

Agenda & Minutes Archive
Board of Supervisors

City and County of San Francisco

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



AGENDA

Monday, January 10, 2000
2:00 PM

Regular Calendar

TOM AMMIANO, PRESIDENT
ALICIA BECERRIL, SUE BIERMAN, AMOS BROWN, LESLIE KATZ, BARBARA KAUFMAN, MARK LENO,
GAVIN EWSOM,
MABEL TENG, MICHAEL YAKI, LELAND Y. YEE

Gloria L. Young, Clerk of the Board

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF MEETING MINUTES

AGENDA CHANGES

COMMUNICATIONS

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

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

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

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Housing and Social Policy Committee

Present: Supervisors Teng, Bierman, Becerril

1. 991425 [Notice to Recycling Companies] Supervisors Becerril, Bierman, Katz, Teng, Newsom
Ordinance amending Building Code Section 106.3.2.3.2 to provide notice of applications for and issuance of demolition permits to recycling companies upon their payment of a specified fee.
(Amends Section 106.3.2.3.2.)

1/4/2000, PASSED, ON FIRST READING. Supervisor Newsom requested to be added as co-sponsor.
Question: Shall this Ordinance be FINALLY PASSED?

2. ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, and letters of request to the City Attorney.

3. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak. The President or the Board may limit the total testimony to 30 minutes.

CLOSED SESSION

CONFERENCE WITH CITY ATTORNEY - Anticipated Litigation as Defendant

4. 992195 [Anticipated Litigation]

Supervisor Newsom

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 anticipated litigation (City anticipated to be a defendant) which may be filed as a result of the decision of the U. S. Court of Appeals for the Ninth Circuit, Lindsay v. Tacoma Pierce County, No. 98-35416, which concluded that the regulation of outdoor tobacco advertising by the Tacoma Pierce County Health Department Board of Health is preempted by the Federal Cigarette Labeling and Advertising Act. The City and County of San Francisco has local laws regulating certain tobacco advertising. This closed session would be permitted by Government Code Section 54956.9(b).

(The City Attorney advises that, as of January 6, 2000, the City has not been threatened with litigation regarding this issue. Government Code Section 54956.9(b), and City Administrative Code (Sunshine Ordinance) Section No. 67.8 would not permit a closed session, unless the City receives such a threat by January 10, 2000.)

12/13/1999, CONTINUED. Supervisor Yee requested this item be continued to January 10, 2000.

Question: Shall this Motion be ADOPTED?

CONFERENCE WITH CITY ATTORNEY - Anticipated Litigation as Plaintiff

5. 992266 [Potential Litigation]

Supervisor Brown

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 anticipated litigation (City anticipated to be a plaintiff) which may be filed for the purpose of halting the sale of the San Francisco Chronicle to the Hearst Corporation. This closed session would be permitted by Government Code Section 54956.9(c).

12/13/1999, CONTINUED. Supervisor Yee requested this item be continued to January 10, 2000.

Question: Shall this Motion be ADOPTED?

CONFERENCE WITH CITY ATTORNEY - Existing Litigation

6. 000044 [Existing Litigation]

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 the following existing litigation in which the City, as a plaintiff, is attempting, in sum, to have major manufacturers and distributors of handguns, and their trade associations, determined to be knowingly and recklessly marketing and selling a dangerous product, thereby creating a public nuisance: People of the State of California, by and through San Francisco City Attorney Louise H. Renne, et al. v. Arcadia Machine & Tool, Inc., et al. This closed session would be permitted by Government Code Section 54956.9(a). (City Attorney)

