

BOARD of SUPERVISORS



City Hall
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MEMORANDUM

RULES COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Norman Yee, Chair
Rules Committee

FROM: Linda Wong, Committee Clerk

DATE: July 23, 2013

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, July 23, 2013

The following files should be presented as **COMMITTEE REPORT** at the Board meeting today, July 23, 2013. These items were acted upon at a Committee Meeting on Thursday, July 18, 2013 at 1:30 p.m., by the votes indicated.

Item No. 51 File No. 130336

[Settlement of Lawsuit - Rosemary Bosque - \$49,505.70]

Ordinance authorizing settlement of the lawsuit filed by Rosemary Bosque against the City and County of San Francisco for \$49,505.70; the lawsuit was filed on May 14, 2010 in San Francisco Superior Court, Case No. CGC-10-499909, entitled Bosque v. City and County of San Francisco.

RECOMMENDED AS COMMITTEE REPORT

Vote: Yee – Excused
Breed – Aye
Cohen – Aye

(Pursuant to Rules of Order, Section 3.2, President David Chiu served as a committee member to vote on File No. 130449 due to lack of quorum.)

Item No. 52 File No. 130449

[Settlement of Lawsuit - Jesse J. Byrd - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by Jesse J. Byrd, Malik Britt, and Rashad Conley against the City and County of San Francisco for \$75,000; the lawsuit was filed on April 8, 2011, in U.S. District Court, Northern District of California, Case No. C11-1742-DMR; entitled Jesse J. Byrd, et al., v. City and County of San Francisco, et al.

RECOMMENDED AS COMMITTEE REPORT

Vote: Yee – Aye
Breed – Excused
Cohen – Excused
Chiu – Aye

Item No. 53 File No. 130507

[Settlement of Lawsuit - Local Search Association - \$85,000]

Ordinance authorizing settlement of the lawsuit filed by Local Search Association against the City and County of San Francisco for \$85,000; the lawsuit was filed on June 7, 2011, in the U.S. District Court for the Northern District of California, Case No. CV-11-2776 SBA; entitled Local Search Association v. City and County of San Francisco, et al.; other material terms of said settlement are that the parties shall stipulate to entry of a consent judgment against the City and County of San Francisco.

RECOMMENDED AS COMMITTEE REPORT

Vote: Yee – Aye
Breed – Aye
Cohen – Aye

Item No. 54 File No. 130529

[Settlement of Lawsuit - Paulette Adams-Irving - \$350,000]

Ordinance authorizing settlement of the lawsuit filed by Paulette Adams-Irving against the City and County of San Francisco for \$350,000.00; the lawsuit was filed on March 15, 2011, in San Francisco Superior Court, Case No. CGC 11-509216; entitled Paulette Adams-Irving v. City and County of San Francisco, et al.

RECOMMENDED AS COMMITTEE REPORT

Vote: Yee – Aye
Breed – Aye
Cohen – Aye

Item No. 55 File No. 130530

[Settlement of Lawsuit - Maria Camacho - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Maria Camacho against the City and County of San Francisco for \$50,000; the lawsuit was filed on March 7, 2012, in San Francisco Superior Court, Case No. CGC 12-517261; entitled Maria Camacho, et al., v. City and County of San Francisco, et al.

RECOMMENDED AS COMMITTEE REPORT

Vote: Yee – Aye
 Breed – Aye
 Cohen – Aye

Item No. 56 File No. 130643

[Settlement of Lawsuit - Maria D'Agostino - \$135,000]

Ordinance authorizing settlement of the lawsuit filed by Maria D'Agostino against the City and County of San Francisco for \$135,000; the lawsuit was filed on June 15, 2012, in San Francisco Superior Court, Case No. CGC-12-521615; entitled Maria D'Agostino, et al., v. City and County of San Francisco, et al.

RECOMMENDED AS COMMITTEE REPORT

Vote: Yee – Aye
 Breed – Aye
 Cohen – Aye

Item No. 57 File No. 130644

[Settlement of Lawsuit - Wei Vivian Cui - \$30,000]

Ordinance authorizing settlement of the lawsuit filed by Wei Vivian Cui against the City and County of San Francisco for \$30,000; the lawsuit was filed on November 3, 2011, in San Francisco County Superior Court, Case No. CGC-11-515654; entitled Wei Vivian Cui v. City and County of San Francisco, et al.

RECOMMENDED AS COMMITTEE REPORT

Vote: Yee – Aye
 Breed – Aye
 Cohen – Aye

Item No. 58 File No. 130531

[Settlement of Claim - Travelers Insurance Company and Connie Curran - \$42,876.54]

Resolution approving the proposed settlement of claim filed by Travelers Insurance Company and Connie Curran against the City and County of San Francisco for \$42,876.54; claim was filed on November 15, 2011, bearing Claim No. 12-01124.

