



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, Sean Elsbernd, Mark Farrell

Clerk: Linda Wong (415) 554-7719

Thursday, July 21, 2011

1:30 PM

City Hall, Committee Room 263

Regular Meeting

Present: 2 - Jane Kim, and Sean Elsbernd

Excused: 1 - Mark Farrell

MEETING CONVENED

The meeting convened at 1:34 p.m.

REGULAR AGENDA

110823 [Appointment, Eastern Neighborhood Citizens Advisory Committee - L Joseph Boss]

Motion appointing L Joseph Boss, term ending October 19, 2013, to the Eastern Neighborhood Citizen Advisory Committee. (Clerk of the Board)

Vacant seat 3, succeeding Susan Eslick, resigned, must be nominated by District 10 Supervisor and confirmed by the full Board, for the unexpired portion of a four-year term ending October 19, 2013.

07/12/11; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: L Joseph Boss; spoke on his qualifications. Dan Murphy; spoke in support of applicant L Joseph Boss. Walter Paulson; spoke neither in support nor opposition of the applicant.

Appointment of L Joseph Boss, seat 3, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing L Joseph Boss, term ending October 19, 2013, to the Eastern Neighborhood Citizen Advisory Committee. (Clerk of the Board)

L Joseph Boss, seat 3, succeeding Susan Eslick, resigned, must be nominated by District 10 Supervisor and confirmed by the full Board, for the unexpired portion of a four-year term ending October 19, 2013.

RECOMMENDED.. by the following vote:

Ayes: 2 - Kim, Elsbernd

Excused: 1 - Farrell

110829 [Appointment, Mental Health Board]

Hearing to consider appointing one member, term ending January 31, 2013, to the Mental Health Board. (Clerk of the Board)

Vacant seat 15, succeeding Mary Ann Jones, must be a mental health professional, for the unexpired portion of a three-year term ending January 31, 2013.

07/13/11; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speaker: Walter Paulson; spoke neither in support nor opposition of applicant Terence Patterson.

CONTINUED to July 28, 2011 by the following vote:

Ayes: 2 - Kim, Elsbernd

Excused: 1 - Farrell

110824 [Appointments, Child Care Planning and Advisory Council - Karen Burch, Marjorie Weiss, and Barbara Manzanares]

Motion appointing Karen Burch, Marjorie Weiss, and Barbara Manzanares, terms to be determined, to the Child Care Planning and Advisory Council. (Clerk of the Board)

Vacant seat 1, succeeding Margaret Jerene, term expired, must be a nominee of District 1 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 a three-year term to be determined.

Vacant seat 7, succeeding Juanita Santana, term expired, must be a nominee of District 7 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 a three-year term to be determined.

Vacant seat 11, succeeding Pamela Tate-Roger, resigned, 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 a three-year term to be determined.

07/12/11; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Marjorie Weiss; Barbara Manzanares; spoke on their qualifications. Graham Dobson; spoke in support of the applicants. Walter Paulson; spoke neither in support nor opposition of the applicants.

Appointment of Karen Burch, seat 1, recommended.

Appointment of Marjorie Weiss, seat 7, recommended.

Appointment of Barbara Manzanares, seat 11, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Karen Burch, Marjorie Weiss, and Barbara Manzanares, terms to be determined, to the Child Care Planning and Advisory Council. (Clerk of the Board)
Karen Burch, seat 1, succeeding Margaret Jerene, term expired, must be a nominee of District 1 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 a three-year term to be determined.

Marjorie Weiss, seat 7, succeeding Juanita Santana, term expired, must be a nominee of District 7 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 a three-year term to be determined.

Barbara Manzanares, seat 11, succeeding Pamela Tate-Roger, resigned, 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 a three-year term to be determined.

RECOMMENDED.. by the following vote:

Ayes: 2 - Kim, Elsbernd

Excused: 1 - Farrell

110830 [Appointments, Citizen's Advisory Committee for the Central Market Street and Tenderloin Area - Nella Manuel, Robert Marquez, Dina Hilliard, and LJ Cirillo]

Motion appointing Nella Manuel, Robert Marquez, Dina Hilliard, and LJ Cirillo, terms to be determined, to the Citizen's Advisory Committee for the Central Market Street and Tenderloin Area. (Clerk of the Board)

Vacant seat 4, new appointment, must be a senior or disabled resident of the Central Market Street and Tenderloin Area or in District 6 bounded on the southern side by 13th Street and Townsend Street, for a term to be determined.

Vacant seat 6, new appointment, must represent a community-based organization or provide direct services to the Central Market Street and Tenderloin Area or in District 6, bounded on the southern side by 13th Street and Townsend Street, for a term to be determined.