(People of the State of California, by and through San Francisco City Attorney Louise H. Renne, Berkeley City Attorney Manuela Albuquerque, Sacramento City Attorney Samuel L. Jackson, and San Mateo County Counsel Thomas F. Casey, III; Joe Serna, Jr., Mayor of Sacramento, the City of Berkeley, and the County of Alameda, on behalf of the general public v. Arcadia Machine & Tool, Inc, Bryco Arms, Inc., Davis Industries, Inc., Excel Industries, Inc., Lorcin Engineering Co., Inc., China North Industries, Phoenix Arms, Sundance Industries, Inc., Beretta U.S.A. Corp., Pietro Beretta Sp. A., Browning Arms Co., Carl Walther GmbH, Charter Arms, Inc., Colt's Manufacturing Co., Inc., Forjas Taurus, S.A., Taurus

International Manufacturing, Inc., Glock, Inc., GlockGmbH, H&R 1871 Inc., Heckler & Koch, Inc., Kel-Tec CNC Industries, Inc, MKS Supply Inc., Navegar, Inc., North American Arms, Inc., Sigarms, Inc., Smith And Wesson Corp., S.W. Daniels, Inc., Sturm Ruger & Company, Inc., American Shooting Sports Council Inc., National Shooting Sports Foundation, Inc., Sporting Arms And Ammunition Manufacturers' Institute, Inc., B.L. Jennings, Inc., Ellett Brothers Inc., International Armament Corp., RSR Wholesale Guns, Inc., Southern Ohio Gun Distributors, Traders Sports, Inc., and Does 1-200; San Francisco Superior Court No. 303-753. This lawsuit was filed on May 25, 1999 (a first amended complaint was filed on July 16, 1999).

1/5/2000, ASSIGNED to Board of Supervisors. Scheduled for Board consideration January 10, 2000.

Question: Shall this Motion be ADOPTED?

7. 992337 [Litigation]

Supervisors Ammiano, Becerril

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 the following existing litigation in which the plaintiffs and claimants, various businesses, are, in sum, challenging the constitutionality of the City's business taxing system. These plaintiffs and claimants are also seeking reimbursement of tax payments made to the City: General Motors Corporation v. San Francisco, and related cases and claims. This closed session would be permitted by Government Code Section 54956.9(a).

(General Motors Corporation v. San Francisco, San Francisco Superior Court, No. 301-510, filed 2/24/99; Eastman Kodak Co. v. San Francisco, San Francisco Superior Court, No. 302-983, filed 4/22/99; Macy's Department Stores, Inc/Broadway Stores, Inc. v. San Francisco, San Francisco Superior Court, No. 306-723, filed 11/18/99; Hewlett-Packard Company v. San Francisco, San Francisco Superior Court, No. 306-787, filed 9/28/99; Costco Wholesale Corporation v. San Francisco, San Francisco Superior Court, No. 307-277, filed 10/19/99; Various claims against San Francisco (totaling nearly 90) filed by other businesses.)

12/20/1999, ASSIGNED to Board of Supervisors. Scheduled for Board consideration at the January 10, 2000 meeting.

1/5/2000, SUBSTITUTED. New language submitted by City Attorney pursuant to recently amended Sunshine Ordinance.

Question: Shall this Motion be ADOPTED?

After a closed session, if one occurs, the President shall (1) request the Deputy City Attorney to identify the subjects discussed in the closed session, and (2) direct the Clerk of the Board to report the vote taken on any motion in the closed session.

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

[Elect To Disclose]

Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the President immediately to disclose that information.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures are introduced for adoption without committee reference. A unanimous vote is required for adoption of a resolution today. Any Supervisor may require any resolution to go to committee.

Items 8 through 19

8. 992245 [Urging City Attorney to Evaluate Litigation Against Merger of Chronicle and Examiner] Supervisors Ammiano, Bierman, Yee

Resolution urging the Office of the City Attorney, based upon testimony by the general public and the District Attorney's Office as well as the precedent established in Honolulu, Hawaii, to evaluate the appropriateness of litigation of the proposed sale of the San Francisco Chronicle to the Hearst Corporation and further urging the City Attorney to report back to the Board of Supervisors in a timely manner.

12/6/1999, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

12/13/1999, SEVERED FROM FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA. Supervisor Yee requested this item be severed so it could be considered separately.

