



City and County of San Francisco

Meeting Agenda

Rules Committee

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

Members: Norman Yee, Katy Tang, David Campos

Clerk: Alisa Somera (415) 554-4447

Thursday, November 6, 2014

2:00 PM

City Hall, Committee Room 263

Regular Meeting

AGENDA CHANGES

REGULAR AGENDA

Additional information and qualifications, including supplementary criteria, requirements, definitions, or exclusions, for seats being considered at this meeting may be found in the Vacancy Notice or Information Sheet, which are in the packet materials for the corresponding matter.

1. [141134](#)

[Appointments, Bicycle Advisory Committee]

Hearing to consider appointing six members, terms ending November 19, 2016, to the Bicycle Advisory Committee. (Clerk of the Board)

Vacant seat 1, succeeding Kevin Dole, term expiring on November 19, 2014, must be a nominee of the District 1 Supervisor, to serve a two-year term ending November 19, 2016, or for the tenure of the nominating Supervisor, whichever is shorter in duration.

Vacant seat 2, succeeding Richard Tilles, resigned, must be a nominee of the District 2 Supervisor, to serve a two-year term ending November 19, 2016, or for the tenure of the nominating Supervisor, whichever is shorter in duration.

Vacant seat 4, succeeding Edward Nicolson, term expiring on November 19, 2014, must be a nominee of the District 4 Supervisor, to serve a two-year term ending November 19, 2016, or for the tenure of the nominating Supervisor, whichever is shorter in duration.

Vacant seat 5, Morgan Fitzgibbons, term expiring on November 19, 2014, must be a nominee of the District 5 Supervisor, to serve a two-year term ending November 19, 2016, or for the tenure of the nominating Supervisor, whichever is shorter in duration.

Vacant seat 6, succeeding Richard May, term expired, must be a nominee of the District 6 Supervisor, to serve a two-year term ending November 19, 2016, or for the tenure of the nominating Supervisor, whichever is shorter in duration.

Vacant seat 7, succeeding Elbert Hill, term expiring on November 19, 2014, must be a nominee of the District 7 Supervisor, to serve a two-year term ending November 19, 2016, or for the tenure of the nominating Supervisor, whichever is shorter in duration.

10/24/14; RECEIVED AND ASSIGNED to the Rules Committee.

6 seats / 6 applicants
Kevin Dole, seat 1
Winston Parsons, seat 2
Edward Nicolson, seat 4
Morgan Fitzgibbons, seat 5
Richard May, seat 6
Bert Hill, seat 7

2. [141135](#) **[Appointments, Mental Health Board]**

Hearing to consider appointing two members, terms ending January 31, 2016, to the Mental Health Board. (Clerk of the Board)

Vacant seat 13, Vacant seat 13, succeeding Melody Daniels, removed, must be a family member of a consumer (a person who has received mental health services in San Francisco from any program operated or funded by the City and County, from a State hospital, or from any public or private nonprofit mental health agency), for the unexpired portion of a three-year term ending January 31, 2016.

Vacant seat 15, succeeding Lena Miller, resigned, must be from one of the following professions: psychiatry, psychology, mental health social work, nursing with a specialty in mental health, marriage and family counselling, psychiatric technology, or administrator of a hospital providing mental health services or of a community mental health facility, for the unexpired portion of a three-year term ending January 31, 2016.

10/24/14; RECEIVED AND ASSIGNED to the Rules Committee.

2 seats / 4 applicants
Eugene Porfido, seat 13
Deborah Hardy, seat 13
Benny Wong, seat 15
Ulash Thakore-Dunlap, seat 15

3. [140953](#) **[Environment Code - Revising the Urban Forestry Council Composition and Meeting Requirements]**

Sponsor: Wiener

Ordinance amending the Environment Code to revise the composition and meeting schedule requirements for the Urban Forestry Council.

9/9/14; ASSIGNED to the Rules Committee.

9/22/14; REFERRED TO DEPARTMENT.

4. [140909](#) **[Administrative Code - Catastrophic Illness Programs]**

Ordinance amending the Administrative Code to authorize the Department of Public Health to designate another City department to carry out various functions in the administration of the Catastrophic Illness Program for City employees and the Catastrophic Illness Program for family members of City employees. (Public Health Department)

8/29/14; RECEIVED FROM DEPARTMENT.

