

City and County of San Francisco

Rules Committee

City Hall, Room 263



Meeting Agenda

Thursday, September 13, 2007

10:00 AM

Special Meeting

Members: Tom Ammiano, Sean Elsbernd, Aaron Peskin

Clerk: Gail Johnson (415) 554-4445

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.

MEETING CONVENED

REGULAR AGENDA

- 1. 071190 [Appointment to San Francisco LAFCO] **Supervisor Mirkarimi****
Motion appointing Supervisor Chris Daly, term ending February 20, 2011, to the San Francisco Local Agency Formation Commission.

8/7/07, RECEIVED AND ASSIGNED to Rules Committee.
- 2. 071273 [Appointment - Child Care Planning and Advisory Council]**
Resolution appointing Sheila Norman, term ending December 31, 2008, to the Child Care Planning and Advisory Council.

Sheila Norman, succeeding herself, term expired, seat 11, must be a nominee of District 11 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, 2008.

9/6/07, RECEIVED AND ASSIGNED to Rules Committee.

1 Seat/1 Applicant
Sheila Norman

3. 071271 [Appointment - Sweatfree Procurement Advisory Group]

Resolution appointing Christian Martinez, term ending December 17, 2007, to the Sweatfree Procurement Advisory Group.

Christian Martinez, succeeding Laura Juran, resigned, seat 4, must be a member of the public, for the unexpired portion of a two-year term ending December 17, 2007.

9/6/07, RECEIVED AND ASSIGNED to Rules Committee.

1 Seat/3 Applicants
Cynthia Flannigan
Christian John Martinez
Alan Flum (residency waiver required)

4. 071272 [Appointment - Urban Forestry Council]

Resolution appointing J. Malcolm Hillan, term ending April 5, 2009, to the Urban Forestry Council.

J. Malcolm Hillan, succeeding Larry Costello, term expired, seat 1, must be a representative of the University of California Cooperative Extension or a representative of another educational organization involved with tree management, for the unexpired portion of a two-year term ending April 5, 2009.

9/6/07, RECEIVED AND ASSIGNED to Rules Committee.

1 Seat/1 Applicant
J. Malcolm Hillan

5. 070946 [Amending the Rules of Order Governing the Board of Supervisors Alioto-Pier, Dufty Supervisors]

Motion to amend the Rules of Order Governing the Board of Supervisors.

(No Economic Impact)

6/26/07, RECEIVED AND ASSIGNED to Rules Committee.

7/26/07, CONTINUED. Heard in Committee. Speakers: Supervisor Alioto-Pier; Cheryl Adams, Deputy City Attorney; Jeff. Continued to August 2, 2007.

8/2/07, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in

Committee. Speakers: Supervisor Alioto-Pier; Joe Braverman; Jazzie Collins; Jim Meko.
Continued to a Special Meeting on September 13, 2007.

8/2/07, CONTINUED AS AMENDED.

- 6. 071180 [Armando Peraza Day - September 1, 2007] Supervisor Peskin**
Resolution declaring September 1, 2007 "Armando Peraza Day" in San Francisco.
- 8/7/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 8/14/07, REFERRED to Rules Committee.
- 7. 071182 [Commending John Barleycorn Pub] Supervisor Peskin**
Resolution commending John Barleycorn Pub for almost 40 years of enriching the City.
- 8/7/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 8/14/07, REFERRED to Rules Committee.
- 8. 071183 [Sea Otter Awareness Week - September 23 - 29, 2007] Supervisor Peskin**
Resolution declaring September 23-29 Sea Otter Awareness Week.
- 8/7/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 8/14/07, REFERRED to Rules Committee.
- 9. 071187 [Commending Chad Jacobs] Supervisors Peskin, Elsbernd, Dufty**
Resolution commending Chad Jacobs for his outstanding years of service as a Deputy City Attorney.
- 8/7/07, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 8/14/07, REFERRED to Rules Committee.
- 10. 060377 [Shelter Monitoring Committee] Supervisor Mirkarimi**
Hearing to consider the quarterly reports of the Shelter Monitoring Committee.
- (Originally heard under File No. 051713 sponsor, Supervisor Alioto-Pier).
- 3/21/06, RECEIVED AND ASSIGNED to Rules Committee.
- 3/30/06, CONTINUED. Heard in Committee. Speakers: Diana Valentine, Chair, Shelter Monitoring Committee; Wade Crowfoot, Mayor's Liaison to the Board of Supervisors; Joyce Crumm, Deputy Director of Homeless Emergency Services, Department of Human Services; James

Chioncini, Secretary, Shelter Monitoring Committee; Hank Wilson; Bianka Newyar, Coalition on Homelessness; Shelley Riter, St. Boniface; Quintin Mecke; Jennifer Friederbach, Coalition on Homelessness; Male Speaker, Coalition on Homelessness. Continued to April 27, 2006.

4/27/06, CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Wade Crowfoot, Mayor's Liaison to Board of Supervisors; Diana Valentine, Chair, Shelter Monitoring Committee; Dariush Cahun, Human Services Agency; Julie Runni, Shelter Monitoring Committee; Bernice Casey; Male Speaker.

