



City and County of San Francisco
Meeting Minutes
Rules Committee

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

Members: Jane Kim, Sean Elsbernd, Mark Farrell

Clerk: Linda Wong (415) 554-7719

Thursday, March 3, 2011

1:30 PM

City Hall, Committee Room 263

Regular Meeting

Present: 3 - Jane Kim, Sean Elsbernd, and Mark Farrell

MEETING CONVENED

The meeting convened at 1:36 p.m.

REGULAR AGENDA

110105 [Appointments, Sunshine Ordinance Task Force - Jay Costa and Jackson West]

Hearing to consider appointing two members, terms ending April 27, 2012 and April 27, 2013, to the Sunshine Ordinance Task Force. (Clerk of the Board)

Vacant seat 7, succeeding Nicholas Goldman, resigned, must be experienced in consumer advocacy, for the unexpired portion of a two-year term ending April 27, 2012.

Vacant seat 11, succeeding Marjorie Ann Williams, resigned, must be a member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government, for a term ending April 27, 2013.

01/27/11; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Ron Kelley; Jay Costa; Chris Hyland; Jackson West; spoke on their qualifications. Jeremy Polluck; Jackson West; Kathleen Dooley; Male Speaker; Walter Paulson; spoke on the matter. Richard Knee, Chair (SOTF); answered question raised during the hearing.

Appointment of Jay Costa, seat 7, recommended.

Appointment of Jackson West, seat 11, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Jay Costa, term ending April 27, 2012, and Jackson West, term ending April 27, 2013, to the Sunshine Ordinance Task Force. (Clerk of the Board)

Jay Costa, seat 7, succeeding Nicholas Goldman, resigned, must be experienced in consumer advocacy, for the unexpired portion of a two-year term ending April 27, 2012.

Jackson West, seat 11, succeeding Marjorie Ann Williams, resigned, must be a member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government, for a term ending April 27, 2013.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Farrell

110145 [Appointments, Citizens' General Obligation Bond Oversight Committee - Robert Muscat and Jonathan Alloy]

Hearing to consider appointing three members, terms ending November 21, 2012, to the Citizens' General Obligation Bond Oversight Committee. (Clerk of the Board)

Vacant seat 1, succeeding Thea Selby, term expired, must be active in a business organization representing the business community located within the City, for the unexpired portion of a two-year term ending November 21, 2012.

Vacant seat 2, succeeding Robert Muscat, term expired, must be active in a labor organization, for the unexpired portion of a two-year term ending November 21, 2012.

Vacant seat 3, succeeding Kristin Chu, resigned, must be active in a community organization, the unexpired portion of a two-year term ending November 21, 2012.

02/23/11; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Larry Liederman; Robert Muscat; Jonathan Alloy; spoke on their qualifications. Walter Paulson; spoke on the matter.

Appointment of Robert Muscat, seat 2, recommended.

Appointment of Jonathan Alloy, seat 3, recommended.

Seat 1 not filled and continued to the next meeting.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Robert Muscat and Jonathan Alloy, to the Citizens' General Obligation Bond Oversight Committee, terms ending November 21, 2012. (Clerk of the Board)

Robert Muscat, seat 2, succeeding himself, term expired, must be active in a labor organization, for the unexpired portion of a two-year term ending November 21, 2012.

Jonathan Alloy, seat 3, succeeding Kristin Chu, resigned, must be active in a community organization, for the unexpired portion of a two-year term ending November 21, 2012.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Farrell

110211 [Appointments, Citizen's Committee on Community Development - Utuma Belfrey, Peter Cohen, and Nicole Rivera]

Hearing to consider appointing three members, terms ending February 23, 2012, and February 23, 2013, to the Citizen's Committee on Community Development. (Clerk of the Board)

Vacant seat 1, succeeding Charlie Sciammas, term expired, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City, for a two-year term ending date February 23, 2013.

Vacant seat 2, succeeding Rene Cazenave, term expired, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City, for a two-year term ending date February 23, 2013.

