



# City and County of San Francisco

## Meeting Agenda

### Rules Committee

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

*Members: Jane Kim, Sean Elsbernd, Mark Farrell*

*Clerk: Linda Wong (415) 554-7719*

---

Thursday, February 17, 2011

1:30 PM

City Hall, Committee Room 263

### Regular Meeting

---

*Note: Each item on the Consent or Regular agenda may include the following documents:*

- 1) Legislation*
- 2) Budget and Legislative Analyst report*
- 3) Department or Agency cover letter and/or report*
- 4) Public correspondence*

*These items will be available for review at City Hall, Room 244, Reception Desk.*

*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. [110112](#) **[Appointment, San Francisco LAFCo - Supervisor David Campos]**  
Motion appointing Supervisor David Campos, term ending February 4, 2015, to the San Francisco Local Agency Formation Commission. (Clerk of the Board)

**Attachments:** [Legislation Ver1](#)

[Committee Packet 021711](#)

2/2/11; RECEIVED AND ASSIGNED to the Rules Committee.

2. [110141](#) **[Appointment, California State Association of Counties - Supervisor Eric Mar]**

Motion appointing Supervisor Eric Mar, term ending November 28, 2011, to the California State Association of Counties Board of Directors. (Clerk of the Board)

**Attachments:** [Legislation VER1](#)

[Committee Packet 021711](#)

2/7/11; RECEIVED AND ASSIGNED to the Rules Committee.

3. [101515](#) **[Confirming Appointment, Port Commission - Leslie Katz]**  
**Sponsor: Mayor**

Motion confirming the appointment of Leslie Katz to the Port Commission, term ending May 1, 2014.

**Attachments:** [Legislation Ver1](#)

[Comm Packet 010311](#)

[Committee Packet 021711](#)

12/1/10; RECEIVED AND ASSIGNED to the Rules Committee.

1/3/11; RECOMMENDED AS COMMITTEE REPORT. Heard in Committee. Speakers: Leslie Katz; Supervisor Bevan Dufty, Board of Supervisors; Kim-Shree Maufas, Board of Education; Stephanie Rhode; spoke in support of the appointment. Monique Moyer, Port of San Francisco spoke neither in support or opposition of the appointment.

1/4/11; RE-REFERRED to the Rules Committee.

4. [110062](#) **[Appointments, Golden Gate Bridge, Highway and Transportation District]**

Hearing to consider appointing four members, terms ending January 31, 2013, to the Golden Gate Bridge, Highway and Transportation District. (Clerk of the Board)

Vacant seat 1, succeeding Janet Reilly, term expired, must represent public at large, for the unexpired portion of a two-year term ending January 31, 2013.

Vacant seat 2, succeeding David Snyder, term expired, must represent public at large, for the unexpired portion of a two-year term ending January 31, 2013.

Vacant seat 3, succeeding Richard Grosboll, term expired, must represent public at large, for the unexpired portion of a two-year term ending January 31, 2013.

Vacant seat 4, Lynne Newhouse Segal, term expired, must represent public at large, for the unexpired portion of a two-year term ending January 31, 2013.

**Attachments:** [Committee Packet 021711](#)

1/25/11; RECEIVED AND ASSIGNED to the Rules Committee.

*4 seats/ 5 applicants*

*Janet Reilly, seat 1*

*Lynne Newhouse Segal, seats 1, 2, 3, 4*

*Richard Grosboll, seats 1, 2, 3, 4*

*David Snyder, seat 2*

*Michael Theriault, seat 4*

5. [110150](#) **[Administrative Code - Process for Mayoral Appearance at the Board of Supervisors]**

**Sponsors: Chiu; Mar**

Ordinance amending the Administrative Code by adding Section 2.11 to establish a process for the Mayor to appear at the Board of Supervisors for a question and answer session.

**Attachments:** [Legislation Ver1](#)

[Committee Packet 021711](#)

2/8/11; RECEIVED AND ASSIGNED to the Rules Committee.

## 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.*

*After a closed session, if one occurs, the Committee shall adopt a motion either to disclose or not to disclose.*

6. [101585](#) **[Settlement of Lawsuit - Kevin Montague - \$60,000]**  
Ordinance authorizing settlement of the portion of the lawsuit filed by Kevin Montague against the City and County of San Francisco for \$60,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)  
**Attachments:** [Legislation VER1](#)  
[Committee Packet 021711](#)  
  
12/20/10; RECEIVED AND ASSIGNED to the Rules Committee.
7. [101586](#) **[Settlement of Lawsuit - Vladimar Belfor/Victor Kanevsky - \$34,000]**  
Ordinance authorizing settlement of the portion of the lawsuit filed by Vladimar Belfor and Victor Kanevsky against the City and County of San Francisco for \$34,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)  
**Attachments:** [Legislation VER1](#)  
[Committee Packet 021711](#)  
  
12/20/10; RECEIVED AND ASSIGNED to the Rules Committee.
8. [101587](#) **[Settlement of Lawsuit - David Cheung, dba Kwok Shing Hong - \$350,000]**  
Ordinance authorizing settlement of the portion of the lawsuit filed by David Cheung, individually, and dba Kwok Shing Hong, against the City and County of San Francisco for \$350,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)  
**Attachments:** [Legislation VER1](#)  
[Committee Packet 021711](#)  
  
12/20/10; RECEIVED AND ASSIGNED to the Rules Committee.