RECOMMENDED AS COMMITTEE REPORT

Vote: Yee – Aye
Breed – Aye
Cohen – Aye

Item No. 59 File No. 130567

[Settlement of Unlitigated Claims - 300 Spear Realty Venture LLC]

Resolution approving the settlement of the unlitigated claim in favor of 300 Spear Realty Venture LLC against the City and County of San Francisco; and the unlitigated claim in favor of the City and County of San Francisco against 300 Spear Realty Venture LLC.

RECOMMENDED AS COMMITTEE REPORT

Vote: Yee – Aye
Breed – Aye
Cohen – Aye

Item No. 60 File No. 130634

[Settlement of Administrative Enforcement Action - \$51,000]

Resolution approving the settlement of the unlitigated administrative enforcement action filed by the San Francisco Bay Regional Water Quality Control Board against San Francisco imposing a penalty of \$51,000.

RECOMMENDED AS COMMITTEE REPORT

Vote: Yee – Aye
Breed – Aye
Cohen – Aye

Item No. 61

File No. 130705

[Settlement of Unlitigated Claims - Donald Wiggam - \$125,000]

Resolution approving the settlement of the unlitigated claims filed by Donald Wiggam against the City and County of San Francisco for \$125,000; claims were filed on October 22, 2011, August 9, 2012, and March 26, 2013.

RECOMMENDED AS COMMITTEE REPORT

Vote: Yee – Aye
Breed – Aye
Cohen – Aye

Item No. 62

File No. 130622

[Initiative Ordinance - Administrative Code - San Francisco Family Friendly Workplace Ordinance]

Motion ordering submitted to the voters an ordinance amending the Administrative Code to: allow San Francisco-based employees to request flexible or predictable working arrangements to assist with caregiving responsibilities, subject to the employer's right to deny a request based on business reasons; prohibit adverse employment actions based on caregiver status; prohibit interference with rights or retaliation against employees for exercising rights under the Ordinance; require employers to post a notice informing employees of their rights under the Ordinance; require employers to maintain records regarding compliance with the Ordinance; authorize enforcement by the Office of Labor Standards Enforcement, including the imposition of remedies and penalties for a violation, and an appeal process for an employer to an independent hearing officer; authorize waiver of the provisions of the Ordinance in a collective bargaining agreement; and making environmental findings, to the voters of the City and County of San Francisco at an election to be held on November 5, 2013.

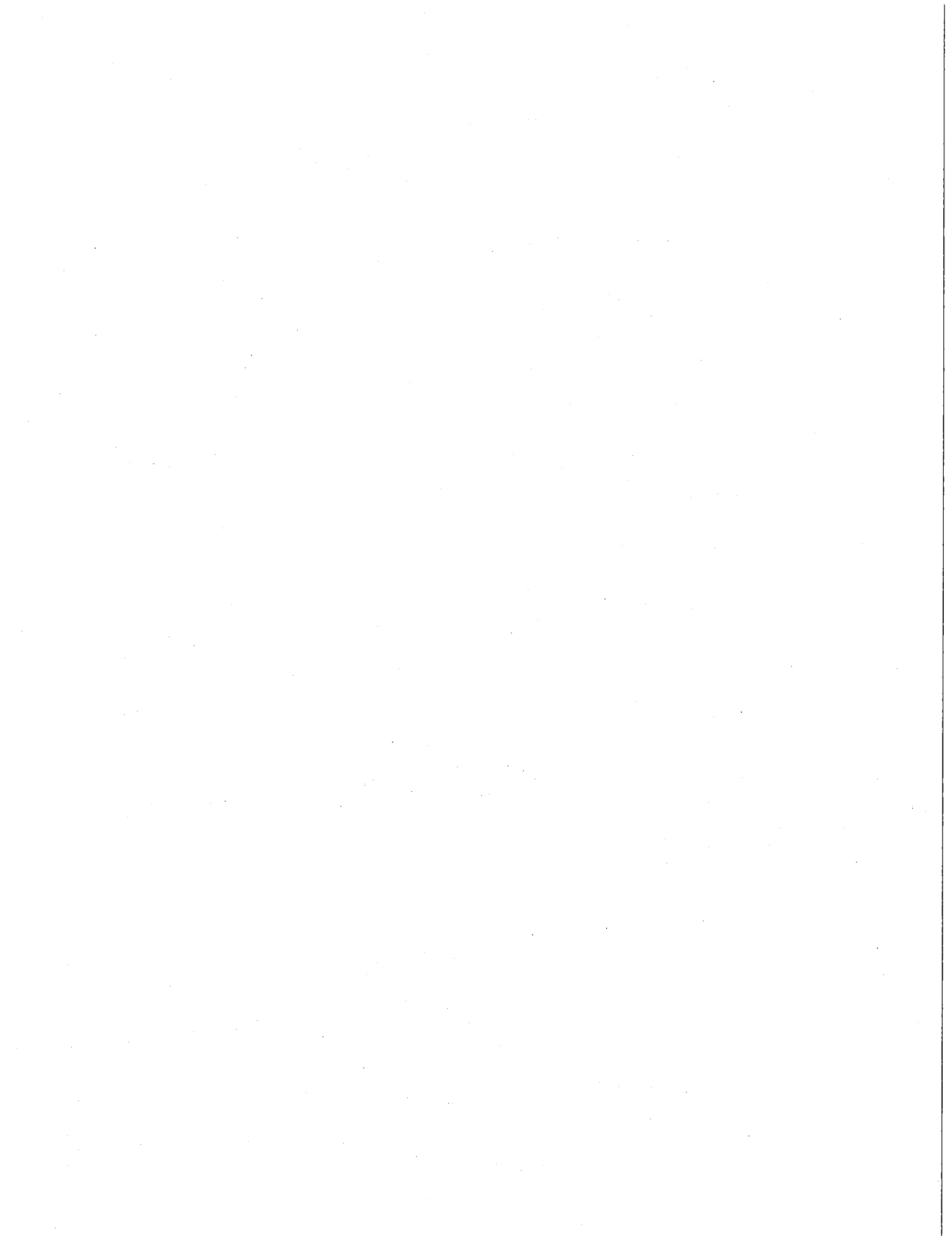
AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Vote: Yee – Aye
Breed – Aye
Cohen – Aye

