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, April 10, 2000 2:00 PM

Regular Meeting

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.

<>CONSENT AGENDA <> All matters listed hereunder constitute a Consent Agenda, are considered to be routine by the Board of Supervisors and will be acted upon by a single roll call vote of the Board. There will be no separate discussion of these items unless a member of the Board so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item. <>Items 1 through 12 Recommendations of the Audit and Government Efficiency Committee Present: Supervisors Kaufman, Newsom, Katz <>1. 000459 [Settlement of Lawsuit Against CCSF] <>(City Attorney) Question: Shall this Ordinance be PASSED ON FIRST READING? <>2. 000462 [Settlement of Lawsuit, Linda Laue] <>(City Attorney) Question: Shall this Ordinance be PASSED ON FIRST READING? <>3. 000471 [Settlement of Lawsuit] Supervisor Kaufman Question: Shall this Ordinance be PASSED ON FIRST READING? <>4. 000518 [Settlement of Lawsuit] <> (City Attorney) Question: Shall this Ordinance be PASSED ON FIRST READING? <>5. 000525 [Settlement of Litigation] <> (Treasurer-Tax Collector) Question: Shall this Ordinance be PASSED ON FIRST READING? <>6. 000460 [Settlement of Claim, Kitty Yu] <>(City Attorney) Question: Shall this Resolution be ADOPTED? <>7. 000461 [Settlement of Claim, Wei Da Yu] <>(City Attorney) Question: Shall this Resolution be ADOPTED? <>8. 000463 [Authorizing the City Attorney to enter into 18-month tolling agreement pertaining to a U.S. Environmental Protection Agency Superfund Site] <>(City Attorney) Question: Shall this Resolution be ADOPTED? Recommendations of the Housing and Social Policy Committee

Present: Supervisors Teng, Becerril

<>9. 000485 [Grant - MCJC] Supervisors Teng, Becerril <>(Mayor) Ouestion: Shall this Resolution be ADOPTED? <>10. 000515 [Grant funds for a comprehensive program to combat mistreatment of older persons and dependent adults] Supervisors Teng, Becerril <>(District Attorney) Question: Shall this Resolution be ADOPTED? <>11. 000517 [Grant funds for local government to improve public safety and reduce crime] Supervisors Teng, Becerril <> (Mayor) Question: Shall this Resolution be ADOPTED? Recommendation of the Transportation and Land Use Committee Present: Supervisors Yaki, Yee <>12. 000319 [Repealing Traffic Code regarding parking regulations on both sides of Plum Street from South Van Ness Avenue to a point approximately 100 feet westerly] <> Ordinance repealing Traffic Code Section 32.1.8, regarding parking regulations on a portion of Plum Street. (Parking and Traffic Department) <>(Repeals Section 32.1.8.) 4/3/2000, PASSED, ON FIRST READING. Question: Shall this Ordinance be FINALLY PASSED? Questions on the Consent Agenda are on final passage, first reading, or adoption, as indicated: <>REGULAR AGENDA UNFINISHED BUSINESS <>From the Clerk (Only one of the following two motions should be adopted.) <>13. 000376 [Minor Sidewalk Encroachment Permit Appeal] <> Motion approving the decision of the Director of Public Works' approval of a minor sidewalk encroachment permit at 955 Green Street, south side between Jones and Leavenworth Streets, and denying the appeal. (Clerk of the Board) 3/20/2000, CONTINUED. Continued to March 27, 2000. 3/27/2000, CONTINUED. Continued to April 3, 2000.

4/3/2000, MOTION to excuse Supervisor Newsom, at his request, because of possible conflict of interest, from voting on the following matter.

4/3/2000, CONTINUED. Supervisor Teng requested this matter be continued to April 10, 2000.

Question: Shall this Motion be ADOPTED?

<>14. 000377 [Minor Sidewalk Encroachment Permit Appeal] <>Motion disapproving the decision of the Director of Public Works' approval of a minor sidewalk encroachment permit at 955 Green Street, south side between Jones and Leavenworth Streets, and denying the encroachment permit. (Clerk of the Board)

3/20/2000, CONTINUED. Continued to March 27, 2000.

3/27/2000, CONTINUED. Continued to April 3, 2000.