12/13/1999, CONTINUED. Supervisor Yee requested this matter be continued to January 10, 2000.

Question: Shall this Resolution be ADOPTED?

9. 000016 [Commendation] Supervisors Brown, Katz, Newsom, Teng, Kaufman

Resolution commending Police Chief Fred Lau, Sergeant Dan Linehan (officer in charge of preparing for the event) and the Police Department for their diligent efforts in providing a safe New Year's Eve for San Franciscans.

1/4/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

10. 000022 [Used Computer and Electronic Equipment Collection Pilot Project] Supervisors Becerril, Bierman, Katz, Newsom, Teng

Resolution urging the City's Solid Waste Management Program to study the San Jose Collection Program and to develop a used computer and electronic equipment collection pilot project in the City and County of San Francisco.

1/4/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

11. 000023 [Chinatown Area Plan] Supervisors Becerril, Bierman

Resolution urging the Planning Department to review and update the Chinatown Area Plan of the Master Plan of the City and County of San Francisco.

1/4/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

12. 000024 [Octavia Boulevard/Central Freeway Replacement Project] Supervisors Leno, Katz, Bierman, Ammiano, Teng, Yaki

Resolution urging the California Department of Transportation to complete its review of the reevaluation of the environmental assessment of the Octavia Boulevard/Central Freeway Replacement Project, to forward its review to the Federal Highway Administration with a favorable recommendation, to transfer the emergency relief funds designated for the project to the City and County of San Francisco, and to develop a work plan with the City and County of San Francisco as quickly and expeditiously as possible.

1/4/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

13. 000025 [Code System Reporting of HIV Cases] Supervisors Leno, Bierman

Resolution urging Governor Gray Davis and the California State Legislature to approve legislation requiring report of HIV cases using a unique code system.

1/4/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

14. 000026 [Ballot Argument Form and Fee Schedule Review and Update] Supervisors Leno, Katz

Resolution urging the Department of Elections to review and update its local ballot argument form and fee schedule and requesting the department to report back to the Board of Supervisors within ninety days.

1/4/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

15. 000027 [Proclamation] Supervisors Teng, Newsom, Bierman, Katz, Leno, Becerril, Yaki, Kaufman

Resolution commemorating the Year of the Dragon, extending its heartfelt wishes for a prosperous New Year, inviting all of San Francisco to join in the New Year Festivities and declaring February 5, 2000 to be "Celebrating the Year of the Dragon Day" in San Francisco.

1/4/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

16. 000028 [Commendation] Supervisors Bierman, Katz, Newsom, Becerril, Yaki

Resolution commending the Golden Gate National Recreation Area for their extension of the lease for the Giant Camera Obscura and urging the GGNRA to continue to pursue designation in the National Register of Historic Places to preserve the Giant Camera Obscura in its present structure and location as part of the Sutro Historic District.

1/4/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

17. 000029 [State Legislation, AB 1028, Mental Health Services] Supervisors Brown, Bierman, Katz
Resolution urging the California Legislature to pass Assembly Bill 1028 which would amend the
Lanterman-Petris-Short Act (LPS Act) relating to mental health services.

1/4/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE
NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

18. 000030 [Commendation] Supervisors Brown, Katz, Teng
Resolution commending Soka Gakkai International-USA on its 25th Anniversary.

1/4/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE
NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

19. 000038 [Blocking the Box] Supervisors Newsom, Bierman, Katz, Leno, Yaki
Resolution urging the Judicial Council to increase the fines for those "Blocking the Box" impeding
traffic.

1/4/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE
NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

Questions on the For Adoption Without Committee Reference
Agenda: _____

20. IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s).

[Serious Injury Finding]

Motion that the Board find that for the resolution(s) being considered at this time "the need to take action is so imperative as to threaten serious injury to the public interest if action is deferred to a later meeting."