Vacant seat 4, succeeding Gaylen Mohre, resigned, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City, for the expired portion of a two-year term ending February 23, 2012.

02/23/11; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Charle Sciammas; Utuma Belfrey; Nicole Rivera; Peter Cohen; spoke on their qualifications. Brian Cheu, Director of Community Development (MOH); presented information concerning the matter. Jacqueline Quin; Terry Anders; Mindy Kener; Mr. Mendoza; Nick Griffin; Rhianna Robinson; Joshua Arce; Mr. Houston; Walter Paulson; spoke on the matter.

Appointment of Utuma Belfrey, seat 1, recommended.

Appointment of Peter Cohen, seat 2, recommended.

Appointment of Nicole Rivera, seat 4, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Utuma Belfrey, Peter Cohen, terms ending February 23, 2013, and Nicole Rivera, term ending February 23, 2012, to the Citizen's Committee on Community Development. (Clerk of the Board)

Utuma Belfrey, seat 1, succeeding Charlie Sciammas, term expired, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City, for the unexpired portion of a two-year term ending date February 23, 2013.

Peter Cohen, seat 2, succeeding Rene Cazenave, term expired, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City, for for the unexpired portion of a two-year term ending date February 23, 2013.

Nicole Rivera, seat 4, succeeding Gaylen Mohre, resigned, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City, for the expired portion of a two-year term ending February 23, 2012.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Kim, Elsbernd, Farrell

110218 [Appointments, Urban Forestry Council - Maria D'Agostino, Dan Flanagan, Sandy Sherwin, Rose Hillson, and Andrew Sullivan]

Hearing to consider appointing five members, terms ending November 18, 2012, to the Urban Forestry Council. (Clerk of the Board)

Vacant seat 2, succeeding Maria D'Agostino, term expired, must be certified by a professional tree management organization (International Society of Arboriculture, American Society of Consulting Arborists, or American Society of Landscape Architects,) for the unexpired portion of a two-year term ending November 18, 2012. Vacant seat 4, succeeding Naomi LeBeau, resigned, must be a member of a non-profit organization involved in urban forestry or other environmentally-related issues, for the unexpired portion of a two-year term ending November 18, 2012.

Vacant seat 5, succeeding Bonnie Ora Sherk, term expired, must be a member of a non-profit organization involved in urban forestry or other environmentally-related issues, for the unexpired portion of a two-year term ending November 18, 2012.

Vacant seat 6, succeeding Rose Hillson, term expired, must be a representative of the community, for the unexpired portion of a two-year term ending November 18, 2012.

Vacant seat 7, succeeding Terry Milne, term expired, must be a representative of the community, for the unexpired portion of a two-year term ending November 18, 2012.

02/23/11; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Maria D'Agostino; Andrew Sullivan; Dan Flanagan; Rose Hillson; Terry Milne; Sandy Sherwin; spoke on their qualifications.

Appointment of Maria D'Agostino, seat 2, recommended.

Appointment of Dan Flanagan, seat 4, recommended.

Appointment of Sandy Sherwin, seat 5, recommended.

Appointment of Rose Hillson, seat 6, recommended.

Appointment of Andrew Sullivan, seat 7, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Maria D'Agostino, Dan Flanagan, Sandy Sherwin, Rose Hillson, and Andrew Sullivan, to the Urban Forestry Council, terms ending November 18, 2012, (Clerk of the Board) Maria D'Agostino, seat 2, succeeding Maria D'Agostino, term expired, must be certified by a professional tree management organization (International Society of Arboriculture, American Society of Consulting Arborists, or American Society of Landscape Architects,) for the unexpired portion of a two-year term ending November 18, 2012.

Dan Flanagan, seat 4, succeeding Naomi LeBeau, resigned, must be a member of a non-profit organization involved in urban forestry or other environmentally-related issues, for the unexpired portion of a two-year term ending November 18, 2012.

Sandy Sherwin, seat 5, succeeding Bonnie Ora Sherk, term expired, must be a member of a non-profit organization involved in urban forestry or other environmentally-related issues, for the unexpired portion of a two-year term ending November 18, 2012.

