

City and County of San Francisco

Rules Committee

City Hall, Room 263



Meeting Agenda

Thursday, November 16, 2006

10:00 AM

Regular Meeting

Members: Ross Mirkarimi, Sean Elsbernd, Tom Ammiano

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. 061389 [Reappointment, Planning Commission]

Motion approving the Mayor's reappointment of William L. Lee to the Planning Commission term ending July 1, 2010. (Mayor)

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 061390.)

Transmittal date – October 3, 2006.

10/3/06, RECEIVED AND ASSIGNED to Rules Committee.

11/9/06, NO ACTION TAKEN. LACK OF QUORUM..

2. 061390 [Reappointment, Planning Commission]

Motion rejecting the Mayor's reappointment of William L. Lee to the Planning Commission term ending July 1, 2010.

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 061389.)

Transmittal date – October 3, 2006.

10/3/06, RECEIVED AND ASSIGNED to Rules Committee.

11/9/06, NO ACTION TAKEN. LACK OF QUORUM..

3. 061387 [Appointment, Planning Commission]

Mayor

Motion approving the Mayor's appointment of Marilyn Sue Lee to the Planning Commission term ending July 1, 2010.

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 061388.)

Transmittal date – October 3, 2006.

10/3/06, RECEIVED AND ASSIGNED to Rules Committee.

11/9/06, NO ACTION TAKEN. LACK OF QUORUM..

4. 061388 [Appointment, Planning Commission]

Mayor

Motion rejecting the Mayor's appointment of Marilyn Sue Lee to the Planning Commission term ending July 1, 2010.

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 061387.)

Transmittal date – October 3, 2006.

10/3/06, RECEIVED AND ASSIGNED to Rules Committee.

11/9/06, NO ACTION TAKEN. LACK OF QUORUM..

5. 061552 [Appointment - Bicycle Advisory Committee]

Resolution appointing Richard Tilles, term ending November 19, 2008, to the Bicycle Advisory Committee.

Richard Tilles, succeeding himself, term expired, seat 2, must be a nominee of District 2 Supervisor, for the unexpired portion of a two-year term ending November 19, 2008.

11/7/06, RECEIVED AND ASSIGNED to Rules Committee.

1 Seat/1 Applicant

Richard Tilles, Seat 2

6. 061551 [Appointment - Graffiti Advisory Board]

Hearing to consider appointing one member to the Graffiti Advisory Board.

1 seat being considered

Vacant seat, succeeding Machaela Hctor, resigned, seat 10, must be an at-large member knowledgeable in graffiti issues, for an indefinite term.

11/7/06, RECEIVED AND ASSIGNED to Rules Committee.

1 Seat/1 Applicant

Gideon Kramer, Seat 10

7. 061553 [Appointment - Western SoMa Citizens' Planning Task Force]

Resolution appointing Mark Vernon and Susan Hagen Contreras, terms ending November 23, 2007, to the Western SoMa Citizens' Planning Task Force.

Mark Vernon, succeeding Karen Nolan, resigned, seat 5, must be raising a family in western SoMa, for the unexpired portion of a three-year term ending November 23, 2007.

Susan Hagen Contreras, succeeding Sharon Kim, resigned, seat 14, must be a parks and open space advocate, for the unexpired portion of a three-year term ending November 23, 2007.

11/7/06, RECEIVED AND ASSIGNED to Rules Committee.

2 Seats/2 Applicants

Mark Vernon, Seat 5

Susan Hagen Contreras, Seat 14

8. 061333 [Prohibiting Gifts From Restricted Sources] Supervisor Mirkarimi

Ordinance amending section 3.216 of the Campaign and Governmental Conduct Code to prohibit City officers and employees from receiving any gifts from restricted sources other than nominal gifts exempted by the Ethics Commission and to clarify that exemptions to gift limits under state law also apply to limits imposed by local law. (Ethics Commission)

9/20/06, RECEIVED AND ASSIGNED to Rules Committee.

9. 061508 [Reappointment - Supervisor Tom Ammiano to MTC] Supervisor Peskin

Resolution reappointing Supervisor Tom Ammiano, term ending February 10, 2011, to the Metropolitan Transportation Commission.

10/31/06, RECEIVED AND ASSIGNED to 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.

10. 061484 [Settlement of Unlitigated Claim - Fremont Investment Advisor, Inc.]

Resolution approving the settlement of the unlitigated Claim No. 06-02119 filed by Fremont Investment Advisor, Inc. for Payroll Tax Refund against the City and County of San Francisco for \$33,041.34.

10/24/06, RECEIVED AND ASSIGNED to Rules Committee.

11. 061520 [Settlement of Lawsuit - Cynthia Fitzgerald]

Ordinance authorizing settlement of the lawsuit filed by Cynthia Fitzgerald against the City and County of San Francisco for \$140,000; the lawsuit was filed on November 8, 2004 in San Francisco Superior Court, Case No. 436-152; entitled Cynthia Fitzgerald, et al., v. City and County of San Francisco, et al. (City Attorney)

11/6/06, RECEIVED AND ASSIGNED to Rules Committee.

12. 061521 [Settlement of Lawsuit - Bradford Wilson]

Ordinance authorizing settlement of the lawsuit filed by Bradford Wilson against the City and County of San Francisco for \$70,000.00; the lawsuit was filed on October 27, 2005 in the San Francisco Superior Court, Case No. 446116; entitled Bradford Wilson v. City and County of San Francisco, et al. (City Attorney)

11/6/06, 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.

- 13. 061466 [Charter Amendment - Authorizing the Chief of Police to Suspend Police Officers for Up to 45 Days] Supervisor Elsbernd**
- Charter amendment (Second Draft) to amend Section A8.343 to increase the number of days that the Chief of Police may suspend police officers from 10 to 45, and making other non-substantive amendments.

10/24/06, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 11/23/2006.

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