File No.	180089	Committee Item No	3
		Board Item No.	

COMMITTEE/BOARD OF SUPERVISORS

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Completed k		

SUBSTITUTED 2/13/2018

FILE NO. 180089

NOTE:

ORDINANCE NO.

[Transportation Code - Board of Supervisors Review of Certain Municipal Transportation Agency Decisions]

Ordinance amending Division I of the Transportation Code to establish a procedure for Board of Supervisors review of certain Municipal Transportation Agency Decisions.

Unchanged Code text and uncodified text are in plain Arial font.

Additions to Codes are in single-underline italics Times New Roman font.

Deletions to Codes are in strikethrough italics Times New Roman font.

Board amendment additions are in double-underlined Arial font.

Board amendment deletions are in strikethrough Arial font.

Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Division 1 of the Transportation Code is hereby amended by adding Article 10, consisting of Section 10.1, to read as follows:

ARTICLE 10: BOARD OF SUPERVISORS REVIEW PROCEDURES SEC. 10.1. REVIEW OF MUNICIPAL TRANSPORTATION AGENCY DECISIONS.

(a) **Definitions.** As used in this Section 10.1, the following words and phrases shall have the following meaning:

Final SFMTA Decision. A decision by the Municipal Transportation Agency (SFMTA) to (1) create or eliminate a preferential parking zone pursuant to Vehicle Code sections 22507 or 22507.1; (2) create or eliminate a parking meter zone; (3) adopt a limitation on the time period for which a vehicle may be parked; (4) create a pilot or temporary program involving any of (1) through (3) above, or continue or Substantially Modify a pilot or temporary program involving any of (1) through (3) above on a permanent basis; or (5) create or Substantially Modify a Private Transportation Program that may create or eliminate a preferential parking zone, including providing access to the curb, pursuant to Vehicle Code sections 22507 or 22507.1, or that may limit the time period for which

a vehicle may be parked, including providing access to the curb, in order to regulate or accommodate a private transportation service or services. "Final SFMTA Decision" shall not include (1) a decision by the SFMTA that was contemplated as part of the implementation of a prior Final SFMTA Decision and is directly related to the implementation of a bicycle lane, Bus Rapid Transit project, or Large Infrastructure Project including regulations limiting parking, stopping, standing or loading; or (2) a decision by the SFMTA regarding any of the following parking restrictions or modifications: (A) street sweeping; (B) any temporary Traffic Control Device installed or removed on any street for the purpose of controlling parking or traffic during emergencies, special conditions or events, construction work, short-term testing, or when necessary for the protection of public health and safety; or (C) Special Traffic Permit.

Large Infrastructure Project. A project involving a contract, memorandum of understanding, or other agreement involving the SFMTA that requires Board of Supervisors approval pursuant to Charter Section 9.118, or would otherwise result in anticipated revenue to the City of one million dollars or more, anticipated expenditures by the City of ten million dollars or more, or a modification of more than \$500,000 to such project.

Private Transportation Program. A framework or program developed by the SFMTA to regulate or manage any transportation-related service provided by a private or for-profit entity to customers, except for taxis or paratransit service, including SFMTA's entering into a contract, issuing a permit, adopting new legislation or amending existing legislation, or approving a request by the City Traffic Engineer or Director of Transportation.

<u>Proximity to Final SFMTA Decision.</u> A distance within 500 feet of all exterior physical boundaries of a Final SFMTA Decision.

Special Traffic Permit. A permit issued by the SFMTA that authorizes the obstruction of traffic for construction activities other than the parking of vehicles at a specified construction site and subject to all permit conditions imposed by the SFMTA.

Private Transportation Program, expansion or restriction in the geographic scope of a pilot or temporary program or Private Transportation Program, expansion in the number of vehicles permitted under a pilot or temporary program or Private Transportation Program, changes in the operating structure of any entity subject to the existing conditions of a pilot or temporary program or Private Transportation Program, or partnership with any Private Transportation Program that is primarily regulated by a state agency.

Substantially Modify. Any extension of the term of a pilot or temporary program or

Traffic Control Device. A sign, signal, marking, or other device used to regulate, warn, or guide vehicular and pedestrian traffic, placed on, over, on the surface of or adjacent to a street by authority of the SFMTA. Such temporary Traffic Control Devices shall be removed when they are no longer required following the emergency, condition, or event.

(b) Request for Review.

- (1) A Final SFMTA Decision may be reviewed by the Board of Supervisors as set forth in this Section 10.1.
- (2) Within 30 days from the date that a Final SFMTA Decision is made by the SFMTA Board of Directors or is made in writing by the City Traffic Engineer or the Director of Transportation pursuant to Section 203 of this Code, a Request for Review may be submitted to the Board of Supervisors, on a form provided by the Clerk, indicating the Final SFMTA Decision for which review is being requested and the specific basis for requesting review. The request shall include a copy of the Final SFMTA Decision, or sufficiently describe the action taken by the SFMTA, and provide the date of the Final SFMTA Decision.

(3) A Request for Review may only be filed as follows:

(A) By a City resident, or owner of real property or of a business located in the City, which is signed by any combination of 50 other City residents, owners of real property in the City, or owners of businesses in the City, on a form provided by the Clerk. All signatories must be City

residents, own or lease real property, or own or lease a business within Proximity to the Final SFMTA

Decision. Adequate proof of residency or real property or business ownership shall be submitted with
the petition as required by the Clerk, and accompanied by a filing fee in the amount of \$597 payable to
the Clerk of the Board of Supervisors; or

(B) By a member of the public, with the concurrence of four members of the Board of Supervisors, on a form provided by the Clerk requesting the Clerk to schedule a hearing before the Board of Supervisors.

