succeeding herself, term expired, must be a licensed veterinarian practicing in San Francisco, for the unexpired portion of a two-year term ending April 30, 2016.

RECOMMENDED.. by the following vote:

Ayes: 2 - Yee, Tang

Excused: 1 - Campos

140500 [Appointments, Sunshine Ordinance Task Force - David Pilpel, Todd David, and Louise Fischer]

Hearing to consider appointing two members, terms ending April 27, 2015, and nine members, terms ending April 27, 2016, to the Sunshine Ordinance Task Force. (Rules Committee)

Vacant seat 1, succeeding David Snyder, term expired, must be appointed from names submitted by the local chapter of the Society of Professional Journalists and be an Attorney, for the unexpired portion of a two-year term ending April 27, 2016.

Vacant seat 2, succeeding Richard Knee, term expired, must be appointed from names submitted by the local chapter of the Society of Professional Journalists and be a Journalist, for the unexpired portion of a two-year term ending April 27, 2016.

Vacant seat 3, succeeding Kitt Grant, term expired, must be a member of the press or electronic media with an interest in citizen access, for the unexpired portion of a two-year term ending April 27, 2016.

Vacant seat 4, succeeding Suzanne Manneh, resigned, must be appointed from names submitted by New California Media and be a Journalist from a racial/ethnic-minority-owned news organization, for the unexpired portion of a two-year term ending April 27, 2015.

Vacant seat 5, succeeding Allyson Washburn, term expired, must be appointed from names submitted by the League of Women, for the unexpired portion of a two-year term ending April 27, 2016.

Vacant seat 6, succeeding David Pilpel, term expired, must be experienced in consumer advocacy, for the unexpired portion of a two-year term ending April 27, 2016.

Vacant seat 7, succeeding David Sims, term expired, must be experienced in consumer advocacy, for the unexpired portion of a two-year term ending April 27, 2016.

Vacant seat 8, succeeding Todd David, term expired, must be a member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government, for the unexpired portion of a two-year term ending April 27, 2016.

Vacant seat 9, succeeding Chris Hyland, term expired, must be a member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government, for the unexpired portion of a two-year term ending April 27, 2016.

Vacant seat 10, succeeding Louise Fischer, term expired, must be a member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government, for the unexpired portion of a two-year term ending April 27, 2016.

Vacant seat 11, succeeding Bruce Oka, term expired, member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government, for the unexpired portion of a two-year term ending April 27, 2015.

05/02/14; RECEIVED AND ASSIGNED to Rules Committee.

See Duplicated File No. 140521.

DUPLICATED by the following vote:

Ayes: 2 - Yee, Tang

Excused: 1 - Campos

Heard in Committee. Speakers: Kitt Grant, Chair (Sunshine Ordinance Task Force); Karen Clopton (League of Women Voters of San Francisco); Jon Givner (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Mark Rumold; Ali Winston; Josh Wolf; Allyson Washburn; David Pilpel; Samuel McCormick; Lee Anthony Hepner; Louise Fischer; Chris Hyland; Bruce Wolfe; Todd David; Rodman Joseph Martin; spoke on their qualifications. Geoff King (Society of Professional Journalists); spoke in support of Mark Rumold. Thomas Peele (Society of Professional Journalists); spoke in support of Ali Winston. Tom Temprano; spoke in support of Lee Anthony Hepner and Bruce Wolfe. Patrick Conors; spoke in support of Lee Anthony Hepner. Patrick Monett Shaw; spoke in support of Bruce Wolfe and opposition to Todd David. Walter Paulson; Richard Knee (Society of Professional Journalists); Bruce Bradman; Thomas Picarello; spoke in support of various applicants. Karen Clopton (League of Women Voters of San Francisco); Peter Warfield; Dr. Derek Kerr; spoke on various concerns regarding the hearing matter.

Appointment of David Pilpel, seat 6, recommended.

Appointment of Todd David, seat 8, recommended.

Appointment of Louise Fischer, seat 10, recommended.

