

City and County of San Francisco

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



MEETING MINUTES
Thursday, February 19, 2009
10:00 AM
City Hall, Room 263
Regular Meeting

Rules Committee

Members: Chris Daly, Carmen Chu, David Campos

Clerk: Linda Wong (415) 554-7719

Members Present: *Chris Daly, Carmen Chu, David Campos.*

Members Excused: *None.*

Members Absent: *None.*

FONTSIZE= +1Meeting convened

The meeting convened at 10:04 a.m.

FONTSIZE= +1REGULAR AGENDA

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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 AS AMENDED.

Heard in Committee. Speakers: Cheryl Adams, Deputy City Attorney; Angela Calvillo, Clerk of the Board.

Motion was amended to delete Chris Daly and Eric Mar from the title, line 3.

AMENDED.

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Motion appointing Supervisor Sophie Maxwell, Michela Alioto-Pier 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.

CONTINUED TO CALL OF THE CHAIR AS AMENDED by the following vote:

Ayes: 3 - Daly, Chu, Campos

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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.

Heard in Committee. Speakers: None.

RECOMMENDED by the following vote:

Ayes: 2 - Chu, Campos

Excused: 1 - Daly

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090119 [Appointments, 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;
2/2/09, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Melinda Kanter-Levy; Graham Dobson.
Appointment of Melinda Kanter-Levy, seat 2, recommended, residency requirement waived.
Appointment of Pamela Tate-Roger, seat 11, recommended, residency requirement waived.

PREPARED IN COMMITTEE AS A MOTION.

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Motion appointing Melinda Kanter-Levy and Pamela Tate-Roger, terms ending December 31, 2009 and December 31, 2011, to the Child Care Planning and Advisory Council, residency requirement waived.

Melinda Kanter-Levy 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.

Pamela Tate-Roger 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

RECOMMENDED.. by the following vote:

Ayes: 3 - Daly, Chu, Campos

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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.

Heard in Committee. Speakers: None.
Appointment of Casey Allen, seat 11, recommended.

PREPARED IN COMMITTEE AS A MOTION.

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Motion appointing Casey Allen, term ending November 19, 2010, to the Bicycle Advisory Committee.

Casey Allen, succeeding himself, 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.

RECOMMENDED.. by the following vote:

Ayes: 3 - Daly, Chu, Campos

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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

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

Heard in Committee. Speakers: Elizabeth Bergman; Brent Turner; Daniel Swartzman; Gregory Miller; Tim Mayer; Roger Donaldson.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Daly, Chu, Campos

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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.

Heard in Committee. Speakers: Ryan Lafrenz; Matt Czajkowski; Terry Milne; Jocelyn Cohen; Carolyn Blair.

Appointment of Terry Milne, seat 7, recommended.

PREPARED IN COMMITTEE AS A MOTION.

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Motion appointing Terry Milne, term ending November 18, 2010, to the Urban Forestry Council.

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

RECOMMENDED by the following vote:

Ayes: 2 - Daly, Campos

Noes: 1 - Chu

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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.

Heard in Committee. Speakers: Richard Tate; Eddie Chan.

Appointment of Eddie Chan, seat 6, recommended, residency requirement waived.

PREPARED IN COMMITTEE AS A MOTION.

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Motion appointing Eddie Chan, term ending January 15, 2010, to the San Francisco Health Authority, residency requirement waived.

Eddie Chan, 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 unexpired portion of a three-year term ending January 15, 2010.

RECOMMENDED.. by the following vote:

Ayes: 3 - Daly, Chu, Campos

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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.

Heard in Committee. Speakers: Margi English; Dr. Rondell Lane; Lisa Fricke; Karen Cohen.

Appointment of Margi English, seat 6, recommended.

Appointment of Lisa Fricke, seat 16, recommended.

PREPARED IN COMMITTEE AS A MOTION.

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Motion appointing Margi English and Lisa Fricke, terms ending July 1, 2011, to the Asthma Task Force.

Margi English, 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.

Lisa Fricke, 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.

RECOMMENDED.. by the following vote:

Ayes: 3 - Daly, Chu, Campos

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090152 [Appointment, SRO Task Force - Matthias Mormino]

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.

Heard in Committee. Speakers: Matthias Mormino; Thomas.

Appointment of Matthias Mormino, seat 8, recommended.

PREPARED IN COMMITTEE AS A MOTION.

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Motion appointing Matthias Mormino, term ending December 31, 2009, to the SRO Task Force.

Matthias Mormino, 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.

RECOMMENDED.. by the following vote:

Ayes: 3 - Daly, Chu, Campos

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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, ASSIGNED to Rules Committee.

1/27/09, SUBSTITUTED. Supervisor Daly submitted a substitute Charter Amendment bearing new title. Response received from Planning Department and Youth Commission on February 9, 2009.

Heard in Committee. Speakers: Robert Harlen; Walter.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

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Charter Amendment (Third 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.

CONTINUED TO CALL OF THE CHAIR AS AMENDED by the following vote:

Ayes: 3 - Daly, Chu, Campos

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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. 2/9/09 - Response received from Planning Department on First Draft.

2/10/09, SUBSTITUTED. Supervisor Elsbernd submitted a substitute Charter Amendment bearing same title.

2/10/09, ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Supervisor Sean Elsbernd; Christopher Bowlman.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Daly, Chu, Campos

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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.

Heard in Committee. Speakers: Supervisor John Avalos; Supervisor Ross Mirkarimi; Rick Galbreath, Legislative Assistant to Supervisor Ross Mirkarimi; Cassandra Costello, Legislative Assistant to Supervisor Eric Mar; Robert Harlen; Christopher Bowlman; NTanya Lee; Chelsea; Luis Herrera; City Librarian; Lee Munson; Christina Wong; Torres; female speaker; Graham Dobson; female speaker; Aaliyah; Maricio Verla; Sandra Lee-Fewer; Ander; Nate Kitten; Nancy Gonchar; Donna Barrel; female speaker; Ann Winchel; Tamara Shoelow; MaryAnn Chatfield; Ellen Nateburt;

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Daly, Chu, Campos

FONTSIZE= +1LITIGATION

FONTSIZE= +1Conference 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.*

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

Ayes: 3 - Daly, Chu, Campos

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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.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Daly, Chu, Campos

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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.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Daly, Chu, Campos

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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.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Daly, Chu, Campos

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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.

REFERRED WITHOUT RECOMMENDATION by the following vote:

Ayes: 3 - Daly, Chu, Campos

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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.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Daly, Chu, Campos

FONTSIZE= +1 Report on Closed Session

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Deputy City Attorney Cheryl Adams reported that the Rules Committee has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding settlements in the lawsuits or claims listed above.

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[Elect Not to Disclose]

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

Unanimous vote not to disclose discussion to the public by the following vote:

Ayes: 3 - Daly, Chu, Campos

FONTSIZE= +1 ADJOURNMENT