CONTINUED AS AMENDED to July 23, 2013.

Vote: Yee – Aye
Breed – Aye
Cohen – Aye

c: Board of Supervisors
Angela Calvillo, Clerk of the Board
Jon Givner, Deputy City Attorney
Rick Caldeira, Legislative Deputy Director



File No. 130507

Committee Item No. 6
Board Item No. 53

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: Rules

Date 7/18/13

Board of Supervisors Meeting

Date 7/23/13

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
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OTHER

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Completed by: Linda Wong

Date 7/15/13

Completed by: L.W.

Date 7/23/13

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

1 [Settlement of Lawsuit - Local Search Association - \$85,000]

2
3 **Ordinance authorizing settlement of the lawsuit filed by Local Search Association**
4 **against the City and County of San Francisco for \$85,000; the lawsuit was filed on June**
5 **7, 2011, in the United States District Court for the Northern District of California, Case**
6 **No. CV-11-2776 SBA; entitled Local Search Association v. City and County of San**
7 **Francisco, et al.; other material terms of said settlement are that the parties shall**
8 **stipulate to entry of a consent judgment against the City and County of San Francisco.**
9

10 Be it ordained by the People of the City and County of San Francisco:

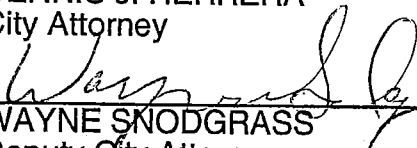
11 Section 1. The City Attorney is hereby authorized to settle the action entitled "Local
12 Search Association v. City and County of San Francisco, et al., United States District Court for
13 the Northern District of California, Court No. CV-11-2776 SBA by stipulating to the entry of a
14 consent judgment against the City and County of San Francisco providing as follows: the
15 parties dispute whether San Francisco Ordinance No. 78-11 was constitutional at the time it
16 was enacted but they agree that it is unconstitutional and may not be enforced under Dex
17 Media West Inc. v. City of Seattle, 696 F.3d 952 (9th Cir. Oct. 15, 2012); and the City and
18 County of San Francisco will pay \$85,000 in attorneys' fees and costs to Local Search
19 Association.

20 Section 2. The above-named action was filed in the United States District Court for the
21 Northern District of California on June 7, 2011, and the following parties were named in the
22 lawsuit: plaintiff Local Search Association and defendants City and County of San Francisco;
23 Board of Supervisors of the City and County of San Francisco; and Edwin M. Lee in his official
24 capacity as Mayor of the City and County of San Francisco.
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APPROVED AS TO FORM AND
RECOMMENDED:

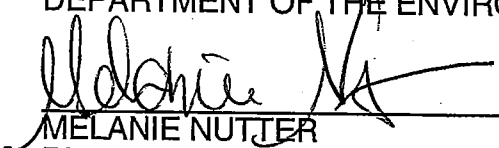
DENNIS J. HERRERA
City Attorney



WAYNE SNODGRASS
Deputy City Attorney

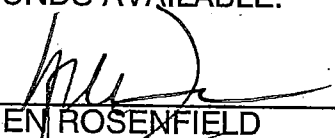
RECOMMENDED:

DEPARTMENT OF THE ENVIRONMENT



MELANIE NUTTER
Director

FUNDS AVAILABLE:



BEN ROSENFELD
Controller

Index Code: 975067
Sup Object: 05311

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