(c) Scheduling of Review Hearing.

- (1) Within three business days after receiving a Request for Review, and prior to scheduling a review hearing, the Clerk shall determine whether the requirements set forth in subsection (b) have been met. If the prerequisites for hearing required by subsection (b) are not timely fulfilled, the Final SFMTA Decision shall stand and any filing fee paid shall be returned to the requester. If the prerequisites are fulfilled, the Clerk shall set a time and place for a review hearing not less than 15 days after the filing of the Request for Review. The Clerk shall send a copy of the Request for Review, including supporting documents, and notice of the review hearing, to the SFMTA.
- (2) The SFMTA shall (A) prior to the review hearing, submit an explanation of the criteria guiding the Final SFMTA Decision and the basis for that decision, and/or (B) at the review hearing, make a presentation regarding the basis for the Final SFMTA Decision.
- (3) While a review request is pending before the Board of Supervisors, the SFMTA shall not implement any action that is the subject of the Request for Review.
- (d) Notice of Review Hearing. Notice of the review hearing shall be posted in the Clerk's Office and mailed to any person who filed a Request for Review. If more than one Request for Review is filed with the Clerk regarding the same Final SFMTA Decision, the Clerk shall consolidate all requests so that only one hearing is held, provided that the period of not less than 15 days for the Clerk to schedule a review hearing shall be triggered by the earliest filed Request for Review.

- (e) Decision After Review Hearing. After the review hearing, the Board of Supervisors may, by motion, affirm or reverse the Final SFMTA Decision. Any decision to reverse the Final SFMTA Decision shall include written findings setting forth the basis for the reversal and shall be binding on the SFMTA for a two-year period but shall not preclude the SFMTA from issuing a Final SFMTA Decision that modifies the original Final SFMTA Decision, provided that the modified Final SFMTA Decision shall be subject to further review by the Board of Supervisors as set forth in this Section 10.1.
- (f) Status of Final SFMTA Decision. If the Board of Supervisors fails to approve or reverse the Final SFMTA Decision within 60 days of the date of the filing of the Request for Review, the Final SFMTA Decision shall be deemed approved.
- (g) CEQA. Nothing in this Section 10.1 shall be construed as providing an alternative procedure for appealing an environmental review determination under either the California

 Environmental Quality Act ("CEQA") or the National Environmental Policy Act ("NEPA").
- (h) Filing Fee Waiver. The filing fee set forth in subsection (b)(3)(A) shall be waived if a neighborhood organization that: (1) has been in existence for 24 months prior to the filing date of the Request for Review, (2) is on the Planning Department's neighborhood organization notification list, and (3) can demonstrate to the Clerk or his/her designee that the organization is affected by the Final SFMTA Decision submits a request for fee waiver, on a form approved by the Clerk, when a Request for Review is filed. The filing fee shall be refunded to the City resident, owner of real property in the City, or business in the City, that filed the Request for Review if the Board of Supervisors reverses the Final SFMTA Decision.
- Section 2. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board

of Supervisors overrides the Mayor's veto of the ordinance.

APPROVED AS TO FORM: DENNIS J. HERRERA, City Attorney

Ву: **Deputy City Attorney**

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REVISED LEGISLATIVE DIGEST

(Substituted, 2/13/2018)

[Transportation Code - Board of Supervisors Review of Certain Municipal Transportation Agency Decisions]

Ordinance amending Division I of the Transportation Code to establish a procedure for Board of Supervisors review of certain Municipal Transportation Agency Decisions.

Existing Law

Notwithstanding the SFMTA's exclusive authority to adopt various parking and traffic regulations, Charter section 8A.102(b)(8) permits the Board of Supervisors to establish procedures by which the public may seek Board of Supervisors review of certain SFMTA decisions; however, the Board of Supervisors have not yet adopt procedures to provide for such review.

Amendments to Current Law

This ordinance amends Division I of the San Francisco Transportation Code to establish procedures for review of certain SFMTA decisions by the Board of Supervisors. The ordinance: (1) creates definitions for "Final SFMTA Decision," "Private Transportation Program," and "Proximity to Final SFMTA Decision"; (2) establishes a procedure for the public to request review of a Final SFMTA Decision by the Board of Supervisors; (3) requires that notice of the review hearing be posted in the Clerk's Office; and (4) provides a procedure for the Board of Superiors to affirm or reverse a Final SFMTA Decision following the review hearing.

Background Information

Supervisors Safai and Peskin requested legislation to establish a procedure for Board of Supervisors review of certain SFMTA decisions.

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To:

Duong, Noelle (BOS); Jodie Medeiros

Subject: RE: Monday's Land Use Meeting - SFMTA Ordinance

From: Jodie Medeiros < jodie@walksf.org> Sent: Thursday, April 26, 2018 1:11:36 PM

To: Kim, Jane (BOS) **Cc:** Duong, Noelle (BOS)

Subject: Monday's Land Use Meeting - SFMTA Ordinance

Good afternoon Supervisor Kim,

On Monday, at the Transportation and Land Use committee meeting, you will be reviewing an ordinance that will allow the BOS to review SFMTA final decisions - if 50 residents bring the project forward to the BOS. Walk SF feels like this ordinance will slow down the SFMTA (not speed them up which is the biggest complaint), adds an additional layer of bureaucracy and essentially guts the authority of the SFMTA Board. We know that SFMTA manages the brunt of community push back and essentially protects the supervisor. That's why we have the system of commissions and boards - to make those hard decisions out of the political limelight because it would be impossible for Supervisors to please all their constituents. This type of an ordinance puts the BOS on the spot for a lot of transportation decisions.