9. [101588](#) **[Settlement of Lawsuit - K LW, LLC - \$210,000]**  
Ordinance authorizing settlement of the portion of the lawsuit filed by K LW, LLC, against the City and County of San Francisco for \$210,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)  
**Attachments:** [Legislation VER1](#)  
[Committee Packet 021711](#)  
  
12/20/10; RECEIVED AND ASSIGNED to the Rules Committee.
10. [101589](#) **[Settlement of Lawsuit - Sunday Bazaar/2170 Folsom, LLC - \$127,372]**  
Ordinance authorizing settlement of the portion of the lawsuit filed by Sunday Bazaar/2170 Folsom, LLC, against the City and County of San Francisco for \$127,372; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)  
**Attachments:** [Legislation VER1](#)  
[Committee Packet 021711](#)  
  
12/20/10; RECEIVED AND ASSIGNED to the Rules Committee.
11. [101590](#) **[Settlement of Lawsuit - Kroll Furniture - \$65,000]**  
Ordinance authorizing settlement of the portion of the lawsuit filed by Kroll Furniture against the City and County of San Francisco for \$65,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)  
**Attachments:** [Legislation VER1](#)  
[Committee Packet 021711](#)  
  
12/20/10; RECEIVED AND ASSIGNED to the Rules Committee.
12. [101591](#) **[Settlement of Lawsuit - Alphonso Oliphant/Bruce Woodard - \$55,000]**  
Ordinance authorizing settlement of the claims made by Alphonso Oliphant and Bruce Woodard in a lawsuit filed against the City and County of San Francisco and William Siffermann for \$55,000; the lawsuit was filed on November 5, 2008, in the United States District Court, Case No. CV08-5048 MMC; entitled Alphonso Oliphant, Roger Gainey and Bruce Woodard v. City and County of San Francisco, Juvenile Probation Department and William Siffermann. (City Attorney)  
**Attachments:** [Legislation VER1](#)  
[Committee Packet 021711](#)  
  
12/20/10; RECEIVED AND ASSIGNED to the Rules Committee.

13. [101593](#) **[Settlement of Unlitigated Claim - California Capital Insurance Company - \$57,892.75]**

Resolution approving the settlement of the unlitigated claim filed by California Capital Insurance Company, as subrogee for Michelle Azevedo, against the City and County of San Francisco for \$57,892.75; claim was filed on January 13, 2009. (City Attorney)

**Attachments:** [Legislation VER1](#)

[Committee Packet 021711](#)

12/20/10; RECEIVED AND ASSIGNED to the Rules Committee.

14. [101600](#) **[Settlement of Lawsuit - National Union - Receipt of \$925,000]**

Ordinance authorizing settlement of the lawsuit entitled City and County of San Francisco v. National Union, etc., et al., United States District Court, N.D. Cal., Case No: CV-103385-SI, arising from an insurance dispute involving policies issued by National Union Fire Insurance Company of Pittsburgh and sister company Chartis Specialty Insurance Company to the San Francisco Public Utilities Commission, calling for payment of \$925,000 from National Union to the City and County of San Francisco and including other material terms of said settlement; and appropriating settlement proceeds. (City Attorney)

**Attachments:** [Legislation VER1](#)

[Committee Packet 021711](#)

12/22/10; RECEIVED AND ASSIGNED to the Rules Committee.

15. [101608](#) **[Settlement of Lawsuit - AboveNet Communications, Inc. - \$183,479.00]**

Ordinance authorizing settlement of the lawsuit filed by AboveNet Communications, Inc., formerly known as Metromedia Fiber Network Services, Inc., a Delaware corporation, against the City and County of San Francisco for \$183,479.00; the lawsuit was filed on December 10, 2007, in Sacramento Superior Court, Case No. 34-2007-00882854; entitled Metromedia Fiber Network Services, Inc., a Delaware corporation, v. City and County of San Francisco, et al.; the complaint was amended on August 20, 2009, to correct the plaintiff's name to AboveNet Communications, Inc. (City Attorney)

**Attachments:** [Legislation VER1](#)

[Committee Packet 021711](#)

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

16. [110022](#) **[Settlement of Unlitigated Claim - Ronald E. Johnson and Joseph Pasternak - \$30,000]**

Resolution approving the settlement of the unlitigated claim filed by Ronald E. Johnson and Joseph Pasternak against San Francisco for \$30,000; claim was filed on July 14, 2010. (City Attorney)

**Attachments:** [Legislation VER1](#)

[Committee Packet 021711](#)

1/6/11; RECEIVED AND ASSIGNED to the Rules Committee.

