



City and County of San Francisco  
Meeting Minutes  
Rules Committee

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

*Members: Norman Yee, Katy Tang, David Campos*

*Clerk: Alisa Miller (415) 554-4447*

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Thursday, March 6, 2014

2:00 PM

City Hall, Committee Room 263

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**Regular Meeting**

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*The President appointed Supervisor Eric Mar, in place of Supervisor David Campos, to the Rules Committee for the meeting of March 6, 2014.*

*Supervisor Tang, seconded by Supervisor Mar, moved to excuse Supervisor David Campos from the March 6, 2014, meeting of the Rules Committee. The motion carried by the following vote:*

*Ayes: 3 - Yee, Tang, Mar*

*Excused: 1 - Campos*

**Present:** 3 - Norman Yee, Katy Tang, and Eric Mar

**Excused:** 1 - David Campos

## MEETING CONVENED

*The meeting convened at 2:18 p.m.*

## REGULAR AGENDA

**140081 [Administrative Code - Dissolving the Community Oversight Committee Regarding Enforcement of Marijuana Offenses]**

Ordinance amending the Administrative Code, by deleting Section 12X.6, to dissolve the Community Oversight Committee Regarding Enforcement of Marijuana Offenses. (Clerk of the Board)

01/28/14; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/27/2014.

*Heard in Committee. Speaker: Male Speaker; spoke neither in support nor against the hearing matter.*

**RECOMMENDED by the following vote:**

Ayes: 3 - Yee, Tang, Mar

Excused: 1 - Campos

**140165 [Appointments, SRO Task Force - Sam Patel and Pratibha Tekkey]**

Hearing to consider appointing two members, terms ending December 31, 2015, to the SRO Task Force. (Rules Committee)

Vacant seat 2, succeeding Suresh Patel, term expired, must be a private SRO owner/operator, for the unexpired portion of a three-year term ending December 31, 2015.

Vacant seat 6, succeeding Pratibha Tekkey, term expired, must be a representative of the Central City SRO Collaborative, for the unexpired portion of a three-year term ending December 31, 2015.

02/21/14; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speakers: Rosemary Bosque (Department of Building Inspection); presented information and answered questions raised throughout the discussion. Sam Patel; Pratibha Tekkey; spoke on their qualifications.*

*Appointment of Sam Patel, seat 2, recommended.*

*Appointment of Pratibha Tekkey (residency requirement waived), seat 6, recommended.*

**PREPARED IN COMMITTEE AS A MOTION**

Motion appointing Sam Patel and Pratibha Tekkey (residency requirement waived), terms ending December 31, 2015, to the SRO Task Force. (Rules Committee)

Sam Patel, seat 2, succeeding himself, term expired, must be a private SRO owner/operator, for the unexpired portion of a three-year term ending December 31, 2015.

Pratibha Tekkey (residency requirement waived), seat 6, succeeding herself, term expired, must be a representative of the Central City SRO Collaborative, for the unexpired portion of a three-year term ending December 31, 2015.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Yee, Tang, Mar

Excused: 1 - Campos

**140178 [Appointment, Commission on the Aging Advisory Council - Margie Ramirez]**

Hearing to consider appointing one member, term ending March 31, 2015, to the Commission on the Aging Advisory Council. (Rules Committee)

Vacant seat 11, succeeding Jerry Brown, term expired, must be a nominee of the District 9 Supervisor, the unexpired portion of a two-year term ending March 31, 2015.

02/28/14; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speaker: Margie Ramirez; spoke on her qualifications.*

*Appointment of Margie Ramirez, seat 11, recommended.*

**PREPARED IN COMMITTEE AS A MOTION**

Motion appointing Margie Ramirez, term ending March 31, 2015, to the Commission on the Aging Advisory Council. (Rules Committee)

Margie Ramirez, seat 11, succeeding Jerry Brown, term expired, must be a nominee of the District 9 Supervisor, the unexpired portion of a two-year term ending March 31, 2015.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Yee, Tang, Mar

Excused: 1 - Campos

**131208 [Health Code - Restrictions on Sale and Use of Electronic Cigarettes]****Sponsors: Mar; Avalos, Chiu and Yee**

Ordinance amending the Health Code to prohibit the use of electronic cigarettes where smoking is otherwise prohibited; require a tobacco permit for the sale of electronic cigarettes; prohibit the sale of electronic cigarettes where the sale of tobacco products is otherwise prohibited; and making environmental findings.

12/17/13; ASSIGNED UNDER 30 DAY RULE to Neighborhood Services and Safety Committee, expires on 1/16/2014.

02/28/14; TRANSFERRED to Rules Committee.

02/28/14; RESPONSE RECEIVED. Not a project under CEQA Section 15060(c) and 15378 because there is no direct or indirect physical change in the environment.