Walk SF would like to see all Vision Zero & bike projects exempt from the ordinance. Walk SF is concerned about it interfering with the city's Vision Zero goal which we only have 5 more years to achieve. I know Vision Zero is near and dear to your heart, and would hope that you would ask the hard and right questions about how we can achieve this goal. We're just reviewed the SFMTA's 5-year Capital Improvement Plan - where every dollar has been allocated to High Injury Network to achieve Vision Zero. This is fantastic! And we believe that many of these projects will be delayed based on this ordinance - when we should be speeding up our Vision Zero progress of street redesign because every life matters. Just last year we saw a major battle with the neighbors just to put boarding islands for the <u>L-Traval</u> and relocate parking to side streets (not even take parking away!). Yes, some Vision Zero projects do include parking removal or replacement which will inevitably trigger this ordinance.

We believe the ordinance should require 5 BOS needed to review the SFMTA Final Decision (currently written only 1 resident + 4 BOS or 50 local residents can bring a project to review. We know this won't be difficult. Parking space by parking space, traffic calming by traffic calming project, daylighting by daylighting should not be in the hands of the BOS after it has already gone through its due process through the SFMTA Board. Should it??

As a champion of Vision Zero, and someone who always asks the right - and often hard questions - I'm asking you to explore the impact this ordinance could have on the goals of Vision Zero - and the delays it would cause. How would this ordinance improve the process vs slow it down even more?

I will be there on Monday speaking in opposition to this ordinance - and the harm it will do to our city's overall Vision Zero goal. I am available to discuss any and all of this before Monday's meeting if you would find this helpful. Thank you for listening and addressing our concerns at Land Use on Monday, ~jodie

Jodie Medeiros

Executive Director



333 Hayes St, Suite 202, San Francisco, CA 94102 415.596.1580 (cell) | walksf.org

Time to invest in safe and enjoyable streets through a Walk SF membership! Only \$25 for the month of April

From:

Duong, Noelle (BOS)

Sent:

Thursday, April 26, 2018 11:19 AM

To:

Rachel Hyden Major, Erica (BOS)

Cc: Subject:

Re: SF Transit Riders transit topics for your attention

Hi Rachel,

Thank you for reaching out to Supervisor Kim's office. The Supervisor is not available to connect before the land use meeting Monday but we appreciate your advocacy in advance. I recommend also submitting a letter to the clerk's office so that it can be in the committee packet for all of the members to view. Eric Major cc'd staffs the land use committee for clerk's office and will be able to facilitate getting a letter into the packet for this item.

Warm Regards, Noelle

Noelle Duong Legislative Office of District 6 Supervisor Jane Kim noelle.duong@sfgov.org | 415-554-7970

From: Rachel Hyden <rachel@sftransitriders.org> Sent: Wednesday, April 25, 2018 7:59:26 PM

To: Kim, Jane (BOS)

Cc: Duong, Noelle (BOS); Corrette, Moses (BOS)

Subject: SF Transit Riders transit topics for your attention

Supervisor Kim,

We haven't had the chance to officially meet yet, but I'm Rachel, Executive Director of <u>SF Transit Riders</u>. I'm reaching out about a couple of transit-related topics that involve you in your Supervisor capacity as well as your commissioner capacity with MTC.

- I wanted to let you know SFTR is extremely concerned
- about the proposed Ordinance to amend the Transportation Code, which I have heard has been calendared for Monday's Land Use and Transportation Committee meeting. We are concerned about the appeals process having a negative impact on SFMTA's ability to effectively
- 4. deliver transit priority and pedestrian safety projects. The ordinance will create a more complicated and confusing process that will undoubtedly cause more delay to getting capital projects done. We all know that is already difficult enough. This ordinance

- 5. arose from a frustration with SFMTA that is a real problem responsiveness, transparency, accountability. It doesn't actually address those problems. I know you are not the sponsor of the bill but I wanted to make SFTR's position known. I do plan to be there
- 6. on Monday as well.

7. 8.

- 9. Regarding the means-based fare program, it has come
- 10. up about the potential for a BART-only pilot at a 20% discount. I wanted to quickly let you know SF Transit Riders is supportive of a Muni+BART pilot at a 50% discount. I will be sending a full letter to the P&A Committee with complete details. I met with
- 11. Commissioner Josefowitz last week to talk about this and he mentioned I should let you know where SFTR stands as this program is in active discussions.

12.

13.

If you or your staff are interested in meeting to further discuss these issues and other transit-related priorities, please let me know and I'd be happy to make it happen.

Regards, Rachel



Rachel Hyden Executive Director San Francisco Transit Riders sftransitriders.org





From:

Aaron Goodman <amgodman@yahoo.com>

Sent:

Sunday, April 22, 2018 12:09 PM

To:

Calvillo, Angela (BOS); SOTF, (BOS); Young, Victor

Subject:

April 30th 2018 / SF Land Use Committee FILE NO. 180089 / Memo Response - A. Goodman

Follow Up Flag: Flag Status:

Follow up Flagged

SF Board of Supervisors

RE: FILE NO 180089

This item at the Land-Use hearing appears to directly deal with some of the issues I brought up between the SFMTA Traffic Engineer hearings and the full SFMTA Board hearings and due proper notice and channels of appeal. I brought a SOTF complaint File No. 18017 regarding the concerns on a proposal for 45 Degree Parking on Lisbon St. between Avalon and Peru and was concerned about the lacking of re-notification to people concerned or submitting issues as home owners along Lisbon St. on the issue.

We had concerns due to lacking translation (more than 1/2 the street is Non-English speaking) and the other side of the street is ADA Disabled residents of the JHSF as a larger facility with staff.

