

**City and County of San Francisco
Rules Committee**

(Revised on 10/09/09 @ 12:00pm)

City Hall, Committee Room 263



Meeting Agenda

Thursday, October 15, 2009

10:00 AM

Regular Meeting

Members: David Campos, Chris Daly, Michela Alioto-Pier

Clerk: Linda Wong (415) 554-7719

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.

AGENDA CHANGES

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine and will be acted upon by a single roll call vote of the Committee. There will be no separate discussion of these items unless a member of the Committee or the public so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

1. 091123 [Appointment, Bicycle Advisory Committee]

Hearing to consider appointing one member, term ending November 19, 2010, to the Bicycle

Advisory Committee.

Vacant seat, succeeding Andrew Bindman, term expired, seat 1, must be a nominee of District 1 Supervisor. The member shall serve the unexpired portion of a two-year term ending November 19, 2010 or for the tenure of the supervisor who nominated the member, whichever is shorter in duration,

9/21/09, RECEIVED AND ASSIGNED to Rules Committee.

1 seat/1 applicant
Ariella Hyman, seat 1

2. 091131 [Appointment, Children and Family First Commission]

Hearing to consider appointing one member, for an indefinite term, to the Children and Families First Commission.

Vacant seat, succeeding September Jarrett, resigned, seat 4, must be the Director of the Office of Children, Youth and Their Families or his or her designee, for an indefinite term.

9/21/09, RECEIVED AND ASSIGNED to Rules Committee.

1 seat/1 applicant
Maria Su, seat 4

3. 091130 [Appointment, Public Utilities Commission Rate Fairness Board]

Hearing to consider appointing one member, for an indefinite term, to the Public Utilities Commission Rate Fairness Board.

Vacant seat, succeeding William Wilkinson, resigned, seat 2, must be a small business city retail customer, for an indefinite term.

9/21/09, RECEIVED AND ASSIGNED to Rules Committee.

1 seat/1 applicant
Donald Hilla, seat 2

REGULAR AGENDA

**4. 091060 [Confirming the appointment of Claudine Cheng to the Mayor
Treasure Island Development Authority Board of
Directors]**

Motion confirming the appointment of Claudine Cheng to the Treasure Island Development Authority Board of Directors for a four-year term ending February 26, 2010.

(Appointments of Directors who are officers of SF or officers of SF Redevelopment Agency are effective immediately unless rejected by two-thirds vote of Board (8 votes) within 30 days written notice (3.100 (17)). Appointments of Directors who are not City officers or officers of SF Redevelopment Agency are effective only upon approval by a majority of the BOS. Transmittal date – August 24, 2009.)

8/24/09, RECEIVED AND ASSIGNED to Rules Committee.

9/17/09, CONTINUED. Heard in Committee. Speakers: None. Continued to the next meeting.

5. 091129 [Appointment, Entertainment Commission]

Hearing to consider appointing one member, term ending July 1, 2013, to the Entertainment Commission.

Vacant seat, succeeding Erik Joseph Pred, term expired, seat 3, shall represent the interests of the public health community, for the unexpired portion of a four-year term ending July 1, 2013.

9/21/09, RECEIVED AND ASSIGNED to Rules Committee.

1 seat/3 applicants

Neal Cavellini, seat 3

Michael Kim, seat 3

David Lupo, seat 3

6. 091107 [Providing for additional public comment at committee meetings]

Supervisor Alioto-Pier

Motion repealing and adding Rule 1.4 to provide additional opportunities for public comment at committee meetings.

9/15/09, RECEIVED AND ASSIGNED to Rules Committee.

7. 090833 [Lobbyist Ordinance Amendments]

Supervisor Chiu

Ordinance amending Chapter I of Article II of the Campaign and Governmental Conduct Code by amending Sections 2.100, 2.105, 2.110, 2.115, 2.117, 2.130, 2.135, 2.140, 2.145 and 2.150, adding Section 2.116, and deleting Sections 2.125 and 2.160, to simplify registration requirements, adopt a more equitable fee structure, ease electronic filing of lobbyist disclosures, and establish an effective date for these amendments.