Vacant seat 7, new appointment, must have small business expertise and familiarity with the Central Market Street and Tenderloin Area, for a term to be determined.

Vacant seat 8, new appointment, must have expertise on homelessness, transitional age youth, or supportive housing and familiarity with the Central Market Street and Tenderloin Area or in District 6, bounded on the southern side by 13th Street and Townsend Street bounded, for a term to be determined.

Vacant seat 9, new appointment, must have expertise in commercial real estate and leasing within the Central Market Street and Tenderloin Area, for a term to be determined.

07/13/11; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Nella Manuel; Robert Marquez; Dina Hilliard; LJ Cirillo; spoke on their qualifications. Tomas Picarello; spoke in support of applicant Dina Hillard. Mr. Wu; Angelica C.; Lorenzo; spoke in support of all applicants. Lorriane Gooseman; spoke in support of applicants LJ Cirillo and Nella Manuel. Charles Pitts; spoke in opposition of applicant LJ Cirillo. Nam; spoke in support of applicant LJ Cirillo.

Appointment of Nella Manuel, seat 4, recommended.

Appointment of Robert Marquez, seat 6, recommended.

Appointment of Dina Hilliard, seat 7, recommended.

Appointment of LJ Cirillo, seat 8, recommended.

Seat 9 was not filled.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Nella Manuel, Robert Marquez, Dina Hilliard, and LJ Cirillo, terms to be determined, to the Citizen's Advisory Committee for the Central Market Street and Tenderloin Area. (Clerk of the Board)

Nella Manuel, seat 4, new appointment, must be a senior or disabled resident of the Central Market Street and Tenderloin Area or in District 6 bounded on the southern side by 13th Street and Townsend Street, for a term to be determined.

Robert Marquez, seat 6, new appointment, must represent a community-based organization or provide direct services to the Central Market Street and Tenderloin Area or in District 6, bounded on the southern side by 13th Street and Townsend Street, for a term to be determined.

Dina Hilliard, seat 7, new appointment, must have small business expertise and familiarity with the Central Market Street and Tenderloin Area, for a term to be determined.

LJ Cirillo, seat 8, new appointment, must have expertise on homelessness, transitional age youth, or supportive housing and familiarity with the Central Market Street and Tenderloin Area or in District 6, bounded on the southern side by 13th Street and Townsend Street bounded, for a term to be determined.

RECOMMENDED.. by the following vote:

Ayes: 2 - Kim, Elsbernd

Excused: 1 - Farrell

090258 [Reports, Shelter Monitoring Committee]

Hearing to consider the quarterly reports of the Shelter Monitoring Committee. (Clerk of the Board)

(Pursuant to Article 12-20 of the San Francisco Administrative Code, Ord. No. 283-04, the Committee shall prepare and submit quarterly reports. Original reports are in File No. 051713 and File No. 060377).

02/26/09; RECEIVED AND ASSIGNED to Rules Committee.

08/06/09; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speaker: John Smith.

09/17/09; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Henry Tom, Shelter Monitoring Committee; Bernice Casey; Joanna Fraguli, Mayor's Office of Disability; David Nakanishi, Department of Public Health; Michael D.; Frank Perez; Male Speaker; Quintin Meckie; Male Speaker; Moe Kauff.

03/18/10; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Aram Havslaib, Shelter Monitoring Committee; Joyce Crum, Human Services Agency; Mr. Wright; Male Speaker; Charles Pitts.

10/21/10; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Bernice Casey, Shelter Monitoring Committee; Joyce Crum, Human Services Agency; Kathy Treggiari, San Francisco Episcopal Community Services; Svetlana Kaff; Walter Paulson; Jennifer Friedenbach, Coalition on Homelessness; L. J. Serrillo; Charles Pitts.

Heard in Committee. Speakers: LJ Cirillo (Shelter Monitoring Committee); Joyce Crum (HSA); presented information concerning the matter and answered questions raised throughout the hearing. Tomas Picarello; spoke in opposition of the matter. Kathy Dudar; Kim Armbruster; Female Speaker; Marlon; Charles Pitts; spoke on the matter.

CONTINUED TO CALL OF THE CHAIR

Ayes: 2 - Kim, Elsbernd

Excused: 1 - Farrell

101574 [Elections Code - E-mailing the Voter Information Pamphlet]**Sponsor: Mirkarimi**

Ordinance amending the San Francisco Municipal Elections Code by amending Section 500, and adding Section 502, to require the Director of Elections to establish a process that permits voters to choose to receive the San Francisco Voter Information Pamphlet and associated materials by electronic means instead of by paper mail.

12/14/10; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/13/2011.

01/10/11; REFERRED TO DEPARTMENT. 1/10/11 - To the Department of Elections for comment and recommendation.

1/13/11 - Respond received from the Department of Elections.