17. [110048](#) **[Settlement of Lawsuit - Timothy J. Chamberlain - \$65,000]**  
Ordinance authorizing settlement of a lawsuit filed by Timothy J. Chamberlain against the City and County of San Francisco, alleging slander of title and entitlement to declaratory relief; filed June 9, 2009, in San Francisco Superior Court, Case No. CGC-09-489245; entitled Chamberlain v. San Francisco Mayor's Office of Housing; City of San Francisco; and Does 1-100; other material terms of said settlement are set forth in the Settlement Agreement and Release of Claims contained in Board of Supervisors File No. 110048. (City Attorney)  
**Attachments:** [Legislation Ver1](#)  
[Committee Packet 021711](#)  
  
1/10/11; RECEIVED AND ASSIGNED to the Rules Committee.
18. [110049](#) **[Settlement of Lawsuit - Garcia, et al. - \$191,000]**  
Ordinance authorizing settlement of a lawsuit filed by the City and County of San Francisco against Carolyn Marie Garcia, Successor Trustee of the Garcia Family Trust Dated October 11, 1994; Bank of America, N.A.; and Does 1 through 100; to condemn and take by right of eminent domain a permanent sub-surface soil nail easement of 492 sq ft. and a 51-month temporary construction easement (TCE) over portions of real property located in Sunol, California, APN 096-0080-004; filed May 24, 2010, in Alameda County Superior Court, Case No. RG-10516576; entitled City of San Francisco v. Stanley A. Garcia and Carolyn Marie Garcia, Trustees of the Garcia Family Trust Dated October 11, 1994; Bank of America, N.A.; and Does 1 through 100. (City Attorney)  
**Attachments:** [Legislation Ver1](#)  
[Committee Packet 021711](#)  
  
1/14/11; RECEIVED AND ASSIGNED to the Rules Committee.
19. [110107](#) **[Settlement of Lawsuit - Paul Graham - \$34,271.51]**  
Ordinance authorizing settlement of the lawsuit filed by Paul Graham against the City and County of San Francisco for \$34,271.51; the lawsuit was filed on March 12, 2009, in San Francisco Superior Court, Case No. CGC-09-486068; entitled Paul Graham, et al. v. City and County of San Francisco, et al. (City Attorney)  
**Attachments:** [Legislation Ver1](#)  
[Committee Packet 021711](#)  
  
1/27/11; RECEIVED AND ASSIGNED to the Rules Committee.
20. [110108](#) **[Settlement of Unlitigated Claim - John Payne - \$220,229]**  
Resolution approving the settlement of the unlitigated claim filed by John Payne against the City and County of San Francisco for \$220,229; claim including grievance was filed on July 9, 2010. (City Attorney)  
**Attachments:** [Legislation Ver1](#)  
[Committee Packet 021711](#)  
  
1/28/11; RECEIVED AND ASSIGNED to the Rules Committee.

*Motion that 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 settlement of anticipated litigation by the City and County of San Francisco against Office Depot for contract overcharge. Government Code Section 54956.9(b) and San Francisco Administrative Code Section 67.10(d)(2) permit this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the anticipated litigation.*

**21. [110056](#) [Settlement of Anticipated Litigation Against Office Depot - Receipt of \$4,250,000/Payment of \$48,915.40]**

Resolution approving the settlement of anticipated litigation by the City and County of San Francisco against Office Depot for contract overcharge; the material terms of said settlement are: (1) the City to receive the sum of \$3,750,000 in the form of a check; (2) the City to receive from Office Depot credit in the amount of \$500,000 toward future purchases by the City over the next 5 years; and (3) payment to Office Depot of the sum of \$48,915.40 as full and complete satisfaction of all outstanding balances owed by the City under its office supplies contract with Office Depot. (City Attorney)

**Attachments:** [Legislation Ver1](#)  
[Committee Packet 021711](#)

1/24/11; RECEIVED AND ASSIGNED to the Rules Committee.

*[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.*

*There are no items currently under the 30 day rule.*

---

## 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 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) bringing in or displaying signs in the meeting room; 4) standing in the meeting room.

The public is encouraged to testify at Committee meetings and to write letters to the Clerk of the Board or to Supervisors: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

LAPTOP COMPUTER FOR PRESENTATIONS: Contact City Hall Media Services at (415) 554-7490 to coordinate the use of the laptop computer for presentations. Presenters should arrive 30 minutes prior to the meeting to test their presentations on the computer.

AGENDA PACKET: Available for review in Clerk's Office, Room 244, City Hall, and on the internet at <http://www.sfbos.org/meetings>. Meetings are cablecast on SF Cable 26. For DVD copies and scheduling call (415) 554-4188.

LANGUAGE INTERPRETERS: Requests 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 debe recibirse antes de mediodía de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯 必須在會議前最少四十八小時提出要求  
請電 (415) 554-7719**

### 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 F, 5, 21, 47, 49, 71, 71L, J, K, L, M, N, T (exit at Van Ness Station). MUNI bus lines also serving the area are the 6, 7, and 9 San Bruno. For more information about MUNI accessible services, call (415) 701-4485.

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 decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This 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 by mail 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](mailto:sotf@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfbos.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 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)