



City and County of San Francisco

Meeting Agenda - Final

Rules Committee

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

Members: David Campos, Michela Alioto-Pier, Eric Mar

Clerk: Linda Wong (415) 554-7719

Friday, June 18, 2010

10:00 AM

City Hall, Committee Room 263

Special Meeting

Note: 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, Room 244, Reception Desk.

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

REGULAR AGENDA

1. [100797](#) **[Appointment, Market and Octavia Community Advisory Committee]**
Hearing to consider appointing one member, term ending December 16, 2010, to the Market and Octavia Community Advisory Committee. (Clerk of the Board)

Seat 4, succeeding Brad Villers, deceased, must be a local merchant and live or work within the Plan area, for the unexpired portion of a two-year term ending December 16, 2010.

Attachments: [Committee Packet 061810](#)

6/14/10; RECEIVED AND ASSIGNED to the Rules Committee.

1 seat/ 3 applicants
David Winslow, seat 4
Kenneth Wingard, seat 4
Page Bass, seat 4

The Chair intends to entertain a motion to send this item to Board as Committee Report on June 22, 2010.

2. [100633](#) **[Split Appointments to the Recreation and Parks Commission and Special Events Permit and License Process]**
Sponsors: Mirkarimi; Campos, Mar, Daly and Avalos
Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section 4.106 and 4.113, to split the power to make appointments to the Recreation and Park Commission between the Mayor and the Board of Supervisors, and to make Recreation and Park Department and Commission decisions regarding special event permits and licenses that significantly impact park property or the surrounding neighborhood appealable to the Board of Appeals.

Attachments: [Legislation Ver1](#)
[Comm Packet 061810](#)

5/19/10; ASSIGNED UNDER 30 DAY RULE to the Rules Committee.

3. [100235](#) **[Transferring the Police Department's Functions, Assets and Operations to the Sheriff]**
Sponsor: Daly
Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section 6.105 and providing for the repeal of Section 4.109, to transfer the Police Department's functions, assets and operations to the Sheriff.

Attachments: [Legislative Ver1](#)
[Comm Packet 061810](#)

3/10/10; ASSIGNED UNDER 30 DAY RULE to the Rules Committee.

4. [100634](#) **[Health Service Board Terms and Elections]**
Sponsor: Elsbernd
Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section 12.00, to shorten, on a one-time basis, the term of one Health Service Board member from five years to three years, and the term of another Health Service Board member from five years to two years, so that Board terms will expire in pairs in the future and can be filled during the same Board election.
- Attachments:** [Legislation_Ver1](#)
[Comm Packet 061810](#)

5/19/10; 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. [100689](#) **[Settlement of Lawsuit - Nelson A. Estival - \$57,500]**
Ordinance authorizing settlement of the lawsuit filed by Nelson A. Estival against the City and County of San Francisco for \$57,500; the lawsuit was filed on July 24, 2008, in San Francisco Superior Court, Case No. CGC 09-477871, entitled Estival v. City and County of San Francisco, et al. (City Attorney)
- Attachments:** [Legislation_VER1](#)
[Comm Packet 061810](#)
- 5/20/10; RECEIVED AND ASSIGNED to the Rules Committee.
6. [100690](#) **[Settlement of Lawsuit - Anthony Landry - \$70,000]**
Ordinance authorizing settlement of the lawsuit filed by Anthony Landry against the City and County of San Francisco for \$70,000; the lawsuit was filed on July 17, 2008, in the San Francisco Superior Court, Case No. CGC 08-744565, entitled Anthony Landry v. City and County of San Francisco. (City Attorney)
- Attachments:** [Legislation_VER1](#)
[Comm Packet 061810](#)

5/28/10; RECEIVED AND ASSIGNED to the Rules Committee.

7. [100691](#) **[Settlement of Lawsuit - Bayshore Sanitary District - \$407,000]**
Ordinance authorizing settlement of the lawsuit entitled Bayshore Sanitary District v. City and County of San Francisco, et al., filed on November 21, 2007, in San Francisco Superior Court, Case No. 07-469434. Pursuant to the proposed settlement, the City will execute a revenue refund adjustment for the Bayshore Sanitary District's sewer services billings in the amount of \$407,000. In return, the Bayshore Sanitary District will implement measures to ensure that future errors in measuring wastewater flow are promptly detected and corrected and limit its recovery of any overcharges due to equipment error in the future. (City Attorney)

Attachments: [Legislation VER1](#)
[Comm Packet 061810](#)

5/28/10; 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

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.

100629**[San Francisco Affordable Housing Fund]****Sponsor: Daly**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by adding Section 16.127 to: (1) establish baseline appropriation and make and annual appropriation of the equivalent of 33% of any available general fund budget surplus for the next fifteen (15) years to support affordable housing programs; (2) require the Mayor's Office of Housing, in cooperation with the Department of Public Health and Department of Human Services, to prepare an affordable housing plan every three (3) years and an annual affordable housing budget; (3) affirm City policy urging the Redevelopment Agency to use at least 50% of its tax increment funds for low and moderate income housing; and (4) set an expiration date of July 1, 2026.

Attachments: [100629-1 revised](#)

5/18/10; ASSIGNED UNDER 30 DAY RULE to the Rules Committee. The 30 Day Rule does not begin until the Charter Amendment is approved as to form by the City Attorney's Office.