4/3/2000, MOTION to excuse Supervisor Newsom, at his request, because of possible conflict of interest, from voting on the following matter.

4/3/2000, CONTINUED. Supervisor Teng requested this matter be continued to April 10, 2000.

Question: Shall this Motion be ADOPTED?

Recommendations of the Finance and Labor Committee

Present: Supervisors Yee, Bierman, Ammiano

<>15. 991307 [Final Negative Declaration, Jobs-Housing Linkage Ordinance] Supervisor Katz <>Resolution adopting Final Negative Declaration, finding and determining that the Jobs-Housing Linkage Ordinance will have no significant impact on the environment, and adopting and incorporating findings of final negative declaration. (Planning Commission) <>(Final Negative Declaration adopted and issued on April 27, 1999; companion measure to File 991304.)

Supervisor Bierman dissenting in Committee.

2/14/2000, MOTION to rerefer this matter to the Planning Commission for consideration.

2/14/2000, CONTINUED. Supervisor Ammiano requested this item be continued to March 20, 2000.

3/20/2000, CONTINUED. Supervisor Ammiano requested this matter be continued to April 10, 2000.

Question: Shall this Resolution be ADOPTED?

<>16. 991304 [Planning Code amendment to rename "Office Affordable Housing Production Program" as the "Jobs-Housing Linkage Program" and to apply the program to hotel, entertainment, and retail space Supervisor Katz
<>Ordinance amending Planning Code by amending Sections 313, 313.1, 313.2, 313.3, 313.4, 313.5, 313.6, 313.7, 313.8, 313.9, 313.10, 313.11, 313.12, 313.13, and 313.14, and by adding Section 313.15, to rename the "Office Affordable Housing Production Program" as the "Jobs-Housing Linkage Program," to apply the program to all new

and expanded hotel space of at least 25,000 square feet, to all new and expanded entertainment space of at least 50,000 square feet, and to all new and expanded retail space of at least 100,000 square feet, and by amending Section 314.1 of the childcare ordinance to conform to the new definition of "hotel." (Planning Department) <> (Amends Sections 313, 313.1, 313.2, 313.3, 313.4, 313.5, 313.6, 313.7, 313.8, 313.9, 313.10, 313.11, 313.12, 313.13, 313.14, 314.1; adds Section 313.15; Final Negative Declaration dated April 27, 1999; Planning Commission Resolution No. 14832 adopted June 3, 1999 recommending proposed amendments to the Planning Code.) Supervisor Bierman dissenting in Committee.

2/14/2000, MOTION to rerefer this matter to the Planning Commission for consideration.

2/14/2000, CONTINUED ON FIRST READING. Supervisor Ammiano requested this item be continued to March 20, 2000.

3/20/2000, CONTINUED ON FIRST READING. Supervisor Ammiano requested this matter be continued to April 10, 2000.

Question: Shall this Ordinance be PASSED ON FIRST READING?

<>NEW BUSINESS

Recommendations of the Audit and Government Efficiency Committee

Present: Supervisors Kaufman, Newsom, Katz

<>17. 000354 [IHSS Public Authority, Membership of Governing Body] Supervisor Kaufman

Question: Shall this Ordinance be PASSED ON FIRST READING?

<>18. 000355 [Administrative Code Revision, Chapter 16, Articles VI and X] Supervisor Kaufman <>Ordinance amending Chapter 16 of the Administrative Code by repealing Article VI (Travel Expenses), Sections 16.94 through 16.95, in its entirety and repealing Article X (Citizens' Award Committee), Sections 16.160 through 16.166, in its entirety. <>(Repeals Article VI, Sections 16.94 through 16.95; Article X, Sections 16.160 through 16.166.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

<>19. 000356 [Official Bonds] Supervisor Kaufman <>Ordinance amending Chapter 16 of the Administrative Code by repealing Article IX, Sections 16.222 through 16.156 (Bonding of City officers and employees) and by adding a new Article IX, Sections 16.222 through 16.127, to provide for bonding of City officers and employees. <>(Repeals Article IX, Sections 16.222 through 16.156; adds Article IX, Sections 16.222 through 16.127.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