[Purely Commendatory Finding]

Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

[Brown Act Finding]

Motion that the Board find by roll call vote that for the resolutions being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco

after the agenda was posted.

[Imperative Resolutions, if any]

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

Proposed ordinances received from December 29 through noon on January 5, for reference by President to appropriate committee on January 10, 2000.

000007 [Appropriation for the 700 Pennsylvania facility to house MUNI staff and shops that provide power/special machine maintenance (previously performed at 24th and Utah site) to insure safe Ordinance appropriating \$2,918,024 of Safe Harbor Lease Revenue to provide funds for the completion of the 700 Pennsylvania facility capital project of the San Francisco Municipal Railways for fiscal year 1999-2000. (Controller)
(Fiscal impact.)

12/29/1999, RECEIVED AND ASSIGNED to Finance and Labor Committee.

000008 [Amending Traffic Code 3.6.1 regarding San Francisco Downtown Core, the area surrounded by and including Washington, Stockton, 4th, and King Streets and The Embarcadero] Ordinance amending Traffic Code by amending Section 3.6.1, regarding the Downtown Core boundaries. (Parking and Traffic Department)
(Amends Section 3.6.1.)

1/3/2000, RECEIVED AND ASSIGNED to Transportation and Land Use Committee.

000017 [Tour Bus Loading Zones]
Ordinance amending Article 3, Chapter XI, Part II of the San Francisco Municipal Code (Traffic Code) by adding Section 66, regarding tour bus loading zones, and amending Section 71b, regarding towing of vehicles obstructing the normal flow of traffic. (Parking and Traffic Department)
(Adds Section 66; amends Section 71b.)

1/4/2000, RECEIVED AND ASSIGNED to Transportation and Land Use Committee.

000043 [Revised patient rates for home health services provided by Department of Public Health for fiscal year 1999-2000]
Ordinance amending Health Code by amending Section 128, to fix patient rates for services furnished by Department of Public Health, retroactively to December 1, 1999. (Public Health Department)

1/5/2000, RECEIVED AND ASSIGNED to Finance and Labor Committee.

PROPOSED RESOLUTIONS

Proposed resolutions received from December 29 through noon on January 5, for reference by President to appropriate committee on January 10, 2000.

000003 [Grant funds to be used by the Public Library to participate in the State's 150th anniversary celebration by providing free programming and multimedia materials on California history]

Resolution authorizing San Francisco Public Library to accept and expend retroactively \$1,200 awarded by the California Council for Humanities, to participate in the History Alive! Chautauqua Program, a part of California Sesquicentennial Project. (Public Library)

12/28/1999, RECEIVED AND ASSIGNED to Transportation and Land Use Committee.

000004 [Grant funds from MTC for "FASTFerry" project to provide public information services that will maintain and enhance ridership during the Downtown Ferry Terminal construction]

Resolution authorizing the Executive Director of the Port of San Francisco to accept and expend \$40,000 of State funds from the Metropolitan Transportation Commission for a public information program for the Downtown Ferry Terminal Project; and foregoing reimbursement of indirect costs. (Port)

12/28/1999, RECEIVED AND ASSIGNED to Transportation and Land Use Committee.

000005 [Grant funds to reimburse tuition expenses of non-professional library employees pursuing a degree or certificate in library science at an institution of higher education]

Resolution authorizing San Francisco Public Library to accept and expend \$6,546 to be awarded by the California State Library, Fiscal Year 1999-2000 Public Library Staff Education Program as part of the Federal Library Services and Technology Act (LSTA). Funds will be used to reimburse tuition expenses of library employees pursuing a degree or certificate in library science at an institution of higher education. Employees participating in the program applied to, and were selected by, the California State Library. (Public Library)

12/28/1999, RECEIVED AND ASSIGNED to Transportation and Land Use Committee.

