



# City and County of San Francisco

## Meeting Minutes

### Rules Committee

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

*Members: Aaron Peskin, Rafael Mandelman, Connie Chan*

*Clerk: Victor Young (415) 554-7723*

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Monday, October 18, 2021

10:00 AM

### Regular Meeting

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**Present:** 3 - Aaron Peskin, Rafael Mandelman, and Connie Chan

*The Rules Committee met in regular session through videoconferencing, and provided public comment through teleconferencing, on Monday, October 18, 2021, with Chair Aaron Peskin presiding.*

*Chair Peskin called the meeting to order at 10:09 a.m.*

## Remote Access to Information and Participation

*On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely (via Microsoft Teams) and will allow remote public comment via teleconference. Visit the SFGovTV website at ([www.sfgovtv.org](http://www.sfgovtv.org)) to stream the live meetings, or to watch meetings on demand. Members of the public are encouraged to participate remotely via detailed instructions on participating via teleconference available at: <https://sfbos.org/remote-meeting-call>.*

*Members of the public may participate by phone or may submit their comments by email to: [victor.young@sfgov.org](mailto:victor.young@sfgov.org); all comments received will be made a part of the official record. Regularly scheduled Rules Committee Meetings begin at 10:00 a.m. every Monday of each month. Committee agendas and their associated documents are available at <https://sfbos.org/committees>.*

## COMMUNICATIONS

## ROLL CALL AND ANNOUNCEMENTS

*On the call of the roll, Chair Peskin, Vice Chair Mandelman, and Member Chan were noted present. A quorum was present.*

## AGENDA CHANGES

*There were no agenda changes.*

## REGULAR AGENDA

### **210739 [Administrative Code - Repealing Employee Sexual Privacy Ordinance; Requiring Data Collection Requests]**

**Sponsors: Mayor; Mandelman and Mar**

Ordinance amending the Administrative Code to repeal the City Employee's Sexual Privacy Ordinance; direct the Department of Human Resources (DHR) to request that applicants for City employment voluntarily provide sexual orientation and gender identity information; direct City departments to request that employees voluntarily provide anonymous sexual orientation and gender identity information when responding to surveys that also seek other demographic information; and direct DHR to develop systems for voluntary collection and confidential retention of sexual orientation and gender identity information.

06/22/21; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 7/22/2021.

07/06/21; REFERRED TO DEPARTMENT. Referred to all city departments via the Mayor's Office for informational purposes.

09/27/21; RECOMMENDED. Heard in Committee. Speakers: Pau Crego, Acting Director (Office of Transgender Initiatives); presented information and answered questions raised throughout the discussion. Speaker; David Pilpel; spoke on various concerns relating to the hearing matter.

10/05/21; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

10/05/21; RE-REFERRED AS AMENDED to Rules Committee.

*Heard in Committee. Speakers: None.*

**Vice Chair Mandelman moved that this Ordinance be RECOMMENDED AS COMMITTEE REPORT. The motion carried by the following vote:**

Ayes: 3 - Peskin, Mandelman, Chan

**210961 [Municipal Elections Code - Non-United States Citizen Voting in School Board Elections]****Sponsors: Chan; Melgar, Walton, Ronen, Preston, Mar, Mandelman and Peskin**

Ordinance amending the Municipal Elections Code to reauthorize Non-United States citizen voting in elections for the Board of Education of the San Francisco Unified School District.

09/14/21; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/14/2021.

09/23/21; REFERRED TO DEPARTMENT. Referred to the Department of Elections and the SFUSD for informational purposes.

*Heard in Committee. Speakers: Supervisor Myrna Melgar (Board of Supervisors); Maria Jandres, Eva Poon, Marco Guillen, Eric Cuentos (Immigrant Parents Voting Collaborative); provided an overview and responded to questions raised throughout the discussion. Lucial Obreon, Gabriel Medina, Crystal Band, (Immigrant Parents Voting Collaborative); Au Yee; Speaker; Olivia Haynes; Maria; Luis Latacoma; spoke in support of the matter. Francisco Da Costa; spoke neither in support nor opposition on the matter.*

*Supervisors Mandelman and Peskin requested to be added as co-sponsors.*

**Member Chan moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 1, to strike 'reauthorization of'; Page 1, Lines 5-6, to insert 'and specifying that Non-United States citizens may vote in recall elections regarding members of the Board of Education'; Page 3, Lines 18-19, to insert 'Section 2. Article X of the Municipal Elections Code is hereby amended by revising Section 1001 to read as follows:'; Page 4, Line 1, to insert 'or recall election regarding'; and Page 4, Lines 11-12, to insert '(1) Section 1 of this This ordinance shall become operative on January 1, 2023. (2) Section 2 of this Ordinance shall become operative on the Ordinance's' . The motion carried by the following vote:**

Ayes: 3 - Peskin, Mandelman, Chan

Ordinance amending the Municipal Elections Code to reauthorize Non-United States citizen voting in elections for the Board of Education of the San Francisco Unified School District and specifying that Non-United States citizens may vote in recall elections regarding members of the Board of Education.