6/23/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 7/23/2009. Referred to the Ethics Commission on July 15, 2009.

8. 090989 [Campaign Finance Reform Ordinance amendments]

Supervisor Daly

Ordinance amending Article I, Chapter I of the Campaign & Governmental Conduct Code by amending sections 1.100, 1.104, 1.107, 1.108, 1.112, 1.113, 1.114, 1.118, 1.122, 1.128, 1.130, 1.134, 1.135, 1.136, 1.140, 1.142, 1.144, 1.146, 1.148, 1.150, 1.152, 1.156, 1.161, 1.161.5, 1.168, 1.170, deleting sections 1.134.5, 1.158, and 1.160, and adding sections 1.109, 1.143, 1.171, and 1.175 to refine and conform definitions; to eliminate and streamline reporting requirements; to authorize greater electronic filing; to adjust expenditure ceilings for inflation; to clarify the permissible uses of campaign funds; to provide that certain candidates are eligible to accept Voluntary Expenditure Ceilings; to set forth the instances in which the Ethics Commission will lift Voluntary Expenditure Ceilings; to modify how public funds are disbursed to eligible candidates; to clarify the requirements for third-party reporting; to amend the statute of limitations for administrative actions; and to impose record retention requirements on local committees.

8/4/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 9/4/2009. Referred to the Ethics Commission for comment on August 12, 2009.

9. **090795** **[Prohibiting City employees and officers from raising funds for City departments]** **Supervisor Daly**
 Ordinance adding a new Chapter 5 to Article III of the Campaign and Governmental Conduct Code, by adding sections 3.500, 3.505, 3.510 and 3.515, to prohibit City employees and officers from soliciting donations to nonprofit organizations to fund City departments from persons doing business with those departments.

 6/9/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 7/9/2009. Referred to Ethics Commission for comment on 6/15/09.
10. **090523** **[Eastern Neighborhoods Citizens Advisory Committee]** **Supervisor Daly**
 Ordinance amending the Administrative Code Section 10E.2 concerning the qualifications for and number of members on the Eastern Neighborhoods Citizens Advisory Committee.

 4/28/09, RECEIVED AND ASSIGNED to Rules Committee. 5/14/09 - Referred to the Planning Commission for comment and recommendation. 6/8/09 - Received response from the Planning Department.
11. **091034** **[Extending the term of the Joint City and School District Committee for one year]** **Supervisor Elsbernd**
 Motion amending Rule 5.7 of the Board of Supervisors' Rules of Order to extend the term of the Joint City and School District Select Committee for one year.

 8/18/09, 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 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.

12. **091008** **[Settlement of Grievance - Elina Sulimov - \$130,000]**
 Ordinance authorizing settlement of the lawsuit filed by Elina Sulimov against the City and County of San Francisco for \$130,000; the lawsuit was filed on December 26, 2008, Case No. 478007; entitled Elina Sulimov, v. City and County of San Francisco. (City Attorney)

 8/7/09, RECEIVED AND ASSIGNED to Rules Committee.

The Chair intends to entertain a motion to send this item to Board as Committee Report on October 20, 2009.
13. **091037** **[Settlement of Lawsuit and Disputes and Agreement to Close the Potrero Power Plant - \$1,100,000]** **Supervisors Maxwell, Chiu, Alioto-Pier**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Mirant Potrero L.L.C. on April 27, 2009, in San Francisco Superior Court, Case No, CGC 09-487-795; entitled City and County of San Francisco, et al., v. Mirant Potrero L.L.C., which settlement provides for, among other things, permanent closure of the entire Potrero Power Plant when it is no longer needed for electric reliability, payment by Mirant of \$1,100,000 to the City, the City's agreement to stay enforcement of the UMB Ordinance for the unoccupied unreinforced masonry buildings located at the Potrero Power Plant site pending a new site reuse plan so long as Mirant maintains the buildings in a safe manner, Mirant's agreement to restrict future uses of the site to prohibit fossil fuel generation after the Plant is shut down, and the City's agreement to priority processing of a future application for entitlements for a proposed site reuse plan.

