



**City and County of San Francisco**  
**Meeting Minutes**  
**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*

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Friday, June 18, 2010

10:00 AM

City Hall, Committee Room 263

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**Special Meeting**

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**Present:** 3 - David Campos, Michela Alioto-Pier and Eric Mar

**MEETING CONVENED**

*The meeting convened at 10:14 a.m.*

**REGULAR AGENDA**

**100797 [Appointment, Market and Octavia Community Advisory Committee - Kenneth Wingard]**

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.

06/14/10; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speakers: David Winslow; Kenneth Wingard.*

*Appointment of Kenneth Wingard, seat 4, recommended.*

**PREPARED IN COMMITTEE AS A MOTION**

Motion appointing Kenneth Wingard, term ending December 16, 2010, to the Market and Octavia Community Advisory Committee. (Clerk of the Board)

Kenneth Wingard, 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.

**RECOMMENDED AS COMMITTEE REPORT by the following vote:**

Ayes: 3 - Campos, Alioto-Pier, Mar

**100633 [Split Appointments to the Recreation and Park Commission]****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 Sections 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.

05/19/10; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/17/2010.

*Heard in Committee. Speakers: Supervisor Ross Mirkarimi, Board of Supervisors; Mark Buell, Recreation and Park Commission; Phil Ginsburg, Recreation and Park Department; Cynthia Goldstein, Board of Appeals; AnMarie Mabbutt; Nan Roth; Ernestine Weiss; Catherine Enny; Martha Hoffman; Greg Miller; Alfonso Felder; Sheri Sternberg; Dennis Juarez; Nancy Wherfel; Hiroshi Fukuda; Tony Rossmann; Dave Rhody; Kelly Nice; Nancy Connor; Mark Duffett; Phil Ryan; Reid Swanson; Jenee Gill; Carolyn Blair; Linda Yacobucci; Casey Allen; Rose Hillson; Jared Hirsch; Annie Adams; Eliote Durham; Gene Thompson; Susanne Dumont; John Rizzo; Owen O'Donnell; Phil Day; Kevin Lee; Joan Intrator; Meredith Thomas; Larry Lizby; Sean McGreen; Darcy Villere; Gregory Weir; Allen Scott; Crystal Vann Wallstrom; Mary Spoerer; Dennis Antenore; Dennis Mosgofian; Larry Bair; Mark Renne; Pam Hemphill; Mr. Brown; Walter Paulson; Andrea O'Leary; Bill Wilson; David Alridge; Eric Brooks; Katherine Howard; Karen Arnold; Peg Stevenson, Controller's Office; Andrew Shen, City Attorney's Office.*

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections 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 denials of Entertainment-related permits appealable to the Board of Appeals.

**CONTINUED TO CALL OF THE CHAIR AS AMENDED by the following vote:**

Ayes: 3 - Campos, Alioto-Pier, Mar

**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.

03/10/10; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 4/9/2010.

*Heard in Committee. Speakers: Supervisor Chris Daly, Board of Supervisors; Eric Brooks; Peg Stevenson, Controller's Office.*

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE**

Charter Amendment (Second 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.

**CONTINUED TO CALL OF THE CHAIR AS AMENDED by the following vote:**

Ayes: 3 - Campos, Alioto-Pier, Mar

**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.

05/19/10; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/17/2010.

*Heard in Committee. Speaker: Gerri Myer.*

**CONTINUED TO CALL OF THE CHAIR by the following vote:**

Ayes: 3 - Campos, Alioto-Pier, Mar

## 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.*

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

Ayes: 3 - Campos, Alioto-Pier, Mar

**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)

05/20/10; RECEIVED AND ASSIGNED to Rules Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Campos, Alioto-Pier, Mar

**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)

05/28/10; RECEIVED AND ASSIGNED to Rules Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Campos, Alioto-Pier, Mar

**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)

05/28/10; RECEIVED AND ASSIGNED to Rules Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Campos, Alioto-Pier, Mar

Deputy City Attorney Andrew Shen 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.*

**Unanimous vote not to disclose by the following vote:**

Ayes: 3 - Campos, Alioto-Pier, Mar

**ADJOURNMENT**

*The meeting adjourned at 1:47 p.m.*