**Member Chan moved that this Ordinance be CONTINUED AS AMENDED to the October 25, 2021, Rules Committee meeting. The motion carried by the following vote:**

Ayes: 3 - Peskin, Mandelman, Chan

*Chair Peskin ws noted absent from 12:40 p.m. to 12:45 p.m.*

**210835 [Administrative Code - Local Business Enterprise Program]****Sponsors: Mayor; Walton, Safai, Melgar, Ronen and Mandelman**

Ordinance amending the Administrative Code to revise the Local Business Enterprise (LBE) and Non-Discrimination in Contracting Ordinance (Chapter 14B) to: 1) increase the LBE certification size thresholds and authorize an automatic increase to the thresholds every five years based on the consumer price index; 2) change the LBE certification size threshold term of calculation from an average of gross annual receipts in the prior three to the prior five years; 3) increase penalties for violations of Chapter 14B from up to 10% to up to 25% of the contract or subcontract amount; 4) require prime contractors to include LBE subcontractors' approved payment requests in payment applications within 30 days of receipt of an invoice; 5) authorize application of separate LBE subcontract participation requirements for micro, small, and SBA-LBEs; 6) extend the bonding assistance program to certain City-funded construction projects; 7) authorize a pilot Mentor-Protégé expansion program, a pilot micro-LBE set-aside program for certain design-build and construction manager/general contractor projects, and a pilot Neighborhood LBE program; and 8) increase the contracting Threshold Amount from \$706,000 to \$1,000,000 and the Minimum Competitive Amount from \$129,000 to \$200,000; and make various other changes and clarifications to Chapter 14B.

07/20/21; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 8/19/2021.

09/07/21; REFERRED TO DEPARTMENT. Referred to the Office of Contract Administration and Contract Monitoring Division for information purposes and the Small Business Commission for review.

10/05/21; RESPONSE RECEIVED.

10/05/21; SUBSTITUTED AND ASSIGNED to Rules Committee. Mayor Breed introduced a substitute Ordinance bearing a new title.

*Heard in Committee. Speakers: Supervisors Myrna Melgar, Shamann Walton, and Asha Safai (Board of Supervisors); City Administrator Carmen Chu and Jennifer Johnston (Office of the City Administrator); provided an overview and responded to questions raised throughout the discussion. Christopher Rouch; Rosary Letta; Dr. Machakay; Randy Collins; Wayne Perry; James Mayberry; Darilyn Davidson (Davidson Communications); Rusty Halian; Vivian Deliar; Marcus Tar; Mr. Ovela; Oscar Lavenatos; Ms. Nespas; Ann Cervantes; Patrick Ryne; Latonia Lantil; Lamar Headset; Tristan Belon; Nattalle Sailor; Nick Colina; Noel Bonner (Bonner Communications); Julian Choice Summers; Carl Gordon; Shannon Collins; Eric Robinson; Cecilia Casaba; Bruce Gerald (Gerald Construction); Paul Pendergas; Reanna Uphold; Miguel Garenso; Herman Bagget; Nicole Burgess; Eric Zipper; spoke in support of the matter. Francisco Da Costa; Ali Altomon; Maria Hernandez Abernaki; spoke in opposition of the matter. Michael Gregory; David Pilpel; spoke neither in support nor opposition on the matter.*

*Supervisor Mandelman request to be added as a co-sponsor.*

**Member Chan moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 33, Line 23, to replace 'MMP' with 'MPP'. The motion carried by the following vote:**

Ayes: 2 - Mandelman, Chan

Absent: 1 - Peskin

*Supervisor Chan request the matter be duplicated. Duplicated into File No. 211090.*

**DUPLICATED**

**Member Chan moved that this Ordinance be RECOMMENDED AS AMENDED. The motion carried by the following vote:**

Ayes: 2 - Mandelman, Chan

Absent: 1 - Peskin

**211090 [Administrative Code - Local Business Enterprise Program]****Sponsors: Mayor; Walton, Safai, Melgar, Ronen and Mandelman**

Ordinance amending the Administrative Code to revise the Local Business Enterprise (LBE) and Non-Discrimination in Contracting Ordinance (Chapter 14B) to: 1) increase the LBE certification size thresholds and authorize an automatic increase to the thresholds every five years based on the consumer price index; 2) change the LBE certification size threshold term of calculation from an average of gross annual receipts in the prior three to the prior five years; 3) increase penalties for violations of Chapter 14B from up to 10% to up to 25% of the contract or subcontract amount; 4) require prime contractors to include LBE subcontractors' approved payment requests in payment applications within 30 days of receipt of an invoice; 5) authorize application of separate LBE subcontract participation requirements for micro, small, and SBA-LBEs; 6) extend the bonding assistance program to certain City-funded construction projects; 7) authorize a pilot Mentor-Protégé expansion program, a pilot micro-LBE set-aside program for certain design-build and construction manager/general contractor projects, and a pilot Neighborhood LBE program; and 8) increase the contracting Threshold Amount from \$706,000 to \$1,000,000 and the Minimum Competitive Amount from \$129,000 to \$200,000; and make various other changes and clarifications to Chapter 14B.