The concerns were due to adequate initial Nov. 3rd 2017 traffic engineer hearing notice, but lacking and insufficient follow-up hearing notice and a side-bar meeting with the D11 aide with SFDPW and SFFD without proper and due notification to community members to participate, that should have been involved in the discussion and resolution per the Traffic Engineer Chairs comments at the Nov. 3rd Meeting 2017, prior to being forwarded to the full SFMTA Board without due and public renotification per Section 202 of the Transportation Code of this follow up SFMTA Board meeting on Dec. 5th, 2017 for posting on utility poles at a min. of the follow up SFMTA Board hearing. (No notice went to the community members of the follow-up SFMTA Board hearing on Dec. 5th 2017.

The SF Land-Use hearing item is directly discussing appeals, and process, but should directly address RENOTIFICATION of the public post a traffic engineer hearing and prior to an SFMTA full board hearing on "consent" issues. Especially when there was NOT consent on the item and it should NOT have been heard or brought forward to the full committee.

Please forward my initial complaint SOTF File No. 18017 to the SF Board of Supervisors as a request to amend the legislation and require public renotification by the SFMTA Board per **Section 202 of the Transportation Code**, on the issues of File No. 180089. The appeals should also not require 50 people but less numbers of residents or owners required to file an appeal. This should be 20-25 max. signatures which is typically half of the block.

Please note that the SF Planning Department and other agencies in SF typically notify residents and petitioners, along with people who attend meetings and sign-up on email lists that they want to be notified, are supposed to be renotified of these follow-up hearings. This is NOT being done by agencies and must be required and reinforced.

This issue should be clarified by the City Attorney on proper and adequate notification regarding follow-up meetings of different agencies, and the requirements of projects (inclusive of SFMTA Traffic changes that are more impactful, and deal with public safety and the need for coordinated efforts and responses between

agencies that are publicly vetted such as the concerns raised by the SFFD and SFDPW on the proposal for 45 degree parking along Lisbon St.)

I see now more clearly why there was some hesitation by SOTF members on the need to have more input of the city attorney on this issue.

Sincerely

Aaron Goodman D11 Resident E: amgodman@yahoo.com

Sunshine Ordinance Task Force Complaint Summary

File No. 18017

Aaron Goodman V. SFMTA

Date filed with SOTF: 3/6/18

Contacts information (Complainant information listed first): amgodman@yahoo.com (Complainant)
Roberta Boomer, Caroline Celaya, sfmtasunshinerequests@sfmta.com, SFMTA (Respondent)

File No. 18017: Complaint filed by Aaron Goodman against the San Francisco Municipal Transportation Agency (SFMTA) for allegedly violating Administrative Code, Sections 67.7 and 67.7-1, by taking action on an item prior to posting an agenda.

Administrative Summary if applicable:

Complaint Attached.

From:

Pierce, Jeffrey (ETH)

To:

Braxton, Ernestine

Subject: Date: FW: New Year _ follow up Item.... - SFMTA Wednesday, January 3, 2018 10:23:42 AM

Hi Ernestine, please log this as a complaint with subject "sunshine ordinance" and assigned to me. Thx!

From: Hickey, Jacqueline (ETH)

Sent: Wednesday, January 3, 2018 8:17 AM

To: Pierce, Jeffrey (ETH) <jeffrey.pierce@sfgov.org> **Subject:** FW: New Year __follow up Item.... - SFMTA

From: Aaron Goodman [mailto:amgodman@yahoo.com]

Sent: Tuesday, January 2, 2018 3:51 PM

To: Ethics Commission, (ETH) < ethics.commission@sfgov.org>

Subject: Fw: New Year follow up Item.... - SFMTA

Ethics Commissioners

I believe the SFMTA acted improperly in not notifying the public of the final approval hearing of this item, the prior hearing we spoke opposing the proposal unless changes were made to the parking layout and number of parking spaces. The D11 Supervisor Respresentative Cathy Mulkey Meyer, attended the prior meeting (prior to the Dec. 5th SFMTA hearing) as did the developers representative Joel Roos JHSF. At the prior meeting we voiced our concerns and opposition to the changes. Tom Folks again (did the same prior) asked the SFMTA team on the project to outreach to the neighborhood the possible alternatives. They never did.

Is this a formal complaint, or an informal one (was not sure as I have not filed one to date, but would like to file one in relation to this issue since inadequate notification went out on the proposed changes.)

A.Goodman D11 (25 Lisbon St.) Resident amgodman@yahoo.com
Cell: 4157866929

On Tuesday, January 2, 2018 3:22 PM, Aaron Goodman <amgodman@yahoo.com> wrote:

Cathy

You attended the meeting with Joel Roos and Myself. We discussed prior and post the meeting the need to follow-up on this item and ensure that the SFDPW, and Fire-Department staff would be aok with the JHSF on removing 1-2 squares inwards towards the JHSF of sidewalk,

or the overall concerns for speed and overall dimension issues along Lisbon St. due to cartraffic speeds which are a serious hazard and has been reported prior the concern on car speeds on Lisbon and the speed-bump existing which does little to reduce speeds up and down Lisbon St. The Peru St. intersection was also a big issue since we wanted a better "bio-swale" concept or improved water-run-off areas and a break in the sidewalk possibly with a rumble strips or similar materials to reduce and slow traffic at Peru..

I stated to the hearing officer prior that we are **NOT** in support of the 45 Degree Parking if it is to remain a "wall of metal" across Lisbon St. and that it was understood that there would be efforts to provide median plantings, and/or finger/planters between parking to break up the repetitive nature of the parking shown. The JHSF had shown plans for tree-plantings along Lisbon however we wanted to be sure that parking was broken up by median strips and efforts to control water-run-off and improve visible character of the change proposed and provide options for seating at both ends of the street at London and Silver/Peru to improve walking the block of the JHSF and the surrounding street-scape. There were locations on both ends, and mid-block where this could occur.