Appointments for seats 1, 2, 3, 4, 5, 7, 9, and 11 were Continued to the Call of the Chair through Duplicated File No. 140521.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing David Pilpel, Todd David, and Louise Fischer, terms ending April 27, 2016, to the Sunshine Ordinance Task Force. (Rules Committee)

David Pilpel, seat 6, succeeding himself, term expired, must be experienced in consumer advocacy, for the unexpired portion of a two-year term ending April 27, 2016.

Todd David, seat 8, succeeding himself, term expired, must be a member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government, for the unexpired portion of a two-year term ending April 27, 2016.

Louise Fischer, seat 10, succeeding herself, term expired, must be a member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government, for the unexpired portion of a two-year term ending April 27, 2016.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Yee, Tang

Excused: 1 - Campos

140521 [Appointments, Sunshine Ordinance Task Force]

Hearing to consider appointing two members, terms ending April 27, 2015, and six members, terms ending April 27, 2016, to the Sunshine Ordinance Task Force. (Rules Committee)

Vacant seat 1, succeeding David Snyder, term expired, must be appointed from names submitted by the local chapter of the Society of Professional Journalists and be an Attorney, for the unexpired portion of a two-year term ending April 27, 2016.

Vacant seat 2, succeeding Richard Knee, term expired, must be appointed from names submitted by the local chapter of the Society of Professional Journalists and be a Journalist, for the unexpired portion of a two-year term ending April 27, 2016.

Vacant seat 3, succeeding Kitt Grant, term expired, must be a member of the press or electronic media with an interest in citizen access, for the unexpired portion of a two-year term ending April 27, 2016.

Vacant seat 4, succeeding Suzanne Manneh, resigned, must be appointed from names submitted by New California Media and be a Journalist from a racial/ethnic-minority-owned news organization, for the unexpired portion of a two-year term ending April 27, 2015.

Vacant seat 5, succeeding Allyson Washburn, term expired, must be appointed from names submitted by the League of Women, for the unexpired portion of a two-year term ending April 27, 2016.

Vacant seat 7, succeeding David Sims, term expired, must be experienced in consumer advocacy, for the unexpired portion of a two-year term ending April 27, 2016.

Vacant seat 9, succeeding Chris Hyland, term expired, must be a member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government, for the unexpired portion of a two-year term ending April 27, 2016.

Vacant seat 11, succeeding Bruce Oka, term expired, member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government, for the unexpired portion of a two-year term ending April 27, 2015.

Duplicated from File No. 140500.

DUPLICATED AND AMENDED by the following vote:

Ayes: 2 - Yee, Tang

Excused: 1 - Campos

Heard in Committee. Speakers: Kitt Grant, Chair (Sunshine Ordinance Task Force); Karen Clopton (League of Women Voters of San Francisco); Jon Givner (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Mark Rumold; Ali Winston; Josh Wolf; Allyson Washburn; David Pilpel; Samuel McCormick; Lee Anthony Hepner; Louise Fischer; Chris Hyland; Bruce Wolfe; Todd David; Rodman Joseph Martin; spoke on their qualifications. Geoff King (Society of Professional Journalists); spoke in support of Mark Rumold. Thomas Peele (Society of Professional Journalists); spoke in support of Ali Winston. Tom Temprano; spoke in support of Lee Anthony Hepner and Bruce Wolfe. Patrick Conors; spoke in support of Lee Anthony Hepner. Patrick Monett Shaw; spoke in support of Bruce Wolfe and opposition to Todd David. Walter Paulson; Richard Knee (Society of Professional Journalists); Bruce Bradman; Thomas Picarello; spoke in support of various applicants. Karen Clopton (League of Women Voters of San Francisco); Peter Warfield; Dr. Derek Kerr; spoke on various concerns regarding the hearing matter.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 2 - Yee, Tang

Excused: 1 - Campos

LITIGATION

Conference with City Attorney

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. Administrative Code Section 67.10(d) permits 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.