Rose Hillson, seat 6, succeeding Rose Hillson, term expired, must be a representative of the community, for the unexpired portion of a two-year term ending November 18, 2012.

Andrew Sullivan, seat 7, succeeding Terry Milne, term expired, must be a representative of the community, for the unexpired portion of a two-year term ending November 18, 2012.

RECOMMENDED.. by the following vote:

Ayes: 2 - Kim, Farrell

Absent: 1 - Elsbernd

101471 [Appointment, Sweatfree Procurement Advisory Group]

Hearing to consider appointing one member, term ending December 17, 2011, to the Sweatfree Procurement Advisory Group. (Clerk of the Board)

Vacant seat 3, succeeding Sarah Leiber Church, resigned, must have significant experience as an advocate for human rights or the poor, for the unexpired portion of a four-year term ending December 17, 2011.

Vacant seat 5, succeeding Christopher Honigsberg, resigned, must be a member of the public, for the unexpired portion of a four-year term ending December 17, 2011.

11/19/10; RECEIVED AND ASSIGNED to Rules Committee.

12/02/10; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speaker: Carmen Herrera, Office of Labor Standards Enforcement.

Heard in Committee. Speaker: Eleanor Morton; spoke on her qualifications.

Appointment of Eleanor Morton, seat 3, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Eleanor Morton, to the Sweatfree Procurement Advisory Group, term ending December 17, 2011. (Clerk of the Board)

Eleanor Morton, seat 3, succeeding Sarah Leiber Church, resigned, must have significant experience as an advocate for human rights or the poor, for the unexpired portion of a four-year term ending December 17, 2011.

RECOMMENDED.. by the following vote:

Ayes: 2 - Kim, Farrell

Absent: 1 - Elsbernd

110117 [Administrative Code - Publication Requirements]**Sponsor: Mirkarimi**

Ordinance amending San Francisco Administrative Code Section 2.97 to define "Summary" for purpose of publishing Public Notices.

02/01/11; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speaker: Rick Caldeira, Deputy Director (COB); presented information concerning the matter and answered questions raised during the hearing.

RECOMMENDED by the following vote:

Ayes: 2 - Kim, Farrell

Absent: 1 - Elsbernd

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: 2 - Kim, Farrell

Absent: 1 - Elsbernd

110146 [Settlement of Lawsuit - Liberato Primer, Jr. - \$125,000]

Ordinance authorizing settlement of the lawsuit filed by Liberato Primer, Jr. against the City and County of San Francisco for \$125,000; the lawsuit was filed on October 5, 2009, in the San Francisco Superior Court, Case No. CGC 09-493199, entitled Liberato Primer, Jr. v. City and County of San Francisco. (City Attorney)

02/01/11; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Kim, Farrell

Absent: 1 - Elsbernd

110173 [Settlement of Lawsuit - Esther Downes, et al. - \$350,000]

Ordinance authorizing entry of judgment, pursuant to Federal Rule of Civil Procedure 68, in favor of Plaintiffs Esther Downes and the Estate of Issiah Downes, and against the City and County of San Francisco, in the amount of \$350,000 in settlement of the lawsuit filed on October 1, 2010, in United States District Court, Case No. C10-4451 CW entitled "Esther Downes, et al. v. City and County of San Francisco, et al." (City Attorney)

02/18/11; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Kim, Farrell

Absent: 1 - Elsbernd

110174 [Settlement of Claim - Homeless Prenatal Program, Inc. - \$135,246.65]

Resolution approving the settlement of the unlitigated claim filed by Homeless Prenatal Program, Inc., against the City and County of San Francisco for \$135,246.65; claim was filed on September 23, 2010. (City Attorney)

02/16/11; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Kim, Farrell

Absent: 1 - Elsbernd

Deputy City Attorney Cheryl Adams 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: 2 - Kim, Farrell

Absent: 1 - Elsbernd

ADJOURNMENT

The meeting adjourned at 3:24 p.m.