<>20. 000357 [Administrative Code Revision, Chapters 2A and 16] Supervisor Kaufman <>Ordinance amending Chapters 2A and 16 of the Administrative Code by adding a new Article XIII to Chapter 2A, and by re-numbering Sections 16.3-3, 16.3-5, 16.3-6, 16.3-7, and 16.3-7.5 (relating to the Public Guardian and the Department of Consumer Assurance, Regulatory Compliance, and Agricultural Standards) as Sections 2A.210, 2A.211, 2A.212, 2A.221, and 2A.220, respectively, and amending them to correct statutory references; by renumbering Section 16.9-15 (relating to the Mayor's roster of officers and employees serving boards, commissions or committees) as new Section 2A.40; and

by adding a new Article XIV to Chapter 2A, and by re-numbering Sections 16.951 and 16.952 as Sections 2A.230 and 2A.231, respectively, and by repealing Section 16.953 (all relating to the City Attorney's subpoena power). <>(Adds Article XIII to Chapter 2A by re-numbering Sections 16.3-3, 16.3-5, 16.3-6, 16.3-7, and 16.3-7.5; adds Article XIV to Chapter 2A by re-numbering Sections 16.951 and 16.952; repeals Section 16.953.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

<>21. 000358 [Campaign and Governmental Conduct Code] Supervisor Kaufman <>Ordinance enacting the San Francisco Campaign and Governmental Conduct Code, Articles I - V, to: consolidate City laws regulating election campaigns, lobbying, the conduct of governmental officials and employees, and protection of whistleblowers who report improper government activity; conform these laws to the Charter provisions creating the Ethics Commission; clarify that whistleblowers are protected from retaliation for filing complaints with, providing information to, cooperating with, or participating in a proceeding of the Ethics Commission; clarify the procedures for investigating complaints of improper government activity; clarify that persons who unlawfully retaliate against whistleblowers are subject to administrative penalties as well as possible discipline and civil penalties; provide statutes of limitations; add legislative findings; require that the Ethics Commission submit an annual rather than semiannual report to the Board of Supervisors regarding complaints made by whistleblowers; and repealing Administrative Code Sections 16.5, 16.400 - 16.404, 16.501 - 16.519, 16.520 - 16.531, 16.535 - 16.539, 16.540 - 16.547, 16.548-6, 16.980, and 58.1 - 58.600. <>(Repeals Adiminstrative Code Sections 16.5, 16.400 - 16.404, 16.501 - 16.519, 16.520 - 16.531, 16.535 - 16.539, 16.540 - 16.547, 16.548-1 - 16.548-6, 16.980, and 58.1 - 58.600.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

Recommendations of the Finance and Labor Committee

Present: Supervisors Yee, Bierman, Ammiano

<>22. 000479 [Year 2000 Annual Joint Fundraising Drive Application Deadlines] Mayor

Question: Shall this Ordinance be PASSED ON FIRST READING?

<>23. 000466 [Proposed acquisition of 7,500 sq. ft. Palou/Phelps lots in the Bayview district for open space purposes] <>(Real Estate Department)

Question: Shall this Resolution be ADOPTED?

Recommendations of the Housing and Social Policy Committee

Present: Supervisors Teng, Becerril

<>24. 000416 [Solicitation by Motor Vehicles for Hire] Supervisors Newsom, Teng, Becerril <> Ordinance amending Police Code by repealing Sections 1104, 1105, and 1106, regarding solicitations by motor vehicles for hire, and by adding a new Section 1105, prohibiting solicitations by motor vehicles for hire. (Taxi Commission) <> (Repeals Sections 1104, 1005, and 1106; adds Section 1105.)

Question: Shall this Ordinance be PASSED ON FIRST READING?

<>25. 000514 [Police Department Law Enforcement Training] Supervisors Teng, Becerril <>(Police Commission)

Question: Shall this Resolution be ADOPTED?

<>26. 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.

<>27. 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.

<>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 28 through 45

<>28. 000583 [Census] Supervisors Ammiano, Katz, Bierman

4/3/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

<>29. 000584 [Class Action Lawsuit - Paint Manufacturers] Supervisors Ammiano, Bierman

 $4/3/2000,\, REFERRED$ FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

<>30. 000585 [Summer Youth Employment and Training Program] Supervisors Ammiano, Bierman

4/3/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

<>31. 000586 [Examiner Archives] Supervisor Ammiano

4/3/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Resolution be ADOPTED?