*Speakers: Milo Hanke; Jim Reuben; spoke on various concerns regarding File No. 140371.
Patrick Monett Shaw; spoke on various concerns regarding File No. 140404.*

Unanimous vote to convene in closed session by the following vote:

Ayes: 2 - Yee, Tang
Excused: 1 - Campos

140315 [Settlement of Claim - American Airlines, Inc. - Assumption of Lease Obligations and Allocation of Relocation Reimbursement Credits]

Ordinance authorizing the settlement of the bankruptcy claim filed by the City and County of San Francisco against American Airlines, Inc., and its affiliated entities in In re: American Airlines, Inc., et al., Case No. 11-15463 SHS, United States Bankruptcy Court for the Southern District of New York, pursuant to a Cure Stipulation; the Cure Stipulation resolves the claim filed by the City and provides for American's assumption of its leases, permits, and related agreement related to American's operations at San Francisco International Airport; under the Cure Stipulation, the Airport will apply certain credits owed by Airport related to American's interim relocation from Terminal 3 Boarding Area E to Terminal 2 Boarding Area D to the amounts owed by American under its leases, permits, and related obligations; further, the Airport will apply the remaining amount of the relocation related credits to American's future obligations; the Cure Stipulation further provides for American's assumption of an agreement related to environmental clean-up and monitoring costs at the Airport. (City Attorney)

03/28/14; RECEIVED FROM DEPARTMENT.

04/08/14; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Yee, Tang
Excused: 1 - Campos

140368 [Settlement of Lawsuit - Jacqueline Ortega - \$221,175]

Ordinance authorizing settlement of the lawsuit filed by Jacqueline Ortega against the City and County of San Francisco for \$221,175; the lawsuit was filed on November 15, 2012, San Francisco Superior Court, Case No. CGC-12-526188; entitled Jacqueline Ortega, et al. v. City and County of San Francisco, et al. (City Attorney)

04/07/14; RECEIVED FROM DEPARTMENT.

04/22/14; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Yee, Tang
Excused: 1 - Campos

140369 [Settlement of Lawsuit - Patricia MacDonald - \$125,000]

Ordinance authorizing settlement of the lawsuit filed by Patricia MacDonald against the City and County of San Francisco for \$125,000; the lawsuit was filed on July 16, 2010, in San Francisco Superior Court, Case No. CGC-10-501646; entitled Patricia MacDonald v. City and County of San Francisco, et al.

04/07/14; RECEIVED FROM DEPARTMENT.

04/22/14; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Yee, Tang

Excused: 1 - Campos

140370 [Settlement of Lawsuit - Iva Johnson - \$105,000]

Ordinance authorizing settlement of the lawsuit filed by Iva Johnson against the City and County of San Francisco for \$105,000; the lawsuit was filed on May 2, 2012, in San Francisco Superior Court, Case No. CGC-12-520470; entitled Iva Johnson v. City and County of San Francisco.

04/07/14; RECEIVED FROM DEPARTMENT.

04/22/14; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Yee, Tang

Excused: 1 - Campos

140371 [Settlement of Lawsuit - Contest Promotions, LLC - City to Receive \$375,000]

Ordinance authorizing settlement of the lawsuit filed by Contest Promotions, LLC, against the City and County of San Francisco for \$375,000; the lawsuit was filed on September 22, 2009, in the United States District Court for the Northern District of California, Case No. CV-09-4434 SI (MEJ); entitled Contest Promotions, LLC, v. City of San Francisco, et al.; other material terms of said settlement include resolution of Notices of Violation for unpermitted general advertising signs. (City Attorney)

04/10/14; RECEIVED FROM DEPARTMENT.

04/22/14; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Yee, Tang

Excused: 1 - Campos

140372 [Settlement of Claim - Public Communications Services, Inc., and Global Tel*Link Corporation - City to Receive \$1,079,116]

Resolution approving the settlement of the unlitigated claim by City and County of San Francisco against Public Communications Services, Inc., and Global Tel*Link Corporation for \$1,079,116. (City Attorney)

04/07/14; RECEIVED FROM DEPARTMENT.

