

**City and County of San Francisco
Rules Committee**

City Hall, Room 263



**Meeting Agenda
Thursday, February 19, 2009
10:00 AM
Regular Meeting**

Members: Chris Daly, Carmen Chu, David Campos

Clerk: Linda Wong (415) 554-7719

Note: Each item on the Consent or Regular agenda may include the following documents: 1) Legislation 2) Budget Analyst report 3) Legislative Analyst report

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. 090057 [Appointment - San Francisco Bay Conservation and Development Commission]

Motion appointing Supervisor Sophie Maxwell, Chris Daly, Michela Alioto-Pier, Eric Mar or David Chiu, for an indefinite term, to the San Francisco Bay Conservation and Development Commission.

Succeeding Aaron Peskin, seat 1, must be a member of the Board of Supervisors whose district includes within its boundaries lands lying within the San Francisco Bay (Districts 1, 2, 3, 6, and 10), for an indefinite term.

1/23/09, RECEIVED AND ASSIGNED to Rules Committee.

2/12/09, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speaker: Tracy Shephard. Amendment of the Whole

2/12/09, CONTINUED.

2. 090169 [Appointments - Bay Area Air Quality Management District]

Motion appointing Supervisors Chris Daly and Eric Mar, terms ending February 1, 2013, to the Bay Area Air Quality Management District Board of Directors.

Succeeding Jake McGoldrick, term expired February 1, 2009, seat 1, must be a member of the Board of Supervisors, for a four-year term ending February 1, 2013.

Succeeding Supervisor Chris Daly, term expired February 1, 2009, seat 2, must be a member of the Board of Supervisors, for a four-year term ending February 1, 2013.

2/9/09, RECEIVED AND ASSIGNED to Rules Committee.

3. 090119 [Appointment, Child Care Planning and Advisory Council]

Hearing to consider appointing two members, terms ending December 31, 2009 and December 31, 2011, to the Child Care Planning and Advisory Council.

Vacant seat succeeding David Fleishman, resigned, seat 2, must be a nominee of District 2 Supervisor selected from parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of Community representative, for the unexpired portion of a three-year term ending December 31, 2009.

Vacant seat succeeding Sheila Norman, term expired, seat 11, must be a nominee of District 2 Supervisor selected from parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of Community representative, for three-year term ending December 31, 2011.

2/2/09, RECEIVED AND ASSIGNED to Rules Committee.

2 seats/2 applicants

Lynn Kanter-Levy, seat 2 (Residency Waiver Required)

Pamela Tate-Roger, seat 11(Residency Waiver Required)

4. 090156 [Appointment, Bicycle Advisory Committee]

Hearing to consider appointing one member, term ending November 19, 2010, to the Bicycle Advisory Committee.

Vacant seat succeeding Casey Allen, term expired, seat 11, must be a nominee of District 11 Supervisor. The member shall serve a two-year term or for the tenure of the Supervisor who

nominated the member, whichever is shorter in duration, for term ending November 19, 2010.

2/5/09, RECEIVED AND ASSIGNED to Rules Committee.

1 seat/1 applicant

Casey D. Allen, seat 11

5. 081592 [Appointments, Voting Systems Task Force]

Hearing to consider appointing nine members, terms to be determined, to the Voting Systems Task Force.

9 seats being considered

Vacant seat, new assignment, seat 1, must represent good government groups, for two-year term to be determined.

Vacant seat, new assignment, seat 2, must represent good government groups, for two-year term to be determined.

Vacant seat, new assignment, seat 3, must have substantial background in computer science or the software or computer industry, for two-year term to be determined.

Vacant seat, new assignment, seat 4, must have substantial background in computer science or the software or computer industry, for two-year term to be determined.

Vacant seat, new assignment, seat 5, must have substantial background in computer science or the software or computer industry, for two-year term to be determined.

Vacant seat, new assignment, seat 6, must have substantial background in computer science or the software or computer industry, for two-year term to be determined.

Vacant seat, new assignment, seat 7, must have a background in or knowledge of election administration, for two-year term to be determined.

Vacant seat, new assignment, seat 8, must have a background in or knowledge of election administration, for two-year term to be determined.

Vacant seat, new assignment, seat 9, must have a background working in accommodation of persons with disabilities, for two-year term to be determined.

12/16/08, RECEIVED AND ASSIGNED to Rules Committee.

