



City and County of San Francisco

Meeting Agenda

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, September 15, 2011

1:30 PM

City Hall, Committee Room 263

Regular 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. **110905** **[Reappointment, Entertainment Commission - Audrey Joseph]**
Motion approving the Mayor's nomination for reappointment of Audrey Joseph to the Entertainment Commission, for the term ending July 1, 2015. (Clerk of the Board)

(Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - 8/8/11.)

Attachments: [Legislation Ver1](#)
[Comm Packet 091511](#)

8/8/11; RECEIVED AND ASSIGNED to the Rules Committee.

The Chair intends to entertain a motion to send this item to Board as Committee Report on September 20, 2011.

2. **110991** **[Reappointment, Entertainment Commission - Audrey Joseph]**
Motion rejecting the Mayor's nomination for reappointment of Audrey Joseph to the Entertainment Commission, for the term ending July 1, 2015. (Clerk of the Board)

(Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - 8/8/11.)

Attachments: [Legislation Ver1](#)
[Comm Packet 091511](#)

8/8/11; RECEIVED AND ASSIGNED to the Rules Committee.

The Chair intends to entertain a motion to send this item to Board as Committee Report on September 20, 2011.

3. **110992** **[Appointment, Veteran Affairs Commission]**
Hearing to consider appointing one member, term ending January 31, 2014, to the Veteran Affairs Commission. (Clerk of the Board)

Vacant seat 5, succeeding Jill Buck, term expired, must be a woman veteran, for the unexpired portion of a four-year term ending January 31, 2014.

Attachments: [Comm Packet 091511](#)

9/7/11; RECEIVED AND ASSIGNED to the Rules Committee.

*1 seat/ 1 applicant
Deborah Dacumos, seat 5*

4. [110877](#) [Appointments, Bicycle Advisory Committee]

Hearing to consider appointing four members, terms ending November 19, 2012, to the Bicycle Advisory Committee. (Clerk of the Board)

Vacant seat 2, succeeding Richard Tilles, term expired, must be a nominee of District 2 Supervisor. The member shall serve the unexpired portion of a two-year term ending November 19, 2012 or for the tenure of the supervisor who nominated the member, whichever is shorter in duration.

Vacant seat 7, succeeding Elbert Hill, term expired, must be a nominee of District 7 Supervisor. The member shall serve the unexpired portion of a two-year term ending November 19, 2012 or for the tenure of the supervisor who nominated the member, whichever is shorter in duration.

Vacant seat 9, succeeding Rachel Eborá, term expired, must be a nominee of District 9 Supervisor. The member shall serve the unexpired portion of a two-year term ending November 19, 2012 or for the tenure of the supervisor who nominated the member, whichever is shorter in duration.

Vacant seat 11, succeeding Casey Allen, term expired, must be a nominee of District 11 Supervisor. The member shall serve the unexpired portion of a two-year term ending November 19, 2012 or for the tenure of the supervisor who nominated the member, whichever is shorter in duration.

Attachments: [Comm Packet 091511](#)

7/20/11; RECEIVED AND ASSIGNED to the Rules Committee.

4 seats/ 4 applicants
Richard Tilles, seat 2
Bert Hill, seat 7
Rachel Eborá, seat 9
Casey Allen, seat 11

5. [110963](#) [Appointments, Reentry Council]

Hearing to consider appointing four members, terms ending July 17, 2013, to the Reentry Council. (Clerk of the Board)

Vacant seat 1, succeeding Ronald Sanders, term expired, for the unexpired portion of a two-year term ending July 17, 2013. Member must be a former inmate in the San Francisco County Jail, a California Department of Corrections and Rehabilitation facility and/or a United States Bureau of Prison facility.

Vacant seat 2, succeeding Mary Campbell, term expired, for the unexpired portion of a two-year term ending July 17, 2013. Member must be a former inmate in the San Francisco County Jail, a California Department of Corrections and Rehabilitation facility and/or a United States Bureau of Prison facility. The member shall also have expertise in providing services to individuals exiting the criminal justice system.

Vacant seat 3, succeeding Gerald Miller, term expired, for the unexpired portion of a two-year term ending July 17, 2013. Member must be a former inmate in the San Francisco County Jail, a California Department of Corrections and Rehabilitation facility and/or a United States Bureau of Prison facility. The member must also have been released from custody within two years of his or her appointment.

Vacant seat 4, succeeding ShaMauda Bishop, term expired, for the unexpired portion of a two-year term ending July 17, 2013. Member must be a former inmate in the San Francisco County Jail, a California Department of Corrections and Rehabilitation facility and/or a United States Bureau of Prison facility. The member must also have served multiple terms of incarceration.

Attachments: [Comm Packet 091511](#)

9/6/11; RECEIVED AND ASSIGNED to the Rules Committee.

4 seats/ 15 applicants
Panorea Roomel, seat 1
Kathleen Culhane, seats 1, 2
Nicholas Gregoratos, seats 1, 2
Mary Campbell, seats 1, 2
Kimberli Courtney, seats 1, 2, 4
Kevin Joseph, seats 1, 2, 4
Jamie Brewster, seats 1, 2, 4
Gerald Miller, seats 1, 2, 4
Hobert Lee, seats 1, 2, 4
Bradley Reiss, seats 1, 2, 4
Robert Mansfield, seats 1, 2, 4
Leslie Levitas, seats 1, 2, 4
Ronnie Muniz, seats 1, 2, 4
Robert Kane, seats 1, 3
Viet Mike Ngo, seats 1, 3

6. [110971](#) **[Assessment Ballots for City Parcels to Form the Proposed West Portal Community Benefit District]**

Sponsor: Elsbernd

Resolution authorizing the Mayor to cast ballots in the affirmative on behalf of the City and County of San Francisco as owner of two parcels of real property, over which the Board of Supervisors has jurisdiction, where those parcels would be subject to assessment in the proposed property and business improvement district to be named the West Portal Community Benefit District.

