



City and County of San Francisco
Meeting Minutes
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

Present: 3 - Norman Yee, Katy Tang, and David Campos

MEETING CONVENED

The meeting convened at 2:03 p.m.

REGULAR AGENDA

141134 [Appointments, Bicycle Advisory Committee - Kevin Dole, Winston Parsons, Edward Nicolson, Morgan Fitzgibbons, and Richard May]

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

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 Rules Committee.

Heard in Committee. Speakers: Kevin Dole; Winston Parsons, Edward Nicolson; Morgan Fitzgibbons; Richard May; spoke on their qualifications. Male Speaker; spoke neither in support nor against the nominee.

Appointment of Kevin Dole, seat 1, recommended.

Appointment of Winston Parsons, seat 2, recommended.

Appointment of Edward Nicolson, seat 4, recommended.

Appointment of Morgan Fitzgibbons, seat 5, recommended.

Appointment of Richard May, seat 6, recommended.

Appointment of seat 7 was Continued to the Call of the Chair.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Kevin Dole, Winston Parsons, Edward Nicolson, Morgan Fitzgibbons, and Richard May, terms ending November 19, 2016, to the Bicycle Advisory Committee. (Rules Committee)

Kevin Dole, seat 1, succeeding himself, 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.

Winston Parsons, 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.

Edward Nicolson, seat 4, succeeding himself, 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.

Morgan Fitzgibbons, seat 5, succeeding himself, 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.

Richard May, seat 6, succeeding himself, 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.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Tang, Campos

141135 [Appointments, Mental Health Board - Deborah Hardy and Ulash Thakore-Dunlap]

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

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 Rules Committee.

Heard in Committee. Speakers: Eugene Porfido (withdrew his application); Deborah Hardy; Benny Wong; Ulash Thakore-Dunlap; spoke on their qualifications. Male Speaker; Female Speaker; spoke in support of Benny Wong. Male Speaker; spoke neither in support nor against the nominee.

Appointment of Deborah Hardy, seat 13, recommended.

Appointment of Ulash Thakore-Dunlap, seat 15, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Deborah Hardy and Ulash Thakore-Dunlap, terms ending January 31, 2016, to the Mental Health Board. (Rules Committee)

Deborah Hardy, 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.

Ulash Thakore-Dunlap, 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.

RECOMMENDED by the following vote:

Ayes: 3 - Yee, Tang, Campos

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.

09/09/14; ASSIGNED to Rules Committee.

09/22/14; REFERRED TO DEPARTMENT. Referred to the Department of the Environment, Department of Public Works, Planning Department, Recreation and Park Department, Public Utilities Commission, and Port for informational purposes.

Heard in Committee. Speakers: Andres Power (Office of Supervisor Scott Wiener); Mei Ling Hui (Department of the Environment); Dan Flanagan, Chairperson (Urban Forestry Council); spoke in support of the nominee and answered questions raised throughout the discussion. Male Speaker; spoke neither in support nor against the hearing matter.

RECOMMENDED by the following vote:

Ayes: 3 - Yee, Tang, Campos

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)

08/29/14; RECEIVED FROM DEPARTMENT.

09/09/14; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/9/2014.

Heard in Committee. Speaker: Ron Weigelt (Department of Public Health); spoke in support of the nominee and answered questions raised throughout the discussion.

RECOMMENDED by the following vote:

Ayes: 3 - Yee, Tang, Campos

LITIGATION

Speakers: None.

Unanimous vote to convene in closed session by the following vote:

Ayes: 3 - Yee, Tang, Campos

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.

Persons in attendance: Jon Givner (Office of the City Attorney) and Alisa Somera (Office of the Clerk of the Board).

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)

09/08/14; RECEIVED FROM DEPARTMENT.

09/16/14; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Tang, Campos

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 Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Tang, Campos

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 Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Tang, Campos

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 Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Tang, Campos

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 Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Tang, Campos

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 Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Tang, Campos

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 Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Tang, Campos

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 Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Tang, Campos

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 Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Tang, Campos

Deputy City Attorney Jon Givner reported that the Rules Committee has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding settlements in the lawsuits or claims listed above.

[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.

Supervisor Campos, seconded by Vice Chair Tang, moved not to disclose by the following vote: The motion carried by the following vote:

Ayes: 3 - Yee, Tang, Campos

ADJOURNMENT

The meeting adjourned at 3:01 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.