The hearing occured at the SFMTA Dec 5th (without ANY notification to residents in the area!!!) There were ZERO postings around on any poles on the Dec. 5th final hearing item.

SFMTA Board Item 10.1 Traffic Modifications Tuesday Dec. 5th 2017 H. ESTABLISH – 45 DEGREE ANGLE PARKING - Lisbon Street, west side, from Peru Avenue to 10 feet north of Avalon Avenue. PH 11/3/17 Requested by District 11

I would like to know what was done in terms of agreement, or approvals, and why the SFMTA representatives in charge of the project did ZERO outreach on the issue post the prior meeting.

I believe this was a violation of the proper notification process. The item was I believe approved, but should not have been due to lacking notification to residents on the hearing...

A.Goodman D11

Young, Victor

From:

SOTF. (BOS)

Sent:

Tuesday, March 06, 2018 3:49 PM

To:

'Aaron Goodman'

Cc:

Calvillo, Angela (BOS)

Subject:

SOTF - Referral of Complaints to the Sunshine Ordinance Task Force

Attachments:

Sunshine Ordinance-SFMTA-1718-058.pdf

Dear Mr. Goodman:

The attached complaints against the SFMTA has been referred from the Ethics Commission to the Sunshine Ordinance Task Force. Please let me know if you would like the Task Force to open a complaint against the SFMTA for allegedly violation Administrative Code, Sections 67.7 and 67.7-1.

SEC. 67.7. AGENDA REQUIREMENTS; REGULAR MEETINGS.

- (a) At least 72 hours before a regular meeting, a policy body shall post an agenda containing a meaningful description of each item of business to be transacted or discussed at the meeting. Agendas shall specify for each item of business the proposed action or a statement the item is for discussion only. In addition, a policy body shall post a current agenda on its Internet site at least 72 hours before a regular meeting.
- (b) A description is meaningful if it is sufficiently clear and specific to alert a person of average intelligence and education whose interests are affected by the item that he or she may have reason to attend the meeting or seek more information on the item. The description should be brief, concise and written in plain, easily understood English. It shall refer to any explanatory documents that have been provided to the policy body in connection with an agenda item, such as correspondence or reports, and such documents shall be posted adjacent to the agenda or, if such documents are of more than one page in length, made available for public inspection and copying at a location indicated on the agenda during normal office hours.
- (c) The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public.
- (d) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a policy body may respond to statements made or questions posed by persons exercising their public testimony rights, to the extent of asking a question for clarification, providing a reference to staff or other resources for factual information, or requesting staff to report back to the body at a subsequent meeting concerning the matter raised by such testimony.

SEC. 67.7-1. PUBLIC NOTICE REQUIREMENTS.

- (a) Any public notice that is mailed, posted or published by a City department, board, agency or commission to residents residing within a specific area to inform those residents of a matter that may impact their property or that neighborhood area, shall be brief, concise and written in plain, easily understood English.
- (b) The notice should inform the residents of the proposal or planned activity, the length of time planned for the activity, the effect of the proposal or activity, and a telephone contact for residents who have questions.
- (c) If the notice informs the public of a public meeting or hearing, then the notice shall state that persons who are unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing, that these comments will be made a part of the official public record, and that the comments will be brought to the attention of the person or persons conducting the public meeting or hearing. The notice should also state the name and address of the person or persons to whom those written comments should be submitted.

Victor Young Assistant Clerk **Board of Supervisors** 1 Dr. Carlton B. Goodlett Place, City Hall., Room 244 San Francisco CA 94102 phone 415-554-7724 | fax 415-554-5163 victor.young@sfgov.org | www.sfbos.org



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Young, Victor

From:

SOTF. (BOS)

Sent:

Wednesday, March 07, 2018 9:57 AM

To:

'Aaron Goodman' Calvillo, Angela (BOS)

Cc: Subject:

RE: SOTF - Referral of Complaints to the Sunshine Ordinance Task Force

Mr. Goodman:

A Sunshine Ordinance complaint will be opened and notice of hearing will be provided.

I would like to bring to your attention that the Sunshine Ordinance Task Force's (SOTF) jurisdiction is limited to noticing requirements as listed below. The SOTF does not have jurisdiction over policy decision made by other bodies.

SEC. 67.7. AGENDA REQUIREMENTS; REGULAR MEETINGS.

- (a) At least 72 hours before a regular meeting, a policy body shall post an agenda containing a meaningful description of each item of business to be transacted or discussed at the meeting. Agendas shall specify for each item of business the proposed action or a statement the item is for discussion only. In addition, a policy body shall post a current agenda on its Internet site at least 72 hours before a regular meeting.
- (b) A description is meaningful if it is sufficiently clear and specific to alert a person of average intelligence and education whose interests are affected by the item that he or she may have reason to attend the meeting or seek more information on the item. The description should be brief, concise and written in plain, easily understood English. It shall refer to any explanatory documents that have been provided to the policy body in connection with an agenda item, such as correspondence or reports, and such documents shall be posted adjacent to the agenda or, if such documents are of more than one page in length, made available for public inspection and copying at a location indicated on the agenda during normal office hours.
- (c) The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public.
- (d) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a policy body may respond to statements made or questions posed by persons exercising their public testimony rights, to the extent of asking a question for clarification, providing a reference to staff or other resources for factual information, or requesting staff to report back to the body at a subsequent meeting concerning the matter raised by such testimony.