04/22/14; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Yee, Tang

Excused: 1 - Campos

140373 [Settlement of Claim - Junelle Johannah Estacio Taguas - \$30,000]

Resolution approving the settlement of the unlitigated claim filed by Junelle Johannah Estacio Taguas against the City and County of San Francisco for \$30,000; claim was filed on December 9, 2013. (City Attorney)

04/07/14; RECEIVED FROM DEPARTMENT.

04/22/14; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Yee, Tang

Excused: 1 - Campos

140375 [Tolling and Standstill Agreement - Yosemite Slough Environmental Claims]

Resolution approving a Tolling and Standstill Agreement to toll the statute of limitations and forbear the City and other parties that are potentially responsible for environmental contamination at Yosemite Slough from taking action with respect to claims related to costs or expenses arising from the Yosemite Slough Superfund Site. (City Attorney)

04/10/14; RECEIVED FROM DEPARTMENT.

04/22/14; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Yee, Tang

Excused: 1 - Campos

140402 [Settlement of Lawsuit - Jon Gatto - \$26,000]

Ordinance authorizing settlement of the lawsuit filed by Jon Gatto against the City and County of San Francisco for \$26,000; the lawsuit was filed on December 10, 2012, in San Francisco Superior Court, Case No. CGC-12-518200; entitled Jon Gatto v. City and County of San Francisco. (City Attorney)

04/18/14; RECEIVED FROM DEPARTMENT.

04/29/14; ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Yee, Tang

Excused: 1 - Campos

140403 [Settlement of Lawsuit - Jameson Ashley - \$150,000]

Ordinance authorizing settlement of the lawsuit filed by Jameson Ashley against the City and County of San Francisco for \$150,000; the lawsuit was filed on January 26, 2012, in the United States District Court for the Northern District of California, Case No. C-12-0045-JST; entitled Jameson Ashley v. City and County of San Francisco, et al. (City Attorney)

04/18/14; RECEIVED FROM DEPARTMENT.

04/29/14; ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Yee, Tang

Excused: 1 - Campos

140404 [Settlement of Lawsuit - Stantec Consulting Services, Inc. - City to Receive \$15,285,000]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Stantec Consulting Services, Inc., and Stantec Architecture, Inc., for \$15,285,000; the lawsuit was filed on December 12, 2011, in Alameda County Superior Court, Case No. RG13679711; entitled City and County of San Francisco v. Stantec Consulting Services Inc., et al. (City Attorney)

04/18/14; RECEIVED FROM DEPARTMENT.

04/29/14; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Yee, Tang

Excused: 1 - Campos

140405 [Settlement of Lawsuit - Chris Escher - \$40,000]

Ordinance authorizing settlement of the lawsuit filed by Chris Escher against the City and County of San Francisco for \$40,000; the lawsuit was filed on August 14, 2012, in San Francisco Superior Court, Case No. CGC-12-523236; entitled Chris Escher v. City and County of San Francisco, et al. (City Attorney)

04/18/14; RECEIVED FROM DEPARTMENT.

04/29/14; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Yee, Tang

Excused: 1 - Campos

140406 [Settlement of Lawsuit - LaVaughan Butler-Moore - \$43,000]

Ordinance authorizing settlement of the lawsuit filed by LaVaughan Butler-Moore against the City and County of San Francisco for \$43,000; the lawsuit was filed on April 2, 2009, in San Francisco Superior Court, Case No. CGC-09-486869; entitled LaVaughan Butler-Moore v. City and County of San Francisco, et al. (City Attorney)

04/18/14; RECEIVED FROM DEPARTMENT.

04/29/14; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Yee, Tang

Excused: 1 - Campos

140407 [Settlement of Claim - Barbara Kay Hamblin - \$250,000]

Resolution approving the settlement of the unlitigated claim filed by Barbara Kay Hamblin against the City and County of San Francisco for \$250,000; claim was filed on June 5, 2013. (City Attorney)

04/18/14; RECEIVED FROM DEPARTMENT.

04/29/14; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Yee, Tang

Excused: 1 - 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: 2 - Yee, Tang

Excused: 1 - Campos

ADJOURNMENT

The meeting adjourned at 5:06 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.