7/13/06, CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speaker: Bernice Casey, Shelter Monitoring Committee.

9/28/06, CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Quintin Mecke, Shelter Monitoring Committee; Bernice Casey, Shelter Monitoring Committee; Judy Runni, Shelter Monitoring Committee.

1/25/07, CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Quintin Mecke, Secretary, Shelter Monitoring Committee; Bernice Casey, Shelter Monitoring Committee; Hank Wilson, Shelter Monitoring Committee; Kim Clark, Shelter Monitoring Committee; Joyce Crum, Director, Housing and Homeless Division, Human Services Agency; David Oganshi, Shelter Monitoring; Linsey Coleman, Director, Next Door Shelter; Richard Robinson; Karen Parkins, Site Manager, Next Door Shelter.

4/5/07, CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Damian Ocho, Shelter Monitoring Committee; Joyce Crumm, Human Services Agency; Tomas Picarella; Judy Irandi, Member, Shelter Monitoring Committee; Male Speaker, Department of Public Health.

LITIGATION

Conference with City Attorney

[Convene in Closed Session - Existing Litigation - City as Plaintiff and/or Defendant] Motion that the Rules Committee 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. Government Code Section 54956.9(a) and San Francisco 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/or claims listed below.

11. 071163 [Settlement of Unlitigated Claim - Wells Fargo]

Resolution approving the settlement of the unlitigated claim filed by Wells Fargo against San Francisco for \$43,678; claim was filed on May 23, 2007. (City Attorney)

8/1/07, RECEIVED AND ASSIGNED to Rules Committee.

12. 071237 [Settlement of Lawsuit - Pacific Bell Telephone Company]

Ordinance authorizing settlement of the lawsuit filed by Pacific Bell Telephone Company against the City and County of San Francisco for \$94,000.00; the lawsuit was filed on October 25, 2006 in San Francisco County Superior Court, Case No. 457-327; entitled Pacific Bell Telephone Company v. City and County of San Francisco. (City Attorney)

8/14/07, RECEIVED AND ASSIGNED to Rules Committee.

13. 071238 [Settlement of Lawsuit - Jane Martin, et al. (Order Sons of Italy) v. CCSF]

Ordinance authorizing settlement of the portion of the lawsuit filed by Order Sons of Italy in America Grand Lodge of the Golden West Corporation against the City and County of San Francisco for \$75,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

8/14/07, RECEIVED AND ASSIGNED to Rules Committee.

14. 071246 [Settlement of Lawsuit - Theodore Tarver, Jr. (Kathryn Cox) v. CCSF]

Ordinance authorizing settlement of an award of attorney's fees to attorney Kathryn Cox for \$162,941 against the City and County of San Francisco; the underlying lawsuit was filed on July 19, 2002 in San Francisco Superior Court, Case No. 410499 entitled Theodore Tarver, Jr. v. City and County of San Francisco. (City Attorney)

8/27/07, RECEIVED AND ASSIGNED to Rules Committee.

15. 071252 [Settlement of City's Lawsuit Against Aquila, Inc. and Aquila Merchant Services, Inc.]

Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against defendant Sempra Energy and other companies; the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023) was filed on June 8, 2004, and has been coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides \$1,500,000 from defendants Aquila, Inc. and Aquila Merchant Services, Inc. to the City and County of San Francisco and the other plaintiffs, which will be used to prosecute the cases against the remaining defendants. (City Attorney)

8/29/07, RECEIVED AND ASSIGNED to Rules Committee.

16. 071253 [Settlement of City's Lawsuit Against Enserco Energy, Inc.]

Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against defendant Sempra Energy and other companies; the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023) was filed on June 8, 2004, and has been coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides \$750,000 from defendant Enserco Energy, Inc. to the City and County of San Francisco and the other plaintiffs, which will be used to prosecute the cases against the remaining defendants. (City Attorney)

8/29/07, RECEIVED AND ASSIGNED to Rules Committee.

17. 071256 [Settlement of City Claim Against PG&E]

Ordinance approving the settlement of a claim asserted by the City and County of San Francisco against Pacific Gas & Electric Company in the bankruptcy proceeding entitled In Re Pacific Gas & Electric Company, United States Bankruptcy Court, Northern District of California, Case No. 01-30923-DM. (City Attorney)

8/31/07, 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 Board finds it is in the public interest to disclose information discussed in closed session, and directs the Chair immediately to disclose that information.

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

ADJOURNMENT

IMPORTANT INFORMATION

NOTE: Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors. Any written comments should be sent to: Committee Clerk of the Rules Committee, San Francisco Board of Supervisors, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102 by 5:00 p.m. on the day prior to the hearing. Comments which cannot be delivered to the committee clerk by that time may be taken directly to the hearing at the location above.

LEGISLATION UNDER THE 30-DAY RULE

(Not to be considered at this meeting)

Rule 5.40 provides that when an ordinance or resolution is introduced which would CREATE OR REVISE MAJOR CITY POLICY, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal

time limit controls the hearing timing. In general, the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply URGE action to be taken.

There are no items currently pending under the 30 day rule

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board has several standing Committees where ordinances and resolutions are the subject of hearings at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience 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