



City and County of San Francisco
Meeting Minutes
Rules Committee

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

Members: Jane Kim, Mark Farrell, David Campos

Clerk: Linda Wong (415) 554-7719

Thursday, September 20, 2012

1:30 PM

City Hall, Committee Room 263

Regular Meeting

Present: 3 - Jane Kim, Mark Farrell, and David Campos

MEETING CONVENED

The meeting convened at 1:35 p.m.

REGULAR AGENDA

120927 [Appointments, Wage Theft Task Force - Ace Wiseman, Charlotte Noss, Terrence Valen, Shaw San Liu, Tina Liang Chen, Dawn Huston, Karen Heisler, and Mani Sheik]

Hearing to consider appointing eight members, terms to be determined, the Wage Theft Task Force. (Clerk of the Board)

Vacant seat 1, new appointment, must be a person with significant experience confronting the issue of wage theft, who works at, serves on the Board of Directors of, or is a member of a non-profit community-based organization that organizes or represents low-wage works, for a one-year term to be determined.

Vacant seat 2, new appointment, must be a person with significant experience confronting the issue of wage theft, who works at, serves on the Board of Directors of, or is a member of a non-profit community-based organization that organizes or represents low-wage works, for a one-year term to be determined.

Vacant seat 3, new appointment, must be a person with significant experience confronting the issue of wage theft, who works at, serves on the Board of Directors of, or is a member of a non-profit community-based organization that organizes or represents low-wage works, for a one-year term to be determined.

Vacant seat 4, new appointment, must be a person with significant experience confronting the issue of wage theft, who works at, serves on the Board of Directors of, or is a member of a non-profit community-based organization that organizes or represents low-wage works, for a one-year term to be determined.

Vacant seat 5, new appointment, must be a person who works at a labor union and who has experience with an industry where widespread wage theft occurs or has occurred, for a one-year term to be determined.

Vacant seat 6, new appointment, must be a person representing responsible business(es) or employer(s) in San Francisco in an industry where wage theft is prevalent, for a one-year term to be determined.

Vacant seat 7, new appointment, must be a person representing responsible business(es) or employer(s) in San Francisco in an industry where wage theft is prevalent, for a one-year term to be determined.

Vacant seat 8, new appointment, must be a person representing responsible business(es) or employer(s) in San Francisco in an industry where wage theft is prevalent, for a one-year term to be determined.

09/12/12; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Ace Wiseman; Charlotte Noss; Terrence Valen; Shaw San Liu; Tina Liang Chen; Karen Heisler; Mani Sheik; spoke on their qualifications. Espanola Jackson; Tim Paulson; Tiffany Crane; spoke neither in support nor opposition to the applicants.

Appointment of Ace Wiseman, seat 1, recommended.

Appointment of Charlotte Noss, seat 2, recommended.

Appointment of Terrence Valen, seat 3, recommended.

Appointment of Shaw San Liu, seat 4, recommended.

Appointment of Tina Liang Chen, seat 5, recommended.

Appointment of Dawn Huston, seat 6, recommended.

Appointment of Karen Heisler, seat 7, recommended.

Appointment of Mani Sheik, seat 8, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Ace Wiseman, Charlotte Noss, Terrence Valen, Shaw San Liu, Tina Liang Chen, Dawn Huston, Karen Heisler, and Mani Sheik, terms to be determined, the Wage Theft Task Force. (Clerk of the Board)

Ace Wiseman, seat 1, new appointment, must be a person with significant experience confronting the issue of wage theft, who works at, serves on the Board of Directors of, or is a member of a non-profit community-based organization that organizes or represents low-wage works, for a one-year term to be determined.

Charlotte Noss, seat 2, new appointment, must be a person with significant experience confronting the issue of wage theft, who works at, serves on the Board of Directors of, or is a member of a non-profit community-based organization that organizes or represents low-wage works, for a one-year term to be determined.

Terrence Valen, seat 3, new appointment, must be a person with significant experience confronting the issue of wage theft, who works at, serves on the Board of Directors of, or is a member of a non-profit community-based organization that organizes or represents low-wage works, for a one-year term to be determined.