10/17/21; DUPLICATED. Duplicated from File No. 210835.

**Member Chan moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, to require additional data collection and reporting on the LBE status of all bidders, specifically LBE certified as both MBE and WBE; add bidders as a source of collecting information; on Page 33, Line 3, to insert '(14) Maintain data on the LBE status of all Bidders'; add language pertaining to the specifics of reporting requirements; add language pertaining to reporting of the make-up of all bidders; and adding other clarifying and conforming changes. The motion carried by the following vote:**

Ayes: 2 - Mandelman, Chan

Absent: 1 - Peskin

Ordinance amending the Administrative Code to revise the Local Business Enterprise (LBE) and Non-Discrimination in Contracting Ordinance (Chapter 14B) to: 1) increase the LBE certification size thresholds and authorize an automatic increase to the thresholds every five years based on the consumer price index; 2) change the LBE certification size threshold term of calculation from an average of gross annual receipts in the prior three to the prior five years; 3) increase penalties for violations of Chapter 14B from up to 10% to up to 25% of the contract or subcontract amount; 4) require prime contractors to include LBE subcontractors' approved payment requests in payment applications within 30 days of receipt of an invoice; 5) authorize application of separate LBE subcontract participation requirements for micro, small, and SBA-LBEs; 6) extend the bonding assistance program to certain City-funded construction projects; 7) authorize a pilot Mentor-Protégé expansion program, a pilot micro-LBE set-aside program for certain design-build and construction manager/general contractor projects, and a pilot Neighborhood LBE program; 8) require additional data collection and reporting on the LBE status of all bidders, specifically LBEs certified as both MBE and WBE; and 9) increase the contracting Threshold Amount from \$706,000 to \$1,000,000 and the Minimum Competitive Amount from \$129,000 to \$200,000; and make various other changes and clarifications to Chapter 14B.

**Member Chan moved that this Ordinance be CONTINUED TO CALL OF THE CHAIR AS AMENDED. The motion carried by the following vote:**

Ayes: 2 - Mandelman, Chan

Absent: 1 - Peskin

**210935 [Administrative Code - Cannabis Oversight Committee Sunset Date]****Sponsor: Chan**

Ordinance amending the Administrative Code to extend the sunset date for the Cannabis Oversight Committee from December 3, 2021, to January 1, 2025.

09/07/21; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/7/2021.

09/16/21; REFERRED TO DEPARTMENT. Referred to the Cannabis Oversight Committee for informational purposes.

*Heard in Committee. Speakers: Ray Law (Office of Cannabis); Ali Jamalia, President (Cannabis Oversight Committee); provided an overview and responded to questions raised throughout the discussion.*

**Member Chan moved that this Ordinance be RECOMMENDED AS COMMITTEE REPORT. The motion carried by the following vote:**

Ayes: 3 - Peskin, Mandelman, Chan

**201132 [Campaign and Governmental Conduct Code - Behested Payments]****Sponsors: Haney; Peskin, Chan and Walton**

Ordinance amending the Campaign and Governmental Conduct Code to expand the definition of interested party to include City contractors, persons seeking to influence City officers and employees, registered contact lobbyists, permit consultants, and to prohibit elected officials, department heads, commissioners, and designated employees from soliciting behested payments from interested parties. (Meet and confer obligations not met.)

09/29/20; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/29/2020.

10/09/20; REFERRED TO DEPARTMENT. Referred to Depts. for informational purposes.

03/16/21; SUBSTITUTED AND ASSIGNED to Rules Committee.

09/13/21; CONTINUED. Heard in Committee. Speakers: Supervisor Matt Haney (Board of Supervisors); Patrick Ford (Ethics Commission); Anne Pearson (Office of the City Attorney); provided an overview and responded to questions raised throughout the discussion. Eileen Boken (Sunset Parkside); Bob Planthold; David Pilpel; Teresa Boglio (Local 261); spoke in support of the matter.

09/20/21; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Anne Pearson (Office of the City Attorney); Patrick Ford (Ethics Commission); provided an overview and responded to questions raised throughout the discussion. Charles Headspoke; in support of the matter. Speaker; spoke in opposition of the matter. Francisco Da Costa; Linda Chapman; Debbie Learner; David Pilpel; spoke neither in support nor opposition on the matter.

09/20/21; CONTINUED AS AMENDED.

09/27/21; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Supervisor Matt Haney (Board of Supervisors); presented information and answered questions raised throughout the discussion. David Pilpel; Debbie Lehrman; Bruce Wolfe; Speaker; Linda Chapman; spoke in support of the amendments and hearing matter.

09/27/21; CONTINUED AS AMENDED.

*Heard in Committee. Speakers: None.*

**Chair Peskin moved that this Ordinance be CONTINUED TO CALL OF THE CHAIR. The motion carried by the following vote:**

Ayes: 3 - Peskin, Mandelman, Chan

## ADJOURNMENT

*There being no further business, the Rules Committee adjourned at the hour of 12:58 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.*