8/18/09, RECEIVED AND ASSIGNED to Rules Committee.

The Chair intends to entertain a motion to send this item to Board as Committee Report on October 20, 2009.

14. 091070 [Settlement of Lawsuit - Pat Moore/Tom Moore - \$120,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Pat Moore/Tom Moore against the City and County of San Francisco for \$120,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

9/4/09, RECEIVED AND ASSIGNED to Rules Committee.

The Chair intends to entertain a motion to send this item to Board as Committee Report on October 20, 2009.

15. 091071 [Settlement of Lawsuit - James Cordova/Maria Morales - \$35,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by James Cordova/Maria Morales against the City and County of San Francisco for \$35,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

9/4/09, RECEIVED AND ASSIGNED to Rules Committee.

The Chair intends to entertain a motion to send this item to Board as Committee Report on October 20, 2009.

16. 091072 [Settlement of Lawsuit - Mehrdad Alemozaffar - \$385,000]

Ordinance authorizing settlement of the lawsuit filed by Mehrdad Alemozaffar against the City and County of San Francisco for \$385,000; the lawsuit was filed on July 20, 2007, in United States District Court, Northern District of California, Case No. C07-4494 JSW; entitled Mehrdad Alemozaffar, et al., v. City and County of San Francisco, et al. (City Attorney)

9/4/09, RECEIVED AND ASSIGNED to Rules Committee.

The Chair intends to entertain a motion to send this item to Board as Committee Report on October 20, 2009.

17. 091073 [Settlement of Unlitigated Claim - Patty Thomas - \$52,250]

Resolution approving the settlement of the unlitigated claim filed by Patty Thomas against San Francisco for \$52,250; claim was filed on March 3, 2009. (City Attorney)

9/4/09, RECEIVED AND ASSIGNED to Rules Committee.

The Chair intends to entertain a motion to send this item to Board as Committee Report on October 20, 2009.

18. 091140 [Settlement of Lawsuit - Joseph Imbelloni; Imbelloni Construction Co., Inc.; and Bayside Vista LLC] Supervisor Maxwell

Ordinance authorizing settlement of the lawsuit filed by Joseph Imbelloni; Imbelloni Construction Co., Inc.; and Bayside Vista LLC, against the City and County of San Francisco for a Writ of Mandate against the City and County of San Francisco to cease and desist from requiring a residential housing development commonly known as Bayside Vista, 2011 Bayshore Boulevard from compliance with the Visitacion Valley Community Facilities and Infrastructure Fee and Fund; the lawsuit was filed on August 19, 2008, in San Francisco Superior Court, Case No. CGC-08-478842; entitled Joseph Imbelloni; Imbelloni Construction Co., Inc.; Bayside Vista LLC v. City and County of San Francisco; Department of Building Inspection; Jose Cisneros, Treasurer of the City and County of San Francisco, et al; other material terms of said settlement are set forth in the Settlement Agreement and Release of Claims contained in Board of Supervisors File No. 091140.

9/22/09, RECEIVED AND ASSIGNED to Rules Committee.

The Chair intends to entertain a motion to send this item to Board as Committee Report on October 20, 2009.

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.

091137 [Mills Act Contract Procedures] Supervisor Alioto-Pier

Ordinance amending Chapter 71 of the San Francisco Administrative Code regarding historical property (Mills Act) contract procedures to reflect amendments made to the San Francisco Charter

to create the Historic Preservation Commission, establish certain time lines for review of applications for historical property contracts, require Budget Analyst review of applications for historical property contracts, and making other clarifying amendments; and making findings, including environmental findings.

9/22/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/22/2009.

10/6/09, SUBSTITUTED. Supervisor Alioto-Pier submitted a substitute ordinance bearing new title.

10/6/09, ASSIGNED to Rules Committee.

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.

**翻譯：必須在會議前最少四十八小時提出要求
請電：(415) 554-7719**

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 5, 6, 7, 9, 21, 47, 49, 71, 71L, F, J, K, L, M, N, T (exit at Van Ness Station). For more information about MUNI accessible services, call (415) 701-4485.

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 by mail 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 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 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site www.sfgov.org/ethics