5/28/10 - Received the Charter Amendment approved as to form by the City Attorney's Office.

100630**[Requiring the Mayor to Appear Personally at One Regularly-Scheduled Meeting of the Board of Supervisors Each Month to Engage in Formal Policy Discussions with Members of the Board]****Sponsor: Daly**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section 2.103 and 3.100, to require the Mayor to appear personally at one regularly-scheduled meeting of the Board of Supervisors each month to engage in formal policy discussions with members of the Board and to authorize the Board to adopt rules and guidelines.

Attachments: [Legislation_Ver1](#)

5/18/10; ASSIGNED UNDER 30 DAY RULE to the Rules Committee. The 30 Day Rule does not begin until the Charter Amendment is approved as to form by the City Attorney's Office.

5/25/10 - Received the Charter Amendment approved as to form by the City Attorney's Office.

100632 **[Public Education Enrichment Fund]****Sponsor: Alioto-Pier**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section 16.23-10, to extend the automatic expiration of the Public Education Enrichment Fund from June 30, 2015, to June 30, 2016; amending Sections 16.123-2 and 16.123-8, to make conforming changes; amending Section 16.123-3, to use any surplus returned from the Library Preservation Fund Baseline to fund part of the City's required disbursements under the Public Education Enrichment Fund for, among other things, library programs; amending Section 16.123-5, to allow the City to use monies in the Fund to pay college tuition and fees for students attending City College or San Francisco State; amending Section 16.123-6, to authorize the Youth Commission to review expenditure plans submitted by the School District and the First Five Commission, amending Section 16.123-8, to require the City to recommend a Rainy Day Reserve policy for the San Francisco Unified School District covering local revenues and authorize the City to suspend disbursements from the Fund to the School District unless the District certifies that it has adopted and followed the policy; and, repealing Section 16.123-7 as obsolete.

Attachments: [Legislation_Ver1](#)

5/18/10; ASSIGNED UNDER 30 DAY RULE to the Rules Committee. The 30 Day Rule does not begin until the Charter Amendment is approved as to form by the City Attorney's Office.

5/25/10 - Received the Charter Amendment approved as to form by the City Attorney's Office.

100636 **[Rent Board Provisions]****Sponsors: Campos; Avalos, Daly, Mar, Maxwell and Mirkarimi**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by adding Section 4.136, to: (1) establish the Rent Board in the Charter; (2) authorize the Board of Supervisors to appoint three members, authorize the Mayor to appoint three members, and authorize the Board President and the Mayor together to appoint one member; and (3) provide that the Rent Board will consist of three tenants, two landlords, and two neutral members.

Attachments: [Legislation_Ver1](#)

5/18/10; ASSIGNED UNDER 30 DAY RULE to the Rules Committee. The 30 Day Rule does not begin until the Legislative Digest has been received by the City Attorney's Office.

6/1/10 - Legislative Digest received from the City Attorney's Office.

100750 **[Increase the Real Property Transfer Tax]****Sponsor: Avalos**

Motion ordering submitted to the voters an ordinance authorizing an amendment to the Real Property Transfer Tax at an election to be held on November 2, 2010.

(Economic Impact.)

6/8/10; ASSIGNED UNDER 30 DAY RULE to the Rules Committee.

100756 **[Establishing a Progressive Payroll Expense Tax Rate Structure and Reducing Selected Payroll Expense Tax Rates; Imposing a Gross Receipts Tax on the Rental of Commercial Real Property]**

Sponsor: Chiu

Motion ordering submitted to the voters an ordinance revising the payroll expense tax to establish a progressive tax rate structure and reducing selected payroll expense tax rates and imposing a gross receipts tax on the rental of commercial real property, at an election to be held on November 2, 2010.

(Economic Impact.)

Attachments: [Legislation VER1](#)

6/8/10; ASSIGNED UNDER 30 DAY RULE to the Rules Committee.

100759 **[Parking Tax Increase and Tax on Valet Services]**

Sponsor: Mirkarimi

Motion ordering submitted to the voters an ordinance authorizing the "Ordinance amending San Francisco Business and Tax Regulations Code, Article 9, Sections 602 and 602.5 (Tax on Occupancy of Parking Space in Parking Station) to increase the tax rate from 15% to 25%, making the total tax rate, including the existing surcharge, 35%; amending Section 601 to clarify the definition of "Operator" and "Occupant" and to add a new definition of "Valet Parking Service Provider"; and adding Section 602B to impose an additional tax of 35% on gross receipts from valet parking services" at an election to be held on November 2, 2010.

(Economic Impact.)

Attachments: [Legislation VER1](#)

6/8/10; ASSIGNED UNDER 30 DAY RULE to the Rules Committee.

100760 **[Community Policing and Foot Beat Patrols]**

Sponsors: Mirkarimi; Chiu, Avalos and Campos

Motion ordering submitted to the voters an ordinance establishing the Community Policing Policy and Foot Beat Patrol Program at an election to be held on November 2, 2010.

Attachments: [Legislation VER1](#)

6/8/10; ASSIGNED UNDER 30 DAY RULE to the 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.sfbos.org/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 F, 5, 21, 47, 49, 71, 71L, J, K, L, M, N, T (exit at Van Ness Station). MUNI bus lines also serving the area are the 6, 7, and 9 San Bruno. 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, 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.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 www.sfgov.org/ethics