Shaw San Liu, seat 4, new appointment, must be a person with significant experience confronting the issue of wage theft, who works at, serves on the Board of Directors of, or is a member of a non-profit community-based organization that organizes or represents low-wage works, for a one-year term to be determined.

Tina Liang Chen, seat 5, new appointment, must be a person who works at a labor union and who has experience with an industry where widespread wage theft occurs or has occurred, for a one-year term to be determined.

Dawn Huston, seat 6, new appointment, must be a person representing responsible business(es) or employer(s) in San Francisco in an industry where wage theft is prevalent, for a one-year term to be determined.

Karen Heisler, seat 7, new appointment, must be a person representing responsible business(es) or employer(s) in San Francisco in an industry where wage theft is prevalent, for a one-year term to be determined.

Mani Sheik, seat 8, new appointment, must be a person representing responsible business(es) or employer(s) in San Francisco in an industry where wage theft is prevalent, for a one-year term to be determined.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Campos

120872 [Reappointment, Public Utilities Commission - Ann Moller Caen]

Motion approving/rejecting the Mayor's reappointment of Ann Moller Caen, to the Public Utilities Commission, Seat No. 3, for the unexpired portion of a four-year term ending August 1, 2016. (Clerk of the Board)

08/28/12; RECEIVED AND ASSIGNED to Rules Committee.

File Nos. 120872, 120873 and 120874 were heard in Committee together.

Speakers: Ann Moller Caen; Francesca Vietor; Vince Courtney; spoke on their qualifications.

Espanola Jackson; Harlan Kelly (PUC); Phil Ginsburg, General Manager (Recreation and Park

Department); Terrance Alan; Art Jensen; Al Weinrub; Ana M. Alvarez; Jacqueline Flin; Tim

Paulson; Tom Harrison; Ellouise Patton; Joshua Arce; Mary Hao; Gwynn MacKellen; Eric Brooks;

Michael Terry; Jason Fried; spoke in support of the Mayor's reappointments.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Motion approving the Mayor's reappointment of Ann Moller Caen, to the Public Utilities Commission, Seat No. 3, for the unexpired portion of a four-year term ending August 1, 2016. (Clerk of the Board)

RECOMMENDED AS AMENDED AS A COMMITTEE REPORT by the following vote:

Ayes: 3 - Kim, Farrell, Campos

120873 [Reappointment, Public Utilities Commission - Francesca Vietor]

Motion approving/rejecting the Mayor's reappointment of Francesca Vietor, to the Public Utilities Commission, Seat No. 1, for the unexpired portion of a four-year term ending August 1, 2016. (Clerk of the Board)

08/29/12; RECEIVED AND ASSIGNED to Rules Committee.

File Nos. 120872, 120873 and 120874 were heard in Committee together.

Speakers: Ann Moller Caen; Francesca Vietor; Vince Courtney; spoke on their qualifications. Espanola Jackson; Harlan Kelly (PUC); Phil Ginsburg, General Manager (Recreation and Park Department); Terrance Alan; Art Jensen; Al Weinrub; Ana M. Alvarez; Jacqueline Flin; Tim Paulson; Tom Harrison; Ellouise Patton; Joshua Arce; Mary Hao; Gwynn MacKellen; Eric Brooks; Michael Terry; Jason Fried; spoke in support of the Mayor's reappointments.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Motion approving the Mayor's reappointment of Francesca Vietor, to the Public Utilities Commission, Seat No. 1, for the unexpired portion of a four-year term ending August 1, 2016. (Clerk of the Board)

RECOMMENDED AS AMENDED AS A COMMITTEE REPORT by the following vote:

Ayes: 3 - Kim, Farrell, Campos

120874 [Reappointment, Public Utilities Commission - Vince Courtney]

Motion approving/rejecting the Mayor's reappointment of Vince Courtney, to the Public Utilities Commission, Seat No. 5, for the unexpired portion of a four-year term ending August 1, 2016. (Clerk of the Board)

08/29/12; RECEIVED AND ASSIGNED to Rules Committee.

File Nos. 120872, 120873 and 120874 were heard in Committee together.