9 seats/7 applicants

Brent Turner, seats 1, 2 (Residency Waiver Required)

Roger D. Donaldson, seats 1, 2, 3, 4, 5, 6, 7, 8

Kristen Chu, seats 1, 2, 3, 4, 5, 6

Elizabeth Bergman, seats 1, 2, 7, 8 (Residency Waiver Required)

Gregory A. Miller, seats 3, 4, 5, 6 (Residency Waiver Required)

Tim Mayer, seats 3, 4, 5, 6

Daniel Swarzman, seats 3, 4, 5, 6 (Residency Waiver Required)

6. 090114 [Appointment, Urban Forestry Council]

Hearing to consider appointing one member, term ending November 18, 2010, to the Urban Forestry Council.

Vacant seat, new assignment, seat 7, must be a representative of the community, for two-year term ending November 18, 2010.

1/28/09, RECEIVED AND ASSIGNED to Rules Committee.

1 seat/4 applicants

Ryan R. Lafrenz, seat 7
Matt Czajkowski, seat 7
Terry Milne, seat 7
Alex Friedman, seat 7

7. 090113 [Appointment, San Francisco Health Authority]

Hearing to consider appointing one member, term ending January 15, 2010, to the San Francisco Health Authority.

Vacant seat succeeding Linda Bien, term expired, seat 6, must be an employee in the senior management of either private nonprofit community clinics or a community clinic consortium, nominated by the SF Community Clinic Consortium, or any successor organization, for three-year term ending January 15, 2010.

1/28/09, RECEIVED AND ASSIGNED to Rules Committee.

1 seat, 1 applicant
Eddie W. Chan, seat 6

8. 090115 [Appointments, Asthma Task Force]

Hearing to consider appointing two members, terms ending July 1, 2011, to the Asthma Task Force.

Vacant seat succeeding Michelle Reyes, resigned, seat 6, must be an individual who is either persons with asthma, the parent of a child with asthma, or an asthma patient advocate (voting member), for unexpired portion of a two-year term ending July 1, 2011.

Vacant seat succeeding Benjamin Heckman, resigned, seat 16, must be an individual who represents property interests (non-voting member), for unexpired portion of a two-year term ending July 1, 2011.

1/28/09, RECEIVED AND ASSIGNED to Rules Committee.

2 seats/4 applicants
Margi English, seat 6
Patricia Hall, seat 6
Rondell K. Lane, M.D., seat 6
Lisa Fricke, seat 16

9. 090152 [Appointment, SRO Task Force]

Hearing to consider appointing one member, term ending December 31, 2009, to the SRO Task Force.

Vacant seat, succeeding Maria X. Martinez, resigned, seat 8, must be a representative of the Families SRO Collaborative, for the unexpired portion of a three-year term ending December 31, 2009.

2/4/09, RECEIVED AND ASSIGNED to Rules Committee.

1 seat, 1 applicant
Matthias Mormino, seat 8

- 10. 081597 [Rainy Day Reserve] Supervisor Daly**
Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Section 9.113.5, to: (1) allow the City to withdraw up to 100 percent of the current balance in the Rainy Day Reserve, not to exceed 20 percent of the projected deficit, in years in which a budgetary deficit of \$250 million or more is projected; (2) require the City to also appropriate to the School District an amount equal to 33 percent of any such withdrawals for the City's benefit, in years in which the School District faces a loss of revenues and significant layoffs; and, (3) eliminate obsolete provisions.
- 12/16/08, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/15/2009.
1/26/09, Digest received, 30-day Rule ends February 25, 2009.
- 1/27/09, SUBSTITUTED. Supervisor Daly submitted a substitute Charter Amendment bearing new title.
- 1/27/09, ASSIGNED to Rules Committee.
- 11. 090007 [Requiring that one-time revenues be spent only for one-time uses, unless otherwise authorized by the Board of Supervisors] Supervisors Elsbernd, Chu**
Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by adding Section 9.119 to limit the expenditure of one-time revenues to one-time uses, unless the Board of Supervisors waives the limitation for a specific expenditure by a two-thirds' vote, and setting an operative date and an expiration date.
- 1/6/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/5/2009. 1/26/09, received legislative digest, 30-day Rule ends February 25, 2009.
- 2/3/09, ASSIGNED to Rules Committee.
- 2/3/09, SUBSTITUTED. Supervisor Elsbernd submitted a substitute Charter Amendment bearing new title.
- 2/10/09, SUBSTITUTED. Supervisor Elsbernd submitted a substitute Charter Amendment bearing same title.
- 2/10/09, ASSIGNED to Rules Committee.
- 12. 090139 [Set-Asides] Supervisors Mirkarimi, Chiu, Elsbernd**
Charter Amendment (Second Draft) to amend Charter of the City and County of San Francisco by adding Section 9.122, to set a dollar cap on all Charter set-asides, authorize reductions during fiscal shortfalls and waiver during emergencies, authorize the return of surplus balances, adjust mandatory service levels, and establish City policies regarding future set-asides and non-binding measures.
- 2/3/09, RECEIVED AND ASSIGNED to Rules Committee.
- 2/10/09, SUBSTITUTED. Supervisor Mirkarimi submitted a substitute Charter Amendment bearing new title.
- 2/10/09, ASSIGNED to Rules Committee.