9/9/14; ASSIGNED UNDER 30 DAY RULE to the 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.*

After a closed session, if one occurs, the Committee shall adopt a motion either to disclose or not to disclose.

5. [140947](#) **[Settlement of Lawsuit - Carpenter's Union Local 22 - \$60,000]**
Ordinance authorizing settlement of the lawsuit filed by Carpenter's Local 22 against the City and County of San Francisco for \$60,000; the lawsuit was filed on April 8, 2014, in United States District Court, Northern District of California, Case No. CV-14-01615 RS; entitled Carpenters Union, Local 22, v. City and County of San Francisco, et al. (City Attorney)

9/8/14; RECEIVED FROM DEPARTMENT.

9/16/14; RECEIVED AND ASSIGNED to the Rules Committee.
6. [141056](#) **[Settlement of Lawsuit - Michael P. Walsh, Trustee of the John L. Stevenson Trust - Execution of Long-Term Lease - Mowry East Shopping Center, Fremont, California]**
Ordinance authorizing settlement of the lawsuit filed by Michael P. Walsh, Trustee of The John L. Stevenson Trust against the City and County of San Francisco by executing a long-term lease of the City's property for shopping center parking, access and landscaping at the Mowry East Shopping Center, Fremont, California; the lawsuit was filed on November 29, 2011, in Alameda County Superior Court, Case No. RG 11606118; entitled Michael P. Walsh, Trustee of The John L. Stevenson Trust v. City and County of San Francisco; other material terms of said settlement are that the plaintiff will pay fair market rent for portions of the leased premises used for parking, the parties will suspend their current dispute for the duration of the lease and the lease will govern the parties' relationship during the lease term, upon expiration or other termination of the lease, each party will retain its ability to assert the claims presented in the lawsuit, and the plaintiff will dismiss the lawsuit. (City Attorney)

10/16/14; RECEIVED FROM DEPARTMENT.

10/28/14; RECEIVED AND ASSIGNED to the Rules Committee.

7. [141057](#) **[Settlement of Lawsuit - Heinz Hofmann and Thomas Buckley - \$200,000]**
Ordinance authorizing settlement of the lawsuit filed by Heinz Hofmann and Thomas Buckley against the City and County of San Francisco for \$200,000; the lawsuit was filed on May 7, 2012, in United States District Court for the Northern District of California, Case No. 11-4016 CW; entitled Heinz Hofmann and Thomas Buckley v. City and County of San Francisco, et al. (City Attorney)

10/15/14; RECEIVED FROM DEPARTMENT.

10/28/14; RECEIVED AND ASSIGNED to the Rules Committee.
8. [141058](#) **[Settlement of Lawsuit - Brian Hill - \$30,400]**
Ordinance authorizing settlement of the lawsuit filed by Brian Hill against the City and County of San Francisco for \$30,400; the lawsuit was filed on March 5, 2009, in the San Francisco Superior Court, Case No. CGC 14-538953; entitled Brian Hill v. San Francisco Water Power Sewer, and Does 1 to 10. (City Attorney)

10/15/14; RECEIVED FROM DEPARTMENT.

10/28/14; RECEIVED AND ASSIGNED to the Rules Committee.
9. [141072](#) **[Settlement of Claim - Riverbed Technology, Inc. - \$125,760.77]**
Resolution approving the settlement of the unlitigated claim filed on January 31, 2014, by Riverbed Technology, Inc., against the City and County of San Francisco for \$125,760.77. (City Attorney)

10/15/14; RECEIVED FROM DEPARTMENT.

10/28/14; RECEIVED AND ASSIGNED to the Rules Committee.
10. [141073](#) **[Settlement of Claim - Susquehanna Financial Group, LP - \$49,385.04]**
Resolution approving the settlement of the unlitigated claim filed on April 10, 2014, by Susquehanna Financial Group, LP, against the City and County of San Francisco for \$49,385.04. (City Attorney)

10/15/14; RECEIVED FROM DEPARTMENT.