07/07/11; CONTINUED. Heard in Committee. Speakers: None.

Heard in Committee. Speakers: None.

CONTINUED to July 28, 2011 by the following vote:

Ayes: 2 - Kim, Elsbernd

Excused: 1 - Farrell

110622 [Administrative Code - Allowing Paid Administrative Leave in Certain Circumstances]

Ordinance amending the San Francisco Administrative Code by adding Section 16.10 to allow the City and County of San Francisco to use time-limited paid administrative leave for its employees under certain circumstances. (Human Resources Department)

05/09/11; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/23/2011.

Heard in Committee. Speaker: Mary Howell (DHR); presented information concerning the matter.

RECOMMENDED by the following vote:

Ayes: 2 - Kim, Elsbernd

Excused: 1 - Farrell

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: 2 - Kim, Elsbernd

Excused: 1 - Farrell

110582 [Settlement of Claim - Weintraub Capital Management, LP - \$117,470.45]

Resolution approving the settlement of the unlitigated claim filed by Weintraub Capital Management, LP against the City and County of San Francisco for refund of payroll taxes for the 2009 tax year in the amount of \$117,470.45; claim was filed on January 25, 2011. (City Attorney)

06/10/11; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Kim, Elsbernd

Excused: 1 - Farrell

110591 [Settlement of Lawsuit - T-Mobile West Corporation]**Sponsor: Elsbernd**

Ordinance authorizing settlement of the lawsuit filed by T-Mobile West Corporation against the City and County of San Francisco on July 8, 2010, in the United States District Court for the Northern District of California, Case No. C-10-03011-CW; entitled T-Mobile West Corporation v. City and County of San Francisco, according to the terms set forth in the Settlement Agreement and subject to court approval of the parties' Stipulated Judgment; approving as part of the settlement a conditional use authorization enabling T-Mobile West Corporation to construct a wireless facility at 725 Taraval Street containing substantially fewer antennas than originally proposed and subject to all City required conditions; and making environmental findings.

06/14/11; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Bob Carson; Ann O'Hair; Allen Mitchell; Richard Da Luz; Chris Houston; Lucy Mitchell; Henry Tang; Nelson Li; Dudd Longher; spoke in opposition of the matter. Martin Fineman; spoke in support of the matter.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Kim, Elsbernd

Excused: 1 - Farrell

110596 [Settlement of Claim - Shatese Stewart - \$250,000]

Ordinance authorizing settlement of all claims in the lawsuit filed by Shatese Stewart against the City and County of San Francisco for \$250,000; the lawsuit was filed on March 25, 2010, in San Francisco Superior Court, Case No. CGC-09-494967; entitled Shatese Stewart v. City and County of San Francisco, et al. (City Attorney)

06/27/11; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Kim, Elsbernd

Excused: 1 - Farrell

110694 [Settlement of Lawsuit - Jorei Enterprises, LLC - \$125,000]

Ordinance authorizing settlement of the lawsuit filed by Jorei Enterprises, LLC, against the City and County of San Francisco for \$125,000; the lawsuit was filed on December 21, 2010, in San Francisco Superior Court, Case No. CGC-10-506527; entitled Jorei Enterprises, LLC v. City and County of San Francisco; other material terms of said settlement are mutual releases of liability in connection with the conveyance of 351 California Street, San Francisco. (City Attorney)

07/05/11; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Kim, Elsbernd

Excused: 1 - Farrell

110713 [Settlement of Unlitigated Claim - Ned Bresnahan - \$265,000]

Resolution approving the settlement of the unlitigated claim filed by Ned Bresnahan against San Francisco for \$265,000; claim was filed on March 28, 2011.

07/06/11; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Kim, Elsbernd

Excused: 1 - Farrell

110714 [Settlement of Lawsuit - Arash Ghanadan - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Arash Ghanadan against the City and County of San Francisco for \$50,000; the lawsuit was filed on December 18, 2009, in San Francisco Superior Court, Case No. CGC-09-495308; entitled Arash Ghanadan, et al. v. City and County of San Francisco, et al. (City Attorney)

07/11/11; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Kim, Elsbernd

Excused: 1 - Farrell

110715 [Settlement of Unlitigated Claims - Pearl Howell - \$80,000]

Resolution approving the settlement of unlitigated claims (DFEH No. E201011M0352 and EEOC Charge No. 550-2010-01808) filed by Pearl Howell against the City and County of San Francisco for \$80,000; claims were filed on September 15 and 16, 2010. (City Attorney)

07/11/11; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Kim, Elsbernd

Excused: 1 - Farrell

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.

[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: 2 - Kim, Elsbernd

Excused: 1 - Farrell

ADJOURNMENT

The meeting adjourned at 3:54 p.m.