Victor Young 415-554-7724 Administrator, Sunshine Ordinance Task Force

----Original Message-----

From: Aaron Goodman [mailto:amgodman@yahoo.com]

Sent: Tuesday, March 06, 2018 5:44 PM

To: SOTF, (BOS) <sotf@sfgov.org>

Cc: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>

Subject: Re: SOTF - Referral of Complaints to the Sunshine Ordinance Task Force

yes please do file a complaint on te issue as they moved forward an item where it was clear to me and the two other parties present at the prior hearing we were NOT in favor of the item as presented yet it was forwarded to the SFMTA board and approved without notice to adjacent property owners of the push through on the 45 degree parking on Lisbon st without proper and due notice and clarity on issues raised prior with the D11 supervisors aide and rep from the JHSF for the proposed impacts and safety concerns along Lisbon st without adequate traffic calming measures and

shifting of some of the parking around to Avalon st. With improved bio-Swales and landscape elements along with designated funds for trash and maintenance of the area post installation.

Thank you

Aaron Goodman D11

Sent from my iPhone

> On Mar 6, 2018, at 3:49 PM, SOTF, (BOS) <sotf@sfgov.org> wrote:

> 94102



SUNSHINE ORDINANCE TASK FORCE Education, Outreach and Training Committee CITY AND COUNTY OF SAN FRANCISCO MINUTES _ DRAFT

Hearing Room 408 City Hall, 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4689

April 17, 2018 - 3:30 PM

Regular Meeting

Members: Josh Wolf (Chair), Eric Eldon, Louise Fischer

1. CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES

Chair Josh Wolf called the meeting to order at 3:43 p.m. On the call of the roll Chair Wolf and Members Eldon and Fischer were noted present. There was a quorum.

There were no agenda changes.

2. Adoption of the minutes for the February 20, 2018, Education, Outreach, and Training Committee meetings.

The Committee discussed the approval of the meeting minutes.

Member Fischer, seconded by Member Eldon, moved to approve the February 20, 2018, meeting minutes as amended.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 – Eldon, Fischer, J. Wolf

Noes: 0 - None

3. **Public Comment:** Members of the public may address the Education, Outreach and Training Committee on matters that are within the Committee's jurisdiction but not on today's agenda.

Speakers:

None.

The Education, Outreach and Training Committee (Committee) shall hold hearing(s) on File Nos. 18001 and 18017 to: 1) determine if the Sunshine Ordinance Task Force (Task Force) has jurisdiction; 2) review the merits of the complaints; and 3) issue a report and/or recommendation to the Task Force. The Task Force, upon receipt of the report and/or recommendation from the Committee, shall schedule and conduct a hearing on the merits of the complaint.

4. **File No. 18001:** Complaint filed by Julian Sarkar against Jose Cisneros and the Office of the Treasurer and Tax Collector for allegedly violating Administrative Code (Sunshine Ordinance, Section 67.21, by failing to respond to a request for public records in a timely and/or complete manner.

Julian Sakar (Petitioner) provided a summary of the complaint and requested the Committee to find violations. Mr. Sakar stated that his initial request for records was mishandled by the Treasurer/Tax Collector and he did not receive a response until additional inquiries were submitted. Mr. Sakar stated that he is looking for information as to how the Treasurer/Tax Collector received his name and targeted him for review. Theresa Buckley, Office of the Treasurer and Tax Collector (Respondent) provided a summary of the department's position and provided a summary of how the department is organized and separated into different sections that act independently. Ms. Buckley acknowledged that the November 30, 2017, letter requesting records was mishandled as communication but the Treasure/Tax Collector has since provided responsive records to the November 30, 2017, and December 19, 2017(received on December 28, 2017), request for records. Ms. Buckley stated that certain records were withheld for confidentiality purposes pursuant to Business and Taxation Code, Section 6.22-1(h). Ms. Buckley stated that providing a description of the records that have been withheld will violate confidentiality requirements. A question and answer period occurred. The Petitioner and Respondent were provided an opportunity for rebuttals.

The Committee suggested that the Respondent provide a simplified index of records that will not violate confidentiality, listing the number and type of records that have been withheld and the reason each record was withheld. The Committee requested that the parties work together to determine if certain confidential topics pertaining to Mr. Sakar can be discussed at the full Task Force hearing. As there is a possibility that records were transmitted to the wrong address, the Committee requested the Respondent to resend their responsive records to the Petitioner.

The Committee noted that the SOTF's jurisdiction is limited to the existence and timely disclosure of public records and cannot review operational policies and procedures of departments that are not covered by Administrative Code (Sunshine Ordinance), Chapter 67.

San Francisco Business and Taxation Code SEC. 6.22-1. CONFIDENTIALITY.