*Heard in Committee. Speakers: Derek Smith and Dr. Tomas Aragon (Department of Public Health); Sandra Lee Fewer (SF Unified School District); Dr. Stanton Glantz and Dr. Rachel Grana (UCSF); Karen Licavoli (Breathe California); presented information and answered questions raised throughout the discussion. Annie Giang, Victoria Truong, Michelle Nguyen, Carissa Ortega, and Tram Le (Vietnamese Youth Development Center); Dr. John Maa (UCSF); Dr. Lawrence Green (Tobacco Education and Research Oversight Committee); Cooper Logan; Allison Talker (Student Advisory Council); Daniel Dubrovsky; May Hao (the Sunset Project); Salvador Lopez-Barreras (SF Unified School District); Dr. Lauren Dutra (UCSF); Olga Radom; Cynthia Hallett (Americans for Non-Smokers' Rights); Dr. Gwen Essex (UCSF); Bob Gordon (LGBT Tobacco Education Project); Brittni Chicuata (American Heart Association); Avani Desai (Youth Leadership Institute); Naphtali Offen; Jon Krurger; Keith Perry; Serena Chen (American Lung Association); Lynda Boyer-Chu (SFUSD, Wellness Center); Liz Williams (Americans for Non-Smokers' Rights); Jessica Estrada (Vietnamese Youth Development Center); Dr. Lucy Popova and Lauren Lempert (UCSF); Amanda Phallen; Dr. Randy Uang (UCSF); Brian Davis (Tri-City Health); Dr. Darlene Bahrs; Gwen MacKellen (Excelsior Action Group); Gloria Souz (Clash/The Last Drag); Dan Carrigan; Ted Guggenheim; spoke in support of the hearing matter. David Goldman and Dale Gieringer (California NORML); Michelle Aldrich; Michael Aldrich, PhD; Kenneth Koehn; Alexander Woon; Han Hua, Paulo Acosta, and Male Speaker (SF Vapers Association); Adam Bowen (Ploom, Inc.); Michael Barger, Lawrence Tam, and Rowena Cabanayan (SF Vapers Association); Kevin Brown (Safe Access); spoke in opposition to the hearing matter.*

*Supervisor Yee requested to be added as a co-sponsor.*

**RECOMMENDED by the following vote:**

Ayes: 3 - Yee, Tang, Mar

Excused: 1 - Campos

Supervisor Mar was noted absent at 4:22 p.m. and for the remainder of the meeting.

## 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 - Yee, Tang

Excused: 1 - Campos

Absent: 1 - Mar

**140114 [Settlement of Lawsuit - State Farm Insurance Company - \$115,000]**

Ordinance authorizing settlement of the lawsuit filed by State Farm Insurance Company against the City and County of San Francisco for \$115,000; the lawsuit was filed on July 1, 2013, in Superior Court of California, County of San Francisco, Case No. CGC-13-532539; entitled State Farm General Insurance Company, v. City and County of San Francisco, et al. (City Attorney's Office)

02/07/14; RECEIVED FROM DEPARTMENT.

02/25/14; RECEIVED AND ASSIGNED to Rules Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 2 - Yee, Tang

Excused: 1 - Campos

Absent: 1 - Mar

**140115 [Settlement of Claim - John C. Lyons - \$125,000]**

Resolution approving the settlement of the unlitigated claim filed by John C. Lyons against the City and County of San Francisco for \$125,000; claim was filed on February 5, 2013. (City Attorney's Office)

02/07/14; RECEIVED FROM DEPARTMENT.

02/25/14; RECEIVED AND ASSIGNED to Rules Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 2 - Yee, Tang

Excused: 1 - Campos

Absent: 1 - Mar

**140116 [Settlement of Claim - California State Automobile Association Insurance Company - \$56,330.42]**

Resolution approving the settlement of the unlitigated claim filed by California State Automobile Association Insurance Company against the City and County of San Francisco for \$56,330.42; claim was filed on August 30, 2013. (City Attorney's Office)

02/07/14; RECEIVED FROM DEPARTMENT.

02/25/14; RECEIVED AND ASSIGNED to Rules Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 2 - Yee, Tang

Excused: 1 - Campos

Absent: 1 - Mar

**140118 [Settlement of Lawsuit - Elevated Investors II, LLC - City to Receive \$20,000]**

Ordinance authorizing settlement of the writ action filed by the City and County of San Francisco against Assessment Appeals Board No. 1, and Elevated Investors II, LLC, as the real party in interest, in exchange for a payment of \$20,000 from Elevated Investors II LLC; the lawsuit was filed on June 12, 2009, in San Francisco Superior Court, Case No. CPF-11-511651; entitled City and County of San Francisco, et al., v. Assessment Appeals Board No. 1, (Elevated Investors II, LLC). (City Attorney's Office)

02/10/14; RECEIVED FROM DEPARTMENT.

02/25/14; RECEIVED AND ASSIGNED to Rules Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 2 - Yee, Tang

Excused: 1 - Campos

Absent: 1 - Mar

**140119 [Settlement of Lawsuit - BRE/GLEN Portfolio Mezz 4, LLC - \$512,581.50]**

Ordinance authorizing settlement of the lawsuit filed by BRE/GLEN Portfolio Mezz 4, LLC, against the City and County of San Francisco for \$512,581.50; the lawsuit was filed on March 26, 2013, in San Francisco Superior Court, Case No. CGC-13-530011; entitled BRE/GLEN Portfolio Mezz 4, LLC v. City and County of San Francisco. (City Attorney's Office)

02/10/14; RECEIVED FROM DEPARTMENT.

02/25/14; RECEIVED AND ASSIGNED to Rules Committee.

**RECOMMENDED AS COMMITTEE REPORT by the following vote:**

Ayes: 2 - Yee, Tang

Excused: 1 - Campos

Absent: 1 - Mar

**140137 [Settlement of Lawsuit - Gabe Terry - \$125,000]**

Ordinance authorizing settlement of the lawsuit filed by Gabe Terry and Elena Wong Terry against the City and County of San Francisco for \$125,000; the lawsuit was filed on July 6, 2012, in San Francisco Superior Court, Case No. CGC-12-522132; entitled Gabe Terry, et al. v. City and County of San Francisco, et al. (City Attorney's Office)

02/12/14; RECEIVED FROM DEPARTMENT.

02/25/14; RECEIVED AND ASSIGNED to Rules Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 2 - Yee, Tang

Excused: 1 - Campos

Absent: 1 - Mar

*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: 2 - Yee, Tang

Excused: 1 - Campos

Absent: 1 - Mar

**ADJOURNMENT**

*The meeting adjourned at 4:30 p.m.*

*N.B. The Minutes of this meeting set forth all actions taken by the Rules Committee on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.*