Attachments: [Legislation Ver1](#)

[Comm Packet 091511](#)

9/6/11; RECEIVED AND ASSIGNED to the Rules Committee.

The Chair intends to entertain a motion to send this item to Board as Committee Report on September 20, 2011.

7. [110970](#) **[Annual Reports - Central Market Community Benefit District]**

Sponsor: Kim

Resolution regarding Central Market Community Benefit District annual reports to the City by receiving and approving the District's Annual Reports for calendar years 2007, 2008, 2009, and 2010, as submitted, pursuant to Section 36650 of the Business Property and Community Benefit Act of 1994 (California Streets and Highways Code §§36600 et seq.) and Section 3.4 of the District's management contract with the City.

Attachments: [Legislation Ver1](#)

[Comm Packet 091511](#)

9/6/11; RECEIVED AND ASSIGNED 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.

8. [110139](#) **[Settlement of Lawsuit - Loren Miller Homes - \$317,500]**
Ordinance authorizing settlement of the lawsuit filed by Loren Miller Homes, a California corporation, against the City and County of San Francisco for \$317,500; the lawsuit was filed on July 22, 2010, in San Francisco Superior Court, Case No. CGC-10-501831; entitled Loren Miller Homes v. City and County of San Francisco, et al. (City Attorney)
Attachments: [Legislation_Ver1](#)
[Comm Packet 091511](#)

7/25/11; RECEIVED AND ASSIGNED to the Rules Committee.
9. [110954](#) **[Settlement of Lawsuit - Julio Calero - \$75,000]**
Ordinance authorizing settlement of the lawsuits filed by Julio Calero against the City and County of San Francisco for \$75,000; the lawsuits were filed on September 18, 2009, and March 19, 2010, in San Francisco Superior Court, Case Nos. CGC-08-479969 and CGC-10-497921; entitled Julio Calero, et al. v. City and County of San Francisco, et al. and Julio Calero, et al. v. Colin Construction Company, et al. (City Attorney)
Attachments: [Legislation_Ver1](#)
[Comm Packet 091511](#)

8/19/11; RECEIVED AND ASSIGNED to the Rules Committee.
10. [110955](#) **[Settlement of Lawsuits - Mitchell Engineering; Authorization of Bonds and Appropriation of Funds - Not to Exceed \$15,750,000]**
Ordinance: 1) authorizing settlement of all claims arising out of nine lawsuits involving Mitchell Engineering and the City and County of San Francisco; 2) declaring the intent of the San Francisco Public Utilities Commission to reimburse certain expenditures for settlement costs from proceeds of future bonded indebtedness for purposes of complying with Section 147(f) of the Internal Revenue Code of 1986, as amended; 3) authorizing the issuance of Settlement Bonds in connection therewith, as well as the associated financing cost to issue; 4) appropriating \$15,750,000, including insurance proceeds in the total amount of \$750,000, project construction funds in the total amount of \$920,207, and proceeds of Settlement Bonds in the amount of \$14,079,793; and 5) authorizing the use of substitute fund balance as a source in lieu of Settlement Bonds if available. (City Attorney)
Attachments: [Comm Packet 091511](#)

8/26/11; RECEIVED AND ASSIGNED to the Rules Committee.
11. [110956](#) **[Settlement of Claim - Ernst & Young, LLP - \$158,646.36]**
Resolution approving the settlement of the unlitigated claim filed by Ernst & Young, LLP, against the City and County of San Francisco for refund of payroll taxes for the 2009 tax year in the amount of \$158,646.36; claim was filed on February 25, 2011. (City Attorney)
Attachments: [Comm Packet 091511](#)

8/19/11; RECEIVED AND ASSIGNED to the Rules Committee.

12. [110692](#) **[Settlement of Lawsuit - West Bay Builders, Inc. - City to Retain \$900,000]**
Ordinance authorizing settlement of the lawsuit entitled West Bay Builders, Inc. v. City and County of San Francisco, San Francisco Superior Court Case No. CGC-10-503366, arising from a breach of contract dispute regarding Contract No. 6159A for construction of a new Recreation and Park Department (RPD) facility known as the Minnie and Lovie Ward Recreation Center and Ocean View Park, for which West Bay Builders, Inc. (West Bay) served as the prime contractor, calling for the RPD to retain \$900,000 from the contract balance and including other material terms of said settlement. (City Attorney)

Attachments: [Legislation Ver1](#)
[Comm Packet 091511](#)

7/19/11; 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.

There are no items currently under the 30 day rule.

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; 4) standing in the meeting room.

The public is encouraged to testify at Committee meetings and to write letters to the Clerk of the Board or to Supervisors: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

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, and on the internet at <http://www.sfbos.org/meetings>. Meetings are cablecast on SF Cable 26. 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 Madeleine Licavoli at (415) 554-7722. AVISO EN ESPAÑOL: La solicitud para un traductor debe recibirse antes de mediodía 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, 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. The Sunshine 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 the 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