000006 [Grant funds to purchase English and Chinese language books and library materials for young adults in the North Beach and Chinatown branch libraries]

Resolution authorizing San Francisco Public Library to retroactively accept and expend \$10,000 to be awarded by the California State Library, Youth Services Materials Grant, a part of the Federal Library Services and Technology Act, to purchase books in English and Chinese languages for young adult collections to be located in the North Beach and Chinatown Neighborhood branch libraries. (Public Library)

12/29/1999, RECEIVED AND ASSIGNED to Transportation and Land Use Committee.

000014 [Proposed expenditure of California Healthcare for Indigents Program (CHIP) funds for fiscal year 1999-2000]

Resolution authorizing adoption of the County Description of Proposed Expenditure of California Healthcare for Indigents Program (CHIP) funds for fiscal year 1999-2000 and that the President or duly authorized

representative of the Board of Supervisors of the City and County of San Francisco can certify the County Description of Proposed Expenditure of CHIP funds for fiscal year 1999-2000. (Public Health Department)

12/28/1999, RECEIVED AND ASSIGNED to Finance and Labor Committee. Department requests this item be calendared at the January 19, 2000 meeting.

000015 [Grant funds for HIV/AIDS study designed to determine whether immunization with HIV vaccine protects at-risk persons from acquiring HIV infection]

Resolution authorizing the Department of Public Health, Population Health and Prevention Division, HIV Research Section, to accept retroactively and expend a grant in the amount of \$211,587 from the Public Health Foundation Enterprises, Inc. on the conduct and evaluation of ongoing Phase III HIV vaccine efficacy trials and to enter into an agreement which includes an indemnification clause and which does not include patent infringement indemnification and false claims clauses; providing for ratification of action previously taken. (Public Health Department)

1/3/2000, RECEIVED AND ASSIGNED to Public Health and Environment Committee. Department requests this item be calendared at the January 27, 2000 meeting.

000018 [Authorizing the Airport Commission to enter into a contract with the Regents of the University of California to perform studies on the habitats of herring and oysters during the Runway]

Resolution concurring with the action of the Airport Commission to enter into a professional services contract with the University of California to perform herring and oyster habitat studies notwithstanding deletion of indemnification requirement for patent rights, copyright or trademark infringement. (Airport Commission)

1/4/2000, RECEIVED AND ASSIGNED to Finance and Labor Committee.

000045 [Authorizing the PTC General Manager to execute an agreement with Intelitran as a new paratransit broker to perform many important functions and to act as the principal customer service]

Resolution approving a Paratransit Broker Agreement with Comsis Mobility Services, Inc., dba Intelitran for an amount not to exceed \$66,333,277 for a term of five years. (Public Transportation Commission)

(Fiscal impact.)

1/5/2000, RECEIVED AND ASSIGNED to Finance and Labor Committee. Department requests this item be calendared at the January 26, 2000 meeting.

000046 [Petitions and Communications]

Petitions and Communications received from December 29 through noon on January 5, for reference by the President to the Committee considering related matters or to be ordered filed by the Clerk on January 10, 2000.

ADJOURNMENT

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board considers ordinances and resolutions, most of which have been the subject of hearings before the standing committees of the board 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 persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying. Thus applause and booing are both contrary to Board requirements. The Board does not permit signs to be brought into the meeting or displayed in the room.

Citizens are encouraged to testify at Board hearings and to write letters to the Board and to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Agenda are available on the internet at www.ci.sf.ca.us/bdsupvrs.bos.htm.

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Requests for language translation at a meeting must be received by the Clerk of the Board of Supervisors at least 48 hours before the meeting. For meetings on a Monday or a Tuesday, the request must be made by noon of the last business day of the preceding week.

Disability access

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The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #42 Downtown Loop, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.

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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 more 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 Donna Hall by mail to Clerk of the Board of Supervisors, 1 Dr. Carlton B. Goodlett Place, Room 244, by phone at (415) 554-7724, by fax at (415) 554-5163 or by email at Donna_Hall@ci.sf.ca.us

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.ci.sf.ca.us/bdsupvrs/sunshine.htm>