Speakers: Ann Moller Caen; Francesca Vietor; Vince Courtney; spoke on their qualifications. Espanola Jackson; Harlan Kelly (PUC); Phil Ginsburg, General Manager (Recreation and Park Department); Terrance Alan; Art Jensen; Al Weinrub; Ana M. Alvarez; Jacqueline Flin; Tim Paulson; Tom Harrison; Ellouise Patton; Joshua Arce; Mary Hao; Gwynn MacKellen; Eric Brooks; Michael Terry; Jason Fried; spoke in support of the Mayor's reappointments.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Motion approving the Mayor's reappointment of Vince Courtney, to the Public Utilities Commission, Seat No. 5, for the unexpired portion of a four-year term ending August 1, 2016. (Clerk of the Board)

RECOMMENDED AS AMENDED AS A COMMITTEE REPORT by the following vote:

Ayes: 3 - Kim, Farrell, Campos

120921 [Appointment, Child Care Planning and Advisory Council]

Hearing to consider appointment one member, term ending March 19, 2015, to the Child Care Planning and Advisory Council. (Clerk of the Board)

Vacant seat 9, succeeding Heidi McLaughlin, must be nominated by District 9 Supervisor, for the unexpired portion of a three-year term ending March 19, 2015.

09/12/12; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: None.

Appointment of Alli Cuentos, seat 9, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Alli Cuentos, term ending March 19, 2015, to the Child Care Planning and Advisory Council. (Clerk of the Board)

Alli Cuentos, seat 9, succeeding Heidi McLaughlin, must be nominated by District 9 Supervisor, for the unexpired portion of a three-year term ending March 19, 2015.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Campos

120925 [Appointment, Entertainment Commission]

Hearing to consider appointing one member, term ending July 1, 2013, to the Entertainment Commission. (Clerk of the Board)

Vacant seat 3, succeeding Neal Cavellini, resigned, shall represent the interests of the public health community, for the unexpired portion of a four-year term ending July 1, 2013.

09/12/12; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Gilberto Alexander; Mario Grillo; Naomi Akers; spoke on their qualifications. Dee Leitner; Terrance Alan; Stephanie Anderson; Female Speaker; Supervisor Scott Wiener (Board of Supervisors); spoke in support of applicant Naomi Akers. Appointment of Naomi Akers, seat 3, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Naomi Akers, term ending July 1, 2013, to the Entertainment Commission. (Clerk of the Board)

Naomi Akers, seat 3, succeeding Neal Cavellini, resigned, shall represent the interests of the public health community, for the unexpired portion of a four-year term ending July 1, 2013.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Campos

LITIGATION

Conference 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 - Kim, Farrell, Campos

120657 [Settlement of Lawsuit - Michael Horan - \$250,000]

Ordinance authorizing settlement of the lawsuit filed by Michael Horan against the City and County of San Francisco for \$250,000; the lawsuit was originally filed on September 25, 2009, in San Francisco Superior Court, Case No. CGC-09-492910, removed to United States District Court, Northern District, Case No. CV-10-01383; entitled Michael Horan v. City and County of San Francisco, et al. (City Attorney)

06/05/12; RECEIVED FROM DEPARTMENT.

06/19/12; RECEIVED AND ASSIGNED to Rules Committee.

07/19/12; CONTINUED TO CALL OF THE CHAIR.

09/06/12; CONTINUED.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Kim, Farrell, Campos

120897 [Settlement of Claim - Laurel Dawn Teixeira - \$80,000]

Resolution approving the settlement of the unlitigated claim filed by Laurel Dawn Teixeira against the City and County of San Francisco for \$80,000; claim was filed on November 7, 2011. (City Attorney)

08/27/12; RECEIVED FROM DEPARTMENT.

09/11/12; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Campos

120854 [Settlement of Lawsuit - Brock Rasmussen - \$175,000]

Ordinance authorizing settlement of the lawsuit filed by Brock Rasmussen against the City and County of San Francisco for \$175,000; the lawsuit was filed on January 11, 2010, in San Francisco Superior Court, Case No. CGC-10-495963; entitled Brock Rasmussen v. City and County of San Francisco, et al. (City Attorney)

08/16/12; RECEIVED FROM DEPARTMENT.

09/04/12; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Campos

Deputy City Attorney Jon Givner 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.

[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 by the following vote:

Ayes: 3 - Kim, Farrell, Campos

ADJOURNMENT

The meeting adjourned at 3:43 p.m.