LITIGATION

Conference with City Attorney

[Convene in Closed Session - Existing Litigation - City as Plaintiff and/or Defendant] Motion that the Budget and Finance 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.

13. 090052 [Settlement of Administrative Enforcement Action - \$87,000]

Resolution approving the settlement of the unlitigated administrative enforcement action filed by the San Francisco Bay Regional Water Quality Control Board against San Francisco imposing a penalty of \$87,000. (Public Utilities Commission)

1/22/09, RECEIVED AND ASSIGNED to Rules Committee.

14. 090044 [Settlement of Lawsuit - Computers For Marketing Corporation - \$42,000]

Ordinance authorizing settlement of the lawsuit filed by Computers For Marketing Corporation against the City and County of San Francisco for \$42,000; the lawsuit was filed on June 15, 2007 in San Francisco Superior Court, Case No. 464-348; entitled Computers for Marketing Corporation, et al., v. City and County of San Francisco, et al. (City Attorney)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

15. 090045 [Settlement of Lawsuit - Susan Howard - \$175,000]

Ordinance authorizing settlement of the lawsuit filed by Susan Howard against the City and County of San Francisco for \$175,000; the lawsuit was filed on February 14, 2007 in San Francisco Superior Court, Case No. 460-454; entitled Susan Howard, et al., v. City and County of San Francisco, et al. (City Attorney)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

16. 090046 [Settlement of Lawsuits - Robert Weaver, et al., Michael Moynihan, et al., and Peter A. Green, et al.]

Ordinance authorizing settlement of plaintiffs' claims in the lawsuits filed by Robert Weaver, et al., Michael Moynihan, et al., and Peter A. Green, et al., acting for themselves and others similarly situated, against the City and County of San Francisco for \$1,291,741.11 plus 7% simple interest

from January 4, 2009 to date of payment; the lawsuits were filed on: (a) April 14, 2003, in the United States District Court for the Northern District of California, Case No. 03-1589 SI, entitled Weaver, et al. v. City and County of San Francisco; (b) November 14, 2006 in the United States District Court for the Northern District of California, Case No. 06-7071 SI, entitled Moynihan, et al. v. City and County of San Francisco; and (c) November 7, 2006 in the United States District Court for the Northern District of California, Case No. 06-6953 SI, entitled Green, et al. v. City and County of San Francisco. (City Attorney)

1/20/09, RECEIVED AND ASSIGNED to Rules Committee.

17. 090157 [Settlement of Lawsuit - Mehrdad Alemozaffar - \$350,000] Supervisor Daly

Ordinance authorizing entry of Judgment, pursuant to Federal Rule of Civil Procedure 68, in favor of Mehrdad Alemozaffar and against the City and County of San Francisco in the amount of \$350,000 in settlement of the lawsuit filed on July 20, 2007 in United States District Court, Case No. C07-4494 JSW entitled Mehrdad Alemozaffar v. City and County of San Francisco, Officers Jesse Serna, James McGrath and Gary Moriyama and Deputies Jurnation Reymundo and George Coviello.

2/10/09, RECEIVED AND ASSIGNED to Rules Committee.

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

[Elect To Disclose] Motion that the Committee 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 ?????????? 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.

NOTE: Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the general plan amendments or planning code and zoning map amendments described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

LEGISLATION UNDER THE 30-DAY RULE

There are no new items now pending 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.

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 at a Committee meeting 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) signs to be brought into the meeting or displayed in the room; 4) standing in the meeting room.

Citizens are encouraged to testify at Committee meetings and to write letters to the Clerk of a Committee or to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

USING LAPTOP COMPUTERS FOR PRESENTATIONS: Please contact City Hall Media Services at (415) 554-4933 to coordinate the use of laptop computers for presentations at the meeting. Computers to be used are required to be tested in advance. The presenter should arrive 30 minutes prior to the meeting to connect and test their computer.

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT CITY HALL, ROOM 244, RECEPTION DESK.

Agendas are available on the internet at www.sfgov.org/site/bos_meetings

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 554-4188.

Requests for language interpreters at a meeting 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 en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.



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 J, K, L, M, N, and T (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 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. 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 decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine 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 Frank Darby by mail to 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

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.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 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics