

City and County of San Francisco

Rules Committee

City Hall, Room 263



Meeting Agenda

Thursday, March 15, 2007

10:00 AM

Regular 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

MEETING CONVENED

REGULAR AGENDA

1. 070122 [Conflict of Interest Code Amendments]

Ordinance amending Chapter 1 of Article III of the Campaign and Governmental Conduct Code by amending sections 3.102.5, 3.1-105, 3.1-120, 3.1-145, 3.1-150, 3.1-155, 3.1-160, 3.1-175, 3.1-195, 3.1-205, 3.1-207, 3.1-218, 3.1-230, 3.1-242, 3.1-245, 3.1-252, 3.1-265, 3.1-267, 3.1-270, 3.1-275, 3.1-285, 3.1-312, 3.1-315, 3.1-320, 3.1-325, 3.1-335, 3.1-340, 3.1-345, 3.1-350, 3.1-365, 3.1-375, 3.1-390, 3.1-395, 3.1-420, 3.1-435, 3.1-440, 3.1-445, and 3.1-500; renumbering sections 3.1-252, 3.1-265, and 3.1-375 as sections 3.1-255, 3.1-362 and 3.1-252, respectively; deleting sections 3.1-109, 3.1-168, 3.1-170, 3.1-220, 3.1-222, 3.1-290, 3.1-400, 3.1-423, and 3.1-430; and adding sections 3.1-108, 3.1-193, 3.1-251, 3.1-253, and 3.1-457, all to update the list of designated employees who must file financial disclosure statements, to modify the applicable disclosure categories, and to clarify that consultants for each City agency must file financial disclosures in disclosure category 1 unless the agency's director has indicated otherwise. (Clerk of the Board)

1/30/07, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 3/1/2007.

2/27/07, SUBSTITUTED. Clerk of the Board submitted a substitute ordinance bearing same title.

2/27/07, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 3/1/2007.

- 2. 070280 [Mayor's Reappointment, Taxi Commission - Patricia Breslin]**
Motion approving the Mayor's reappointment of Patricia Breslin to the Taxi Commission, term ending March 1, 2009. (Clerk of the Board)

2/28/07, RECEIVED AND ASSIGNED to Rules Committee.
- 3. 070281 [Mayor's Reappointment, Taxi Commission - Patricia Breslin]**
Motion rejecting the Mayor's reappointment of Patricia Breslin to the Taxi Commission, term ending March 1, 2009. (Clerk of the Board)

2/27/07, RECEIVED AND ASSIGNED to Rules Committee.
- 4. 070282 [Mayor's Reappointment , Taxi Commission - Patricia Breslin]**
Motion taking no position concerning the Mayor's reappointment of Patricia Breslin to the Taxi Commission, term ending March 1, 2009. (Clerk of the Board)

2/27/07, RECEIVED AND ASSIGNED to Rules Committee.
- 5. 070311 [Confirming the appointment of Linda Cheu to the Redevelopment Agency, term ending September 3, 2010.]** **Mayor**
Resolution confirming the appointment of Linda Cheu to the San Francisco Redevelopment Agency, term ending September 3, 2010.

3/6/07, RECEIVED AND ASSIGNED to Rules Committee.

The Chair intends to entertain a motion to send this item (File 070311) to Board as a Committee Report for consideration on March 20, 2007.
- 6. 070242 [Appointment - Foster Care Improvement Task Force]**
Resolution appointing Helen Birch, term ending August 31, 2007, to the Foster Care Improvement Task Force; residency requirement waived.

Helen Birch, new appointment, seat 1, must be a representative of a neighborhood organization from Oceanview/Merced/Ingleside, for the unexpired portion of a two-year term ending August 31, 2007.

2/26/07, RECEIVED AND ASSIGNED to Rules Committee.

*1 Seat/1 Applicant
Helen M. Birch, Seat 1 (residency waiver required)*
- 7. 070340 [Appointment - Child Care Planning and Advisory Council]**
Resolution appointing Juanita Santana, term ending December 31, 2008, to the Child Care Planning and Advisory Council.

Juanita Santana, succeeding herself, term expired, seat 7, 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 the unexpired portion of a three-year term ending December 31, 2008.

3/8/07, RECEIVED AND ASSIGNED to Rules Committee.

2 Seats/2 Applicants

Juanita Santana, Seat 7

Heidi McLaughlin, Seat 9 (residency waiver required)

8. 070341 [Appointment - Commission on the Aging Advisory Council]

Hearing to consider appointing one member to the Commission on the Aging Advisory Council.

1 seat being considered

Vacant Seat, succeeding Marylouise Lovett, term expired, seat 3, must be a nominee of District 10 Supervisor, for the unexpired portion of a two-year term ending March 31, 2008.

3/8/07, RECEIVED AND ASSIGNED to Rules Committee.

1 Seat/1 Applicant

Mary R. Higgins, Seat 3

9. 070338 [Appointment - Citizens' General Obligation Bond Oversight Committee]

Resolution appointing Shawn Leonard, term ending November 21, 2008, to the Citizens' General Obligation Bond Oversight Committee.

Shawn Leonard, succeeding William Wong, term expired, seat 2, must be active in labor organizations, for the unexpired portion of a two-year term ending November 21, 2008.

3/8/07, RECEIVED AND ASSIGNED to Rules Committee.

1 Seat/1 Applicant

Shawn Leonard, Seat 2

10. 070339 [Appointment - Asthma Task Force]

Resolution appointing Nanette Madden, term ending June 30, 2007, to the Asthma Task Force.

Nanette Madden, succeeding Julie McKown, seat 14, resigned, must be an individual who represents health care professions working with asthmatics and is a voting member, for the unexpired portion of a two-year term ending June 30, 2007.

3/8/07, RECEIVED AND ASSIGNED to Rules Committee.

1 Seat/1 Applicant

Annette Madden, Seat 14

11. 070193 **[Accept-Expend Federal and State Grants for Voting Equipment]**
Resolution authorizing the Department of Elections to accept and expend additional grants under the federal Help America Vote Act of 2002 ("HAVA"), Section 301 in an amount not to exceed \$5,742,340 for voting equipment to be used for the November 2007 election and elections thereafter. (Elections Department)
- 2/1/07, RECEIVED AND ASSIGNED to Rules Committee.
3/1/07, CONTINUED. Speakers: None. Continued to March 15, 2007, meeting.
12. 061470 **[Thirty Day Hold for Legislation Involving Planning or Land Use]** **Supervisors Peskin, Jew**
Motion amending the Rules Order of the Board of Supervisors to add Rule 5.41 requiring that significant amendments to the Administrative Code involving land use or planning issues shall be referred to the Planning Department and prohibiting Board or Committee action on such legislation until thirty days after introduction.
- 10/24/06, RECEIVED AND ASSIGNED to Rules Committee.
13. 061695 **[Assessment Appeals Boards: expanding Board Two jurisdiction]** **Supervisor Peskin**
Ordinance amending Administrative Code Chapter 2B "Assessment Appeals Boards" by amending Section 2B.6 and Section 2B.13 to expand the jurisdiction of Board Two (1) from less than \$20,000,000 to less than \$50,000,000 maximum assessed roll value, and (2) to include jurisdiction over residential property of four units or less in the downtown and south of Market areas that are currently excluded from Board Two jurisdiction.
- 12/12/06, RECEIVED AND ASSIGNED to Rules Committee.
14. 061696 **[Assessment Appeals Board Local Procedural Rule Modification: Time period for Applicants to request reconsideration after denial of application due to failure to appear at hearing]** **Supervisor Peskin**
Resolution approving modification of Assessment Appeals Board local Procedural Rule 21 as approved by a joint meeting of AAB members, to improve hearing calendar management by providing that an Applicant will have thirty (30) days (instead of the current sixty (60) days) to file a request for reconsideration whenever the AAB has denied an application due to the Applicant's failure to appear at the scheduled hearing.
- 12/12/06, RECEIVED AND ASSIGNED to Rules Committee.
15. 070251 **[Adequacy of Ethics Commission Resources]** **Supervisor Daly**
Hearing to determine whether the Ethics Commission is funded sufficiently to perform its Charter mandates and whether the City has appropriately responded to the Civil Grand Jury Report of 2005.
- 2/27/07, RECEIVED AND ASSIGNED to Rules Committee. Sponsor requests that the item be heard on March 15, 2007 in Rules Committee.

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.

- 16. 070109 [Settlement of Lawsuit - Harvey John Merk]**
Ordinance authorizing settlement of the lawsuit filed by Harvey John Merk against the City and County of San Francisco for \$135,000; the lawsuit was filed on August 5, 2005 in San Francisco Superior Court, Case No. 443-654; entitled Harvey John Merk, et al., v. City and County of San Francisco, et al. (City Attorney)

1/26/07, RECEIVED AND ASSIGNED to Rules Committee.
- 17. 070141 [Three Month Extension of Tolling Agreement] Supervisor Elsbernd**
Resolution approving a three month extension of mutual tolling agreement between the City of Daly City ("Daly City") and the City and County of San Francisco ("San Francisco"). (City Attorney)

1/29/07, RECEIVED AND ASSIGNED to Rules Committee.
3/6/07, SUBSTITUTED. City Attorney's Office submitted a substitute resolution bearing new title.
3/6/07, ASSIGNED to Rules Committee.
- 18. 070293 [Settlement of Lawsuit - Marnie Carter]**
Ordinance authorizing settlement of the lawsuit filed by Marnie Carter against the City and County of San Francisco for \$100,000; the lawsuit was filed on March 30, 2005 in San Francisco Superior Court, Case No. 439-948; entitled Marnie Carter, et al., v. City and County of San Francisco, et al. (City Attorney)

2/28/07, RECEIVED AND ASSIGNED to Rules Committee.
- 19. 070294 [Settlement of Lawsuit - Adrienne Hogan]**
Ordinance authorizing the settlement of a lawsuit filed by Adrienne Hogan against the City and County of San Francisco for \$50,000.00 (fifty thousand dollars); the lawsuit was filed on September 19, 2005, in San Francisco Superior Court, Case No. 444952, entitled Adrienne Hogan v. City and County of San Francisco et al. (City Attorney)

2/28/07, RECEIVED AND ASSIGNED to Rules Committee.

20. 070295 [Settlement of Lawsuit - Hattie Finn-Carter]

Ordinance authorizing the settlement of a lawsuit filed by Hattie Finn-Carter against the City and County of San Francisco, Public Utilities Commission, Kevin Lyons, Dan Gilman, and Michael Saldanha for \$70,000.00 (seventy thousand dollars); the lawsuit was filed on February 13, 2006, in United States District Court for the Northern District of California, Case No. 06-1067, entitled Hattie Finn-Carter v. City and County of San Francisco, Public Utilities Commission, Kevin Lyons, Dan Gilman, and Michael Saldanha. (City Attorney)

2/28/07, RECEIVED AND ASSIGNED to Rules Committee.

21. 070297 [Settlement of Lawsuit - San Francisco Bay Area Transit District] Supervisor Peskin

Ordinance authorizing revised settlement of litigation brought by the San Francisco Bay Area Transit District against City and County of San Francisco in the eminent domain action entitled San Francisco Bay Area Transit District v. City and County of San Francisco, et al. (Alameda County Superior Court No. HG03-099024, filed July 7, 2003), for the principal amount of \$2,367,570.

3/6/07, RECEIVED AND ASSIGNED to Rules Committee.

[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.

22. 070270 [Charter Amendment - Limiting hold-over service by members of City boards and commissions] Supervisors McGoldrick, Ammiano
- Charter amendment (First Draft) to add Section 4.101.5 to limit hold-over service by members of City boards and commissions whose terms have expired.

2/27/07, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 3/29/2007.

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.

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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.



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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.

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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

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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