- (a) The information in a taxpayer's return is confidential, as is any information the Tax Collector learns about a taxpayer's business from the taxpayer or in response to the Tax Collector's request for information made under Sections <u>6.4-1</u> or <u>6.5-1</u>. Information regarding the Tax Collector's investigation of a particular taxpayer, including the fact that the Tax Collector has sent a request for information to a particular taxpayer or is investigating a particular taxpayer, is also confidential. Except as permitted by this Section or as otherwise required by law, neither the Tax Collector nor his or her staff, nor any other of the City's current or former employees or agents may disclose taxpayer confidential information to any person.
- (b) At the discretion of the Tax Collector, otherwise confidential information may be disclosed in any judicial proceeding or administrative proceeding pertaining to tax administration, determination, assessment, collection, or enforcement, of any civil or criminal liability arising under the Business and Tax Regulations Code if the information concerns a person who is a party to the proceeding, or the proceeding arose out of, or in connection with determining that person's civil or criminal liability, or the collection of that person's liability with respect to any tax imposed thereunder.
- (c) At the discretion of the Tax Collector, disclosure of otherwise confidential information may be made to the extent such disclosures are reasonably necessary to obtaining information bearing a direct relationship to the determination, assessment, collection, or enforcement of any civil or criminal liability arising under the Business and Tax Regulations Code.
- (d) At the discretion of the Tax Collector, the Tax Collector may disclose otherwise confidential information to employees or agents of the Tax Collector or other City employees who are engaged in matters preparatory to any judicial or administrative proceeding pertaining to the administration or enforcement of any civil or criminal liability arising out of the Business and Tax Regulations Code.
- (e) If the Tax Collector determines that a liability owing from a taxpayer may be collected from another person, the Tax Collector may disclose to such other person information relevant to the determination and collection of tax due or owing from the taxpayer.
- (f) The taxpayer, his successors, receivers, trustees, executors, administrators, assignees and guarantors, and their duly authorized legal representatives if directly interested, may be given information regarding the items included in the measure and amount of any unpaid tax or amounts of tax required to be collected, interest and penalties.
- (g) Notwithstanding any other provision of the Business and Tax Regulations Code or of any City ordinance, the Tax Collector is authorized to enter into agreements with other

public agencies providing for the exchange of information for official purposes of said agencies, and to implement any such agreement through the exchange of information.

- (h) Notwithstanding any other provision of the Business and Tax Regulations Code or of any City ordinance, the Tax Collector shall provide any and all information to the Controller that is needed to fulfill the Controller's responsibilities under Section 3.105 of the Charter. With regard to all such information provided by the Tax Collector, the Controller shall be subject to the confidentiality provisions of subsection (a) of this Section.
- (i) The Tax Collector may disclose to any City employee or agent for official purposes any information described in subsection (a) in aggregate or other form that does not disclose the identity of particular taxpayers.
- (j) Nothing in this Section shall impose any liability upon the Tax Collector or any employee or agent thereof for any disclosures of confidential information made in the performance of his or her duties.

Member Fischer, seconded by Member Eldon, moved to find jurisdiction in the matter, find that the requested records are public, and referred the matter to the SOTF for hearing with the recommendation to find a violation of Administrative Code (Sunshine Ordinance), Section 67.21 for failing to respond to a public records requests in a timely manner.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 – Eldon, Fischer, J. Wolf

Noes: 0 - None

5. **File No. 18017:** Complaint Filed by Aaron Goodman against the San Francisco Municipal Transportation Agency (SFMTA) for allegedly violating Administrative Code (Sunshine Ordinance), Sections 67.7 and 67.7-1, by taking action on an item prior to posting an agenda.

Aaron Goodman (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Mr. Goodman submitted additional documents at the meeting and there were no objections to the late submission of supporting documents. Mr. Goodman stated that there was no outreach to the public or involved parties regarding the SFMTA's December 5, 2017, meeting. Mr. Goodman provided a summary of the effect resulting from the SFMTA's actions. Roberta Boomer and Tom Folks, SFMTA (Respondent), provided a summary of the department's position. Ms. Boomer stated that the SFMTA Board of Directors complied with all Sunshine Ordinance requirements regarding the posting and noticing of the SFMTA Board of Director's December 5, 2017, meeting. Ms. Boomer stated that the requirements listed in San Francisco Transportation Code, Section 202, does not apply to the SFMTA Board of Directors meetings. However, Ms. Boomer stated that the November 3, 2017, Traffic

Engineer hearing complied with the Transportation Code listed below. A question and answer period occurred. The Petitioner and Respondent were provided an opportunity for rebuttals.

The Committee noted that the complaint was referred to the SOTF from the Ethics Commission and stated that the SOTF may only considered aspects of the complaint that pertain to Administrative Code (Sunshine Ordinance), Chapter 67. The Committee noted that departmental policy and procedures not related to Administrative Code (Sunshine Ordinance), Chapter 67, is not under the jurisdiction of the SOTF.

San Francisco Transportation Code SEC. 202. NOTICE OF PUBLIC HEARING.

The City Traffic Engineer shall post localized notices of public hearings for changes implemented pursuant to subsections 201(b) or 201(c). Such notices shall be posted on at least two utility poles in the affected area for no less than 10 calendar days prior to the hearing. The notice of the public hearing shall also be posted on the SFMTA website.

Member Fischer, seconded by Member Eldon, moved to find jurisdiction in the matter and referred the matter to the SOTF for hearing without recommendations.

Public Comment:

None.

The motion PASSED by the following vote:

Ayes: 3 – Eldon, Fischer, J. Wolf

Noes: 0 - None

6. Announcements, Comments, Questions, Future Agenda Items and Pending Calendar by Members of the Education, Outreach and Training Committee.

There were no announcements or comments.

Public Comment:

None.

7. ADJOURNMENT

There being no further business the meeting was adjourned at 4:46 p.m.

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

Approved by the Education, Outreach and Training Committee: DRAFT

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO:

Ed Reiskin, Executive Director, Municipal Transportation Agency

FROM:

Alisa Somera, Legislative Deputy Director Land Use and Transportation Committee

DATE:

February 16, 2018

SUBJECT:

SUBSTITUTE LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following substitute legislation, introduced by Supervisor Safai on February 13, 2018:

File No. 180089-2

Ordinance amending Division I of the Transportation Code to establish a procedure for Board of Supervisors review of certain Municipal Transportation Agency Decisions.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: alisa.somera@sfgov.org.

c: Janet Martinsen, Municipal Transportation Agency Kate Breen, Municipal Transportation Agency Dillon Auyoung, Municipal Transportation Agency Viktoriya Wise, Municipal Transportation Agency

BOARD of SUPERVISORS



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NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND TRANSPORTATION COMMITTEE

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date:

Monday, April 30, 2018

Time:

1:30 p.m.