<>32. 000587 [Appointment - ABAG] Supervisor Ammiano

4/3/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this

Resolution be ADOPTED?

<>33. 000588 [AB 1463 - California Driver's License Requirements] Supervisors Becerril, Bierman

4/3/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this

Resolution be ADOPTED?

<>34. 000589 [Earth Day Fee Waiver] Supervisors Katz, Bierman

4/3/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this

Resolution be ADOPTED?

<>35. 000590 [Lake Merced Study] Supervisors Teng, Bierman

4/3/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this

Resolution be ADOPTED?

<>36. 000591 [Commendation] Supervisor Ammiano

4/3/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this

Resolution be ADOPTED?

<>37. 000593 [Proclamation] Supervisors Ammiano, Bierman

4/3/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this

Resolution be ADOPTED?

<>38. 000594 [Commendation] Supervisor Becerril

4/3/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this

Resolution be ADOPTED?

<>39. 000595 [Commendation] Supervisor Katz

4/3/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE

Question: Shall this

Resolution be ADOPTED?

<>40. 000596 [Commendation] Supervisors Kaufman, Newsom

4/3/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this

Resolution be ADOPTED?

<>41. 000597 [Commendation] Supervisor Leno

4/3/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this

Resolution be ADOPTED?

<>42. 000599 [Commendation] Supervisors Teng, Yaki, Bierman, Kaufman, Becerril

4/3/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this

Resolution be ADOPTED?

<>43. 000604 [Commendation] Supervisors Leno, Katz, Kaufman, Ammiano, Bierman

4/3/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this

Resolution be ADOPTED?

<>44. 000608 [Commendation] Supervisors Yee, Bierman

4/3/2000, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this

Resolution be ADOPTED?

<>45. 000607 [Needle Exchange Emergency] Supervisors Bierman, Teng, Ammiano, Yaki, Kaufman, Katz, Brown, Newsom, Yee, Leno, Becerril

4/3/2000, 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:
<>46. 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 March 30 through noon on April 5, for reference by President to appropriate committee on April 10, 2000.
<>000575 [Amendments to Section 29 of the Cable Television franchise requiring AT&T to provide nondiscriminatory open access to the Internet, including access for persons with disabilities] <>(Telecommunications and Information Services)
3/31/2000, RECEIVED AND ASSIGNED to Public Utilities and Deregulation Committee.
<>000614 [Settlement of Lawsuit] <>(City Attorney)
4/5/2000, RECEIVED AND ASSIGNED to Audit and Government Efficiency Committee.
<>000615 [Appropriating funds for books, computer equipment, software, electrical upgrades in the branch libraries and furniture/fixtures to support the Ingleside Branch] <>(Controller)
4/5/2000, RECEIVED AND ASSIGNED to Finance and Labor Committee.

<>PROPOSED RESOLUTIONS

Proposed resolutions received from March 30 through noon on April 5, 2000, for reference by President to appropriate committee on April 10, 2000.

<>>000598 [Sewer Replacement, 4th Street] <> (Public Utilities Commission)

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

<>>000606 [Acquisition of noise easements for the purpose of satisfying a part of State-mandated noise mitigation requirements] <> (Real Estate Department)

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

<>>000609 [Acquisition of noise easements for the purpose of satisfying a part of State-mandated noise mitigation requirements] <>(Real Estate Department)

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

<>000610 [Withdrawal of one property owner in San Mateo County from noise insulation program and delivery of quitclaim deed to said property owner] <>(Real Estate Department)

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

<>000611 [Grant funds to prevent and mitigate the impact of violence on young children] <>(Mayor)

4/5/2000, RECEIVED AND ASSIGNED to Housing and Social Policy Committee.

<>000612 [Settlement of Claim] <>(City Attorney)

4/5/2000, RECEIVED AND ASSIGNED to Audit and Government Efficiency Committee.

<>000613 [Lease of property across the New Main Library for the Dept. of the Environment's Eco Center which will provide public outreach and education on local environmental issues] <>(Real Estate Department)

4/5/2000, RECEIVED AND ASSIGNED to Finance and Labor Committee.

<>000619 [Petitions and Communications]

<>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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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.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

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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