10/28/14; RECEIVED AND ASSIGNED to the Rules Committee.
11. [141074](#) **[Settlement of Claims - Oak River Insurance Company - \$480,838.45]**
Resolution approving the settlement of the unlitigated claims filed by Oak River Insurance Company against the City and County of San Francisco on February 26, 2014, for \$480,838.45. (City Attorney)

10/15/14; RECEIVED FROM DEPARTMENT.

10/28/14; RECEIVED AND ASSIGNED to the Rules Committee.
12. [141075](#) **[Settlement of Claim - Net Power and Light, Inc. - \$26,743.72]**
Resolution approving the settlement of the unlitigated claim filed on April 7, 2014, by Net Power and Light, Inc., against the City and County of San Francisco for \$26,743.72. (City Attorney)

10/15/14; RECEIVED FROM DEPARTMENT.

10/28/14; RECEIVED AND ASSIGNED to the Rules Committee.

13. [141076](#) **[Settlement of Claim - The Trustees of the University of Pennsylvania - \$134,808.36]**
Resolution approving the settlement of the unlitigated claim filed by The Trustees of the University of Pennsylvania, on behalf of The Wharton School of the University of Pennsylvania against the City and County of San Francisco for \$134,808.36; claim was filed on April 10, 2014. (City Attorney)

10/15/14; RECEIVED FROM DEPARTMENT.

10/28/14; RECEIVED AND ASSIGNED to the Rules Committee.

[Elect To Disclose]

Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the Chair immediately to disclose that information.

[Elect Not to Disclose]

Motion that the Committee finds that it is in the best interest of the public that the Committee elect at this time not to disclose its closed session deliberations listed above.

ADJOURNMENT

LEGISLATION UNDER THE 30-DAY RULE

NOTE: The following legislation will not be considered at this meeting. Board Rule 3.22 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.

[141123](#) **[Administrative Code - Establishing the Duties of the Office of Early Care and Education and Creating the Office of Early Care and Education Citizens' Advisory Committee]**

Sponsors: Yee; Avalos and Kim

Ordinance amending the Administrative Code to establish the duties of the Office of Early Care and Education and to create the Office of Early Care and Education Citizens' Advisory Committee.

10/28/14; ASSIGNED UNDER 30 DAY RULE to the Rules Committee.

Agenda Item Information

Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation
- 2) Budget and Legislative Analyst report
- 3) Department or Agency cover letter and/or report
- 4) Public correspondence

These items will be available for review at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, Reception Desk.

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 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) bringing in or displaying signs in the meeting room; and 4) standing in the meeting room.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the President or Chair at the beginning of each item or public comment, 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.

IMPORTANT INFORMATION: The public is encouraged to testify at Committee meetings. 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. Written communications should be submitted to the Clerk of the Board, Clerk of a Committee or its members: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Communications which are not received prior to the hearing may be delivered to the Clerk of the Committee at the hearing and you are encouraged to bring enough copies for distribution.

LAPTOP COMPUTER FOR PRESENTATIONS: Contact City Hall Media Services at (415) 554-7490 to coordinate the use of the laptop computer for presentations. Presenters should arrive 30 minutes prior to the meeting to test their presentations on the computer.

AGENDA PACKET: Available for review in Clerk's Office, Room 244, City Hall, 1 Dr. Carlton B Goodlett Place, or on the internet at <http://www.sfbos.org/meetings>. Meetings are cablecast on SFGovTV, the Government Channel 26. Meetings are broadcast live on KPOO 89.5 FM. For DVD copies and scheduling call (415) 554-4188.

LANGUAGE INTERPRETERS: Requests must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Peggy Nevin at (415) 554-5184. **AVISO EN ESPAÑOL:** La solicitud para un traductor debe recibirse antes de mediodía de el viernes anterior a la reunion. Llame a Derek Evans (415) 554-7702. **Paunawa:** Ang mga kahilingan ay kailangang matanggap sa loob ng 48 oras bago mag miting upang matiyak na matutugunan ang mga hiling. Mangyaring tumawag kay Joy Lamug sa (415) 554-7712.

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 SFGovTV, the Government Channel 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 Wilson Ng at (415) 554-5184 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 F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and 71L. 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 decision in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This 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; phone at (415) 554-7724; 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.sfbos.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 <http://www.sfgov.org/ethics>