Location:

Legislative Chamber, Room 250, located at City Hall

1 Dr. Carlton B. Goodlett Place, San Francisco, CA

Subject:

File No. 180089. Ordinance amending Division I of the Transportation Code to establish a procedure for Board of Supervisors review of certain Municipal Transportation Agency

Decisions.

If this legislation passes, Division I of the San Francisco Transportation Code would be amended to establish procedures for review of certain SFMTA decisions by the Board of Supervisors. A new filing fee of \$597, payable to the Clerk of the Board of Supervisors within 30 days from the date of the Final SFMTA Decision, shall be collected for each Request for Review. A Request for Review may only be filed by a City resident, or owner of real property or of a business located in the City, which is signed by any combination of 50 other City residents, owners of real property in the City, owners of businesses in the City, on a form provided by the Clerk. All signatories must be City residents, own or lease real property, or own or lease a business within Proximity to the Final SFMTA Decision. Proximity to Final SFMTA Decision is a distance within 500 feet of all exterior physical boundaries of a Final SFMTA Decision.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made as part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, April 27, 2018.

Angela Calvillo
Clerk of the Board

DATED/POSTED/PUBLISHED: April 19 and April 25, 2018

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO:

Ed Reiskin, Executive Director, Municipal Transportation Agency

FROM:

Re

Alisa Somera, Legislative Deputy Director Land Use and Transportation Committee

DATE:

February 6, 2018

SUBJECT:

LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Safai on January 23, 2018:

File No. 180089

Ordinance amending Division I of the Transportation Code to establish a procedure for Board of Supervisors review of certain Municipal Transportation Agency Decisions.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: alisa.somera@sfgov.org.

c: Janet Martinsen, Municipal Transportation Agency Kate Breen, Municipal Transportation Agency Dillon Auyoung, Municipal Transportation Agency Viktoriya Wise, Municipal Transportation Agency

Member, Board of Supervisors District 11



City and County of San Francisco

February 13, 2018

Angela Calvillo, Clerk of the Board City and County of San Francisco Board of Supervisors 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102-4689

Dear Ms. Calvillo:

Attached please find an original and two copies of a proposed ordinance submitted for the Board of Supervisors approval, which will amend Division I of the Transportation Code to establish a procedure for Board of Supervisors review of certain Municipal Transportation agency Decisions.

The following is a list of accompanying documents (three sets):

Proposed Ordinance

The following person may be contacted regarding this matter:

John I. Kennedy

Deputy City Attorney

San Francisco City Attorney's Office

Direct:

(415) 554-3978

Facsimile:

(415) 554-3985

Email:

John.Kennedy@sfcityatty.org

Respectfully Submitted,

Ahsha Safai

District 11 Supervisor

Introduction FormBOARD

By a Member of the Board of Supervisors or Mayor

Z018 FEB 13 PM 4 Time stamp

I hereby submit the following item for introduction (select only one):	ting date
√ 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).	
2. Request for next printed agenda Without Reference to Committee.	
3. Request for hearing on a subject matter at Committee.	
4. Request for letter beginning: "Supervisor	inquiries"
	Inquires
5. City Attorney Request.	
6. Call File No. from Committee.	
7. Budget Analyst request (attached written motion).	
8. Substitute Legislation File No.	
9. Reactivate File No.	
10. Question(s) submitted for Mayoral Appearance before the BOS on	2
Please check the appropriate boxes. The proposed legislation should be forwarded to the following	:
☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commis	sion
Planning Commission Building Inspection Commission	
Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative I	Form.
Sponsor(s):	
District 11 Supervisor Ahsha Safai	
Subject:	
Board of Supervisors Review of Certain Municipal Transportation Agency Decisions	
The text is listed:	
Ordinance amending Division 1 of the Transportation code to establish a procedure for the board of review of certain Municipal Transportation Agency Decisions.	Supervisors
$A, \Lambda II$	
Signature of Sponsoring Supervisor:	
For Clerk's Use Only	

Member, Board of Supervisors District 11



City and County of San Francisco

January 23, 2018

Angela Calvillo, Clerk of the Board City and County of San Francisco Board of Supervisors 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102-4689

Dear Ms. Calvillo:

Attached please find an original and two copies of a proposed ordinance submitted for the Board of Supervisors approval, which will amend Division I of the Transportation Code to establish a procedure for Board of Supervisors review of certain Municipal Transportation agency Decisions.

The following is a list of accompanying documents (three sets):

Proposed Ordinance

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John I. Kennedy

Deputy City Attorney

San Francisco City Attorney's Office

Direct:

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Facsimile:

(415) 554-3985

Email:

John.Kennedy@sfcityatty.org

Respectfully Submitted,

Ahsha Safai

District 11 Supervisor

Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED

RECEIV

I hereby submit the following item for introduction (select only one):	fing date
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	Factoria (a)
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9. Reactivate File No.	
10. Question(s) submitted for Mayoral Appearance before the BOS on	
Please check the appropriate boxes. The proposed legislation should be forwarded to the following Small Business Commission Vouth Commission Ethics Commission	
Planning Commission Building Inspection Commission	
Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative	Form.
Sponsor(s):	
District 11 Supervisor Ahsha Safai and District 3 Supervisor Aaron Peskin	
Subject:	
Board of Supervisors Review of Certain Municipal Transportation Agency Decisions	я
The text is listed:	
Ordinance amending Division I of the Transportation Code to establish a procedure for Board of Su of certain Municipal Transportation Agency Decisions.	pervisors review
Signature of Sponsoring Supervisor:	
For Clerk's Use Only	