



**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*

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Thursday, September 15, 2011

1:30 PM

City Hall, Committee Room 263

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**Regular Meeting**

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

**MEETING CONVENED**

*The meeting convened at 1:35 p.m.*

**REGULAR AGENDA**

**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.)

08/08/11; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speakers: Audrey Joseph; spoke on her qualifications. Richard Corriea (SFPD); Steven Lee; Male Speaker; Tom Murphy; spoke in support of the Mayor's nomination.*

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

Ayes: 3 - Kim, Elsbernd, Farrell

**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.)

08/08/11; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speakers: Audrey Joseph; spoke on her qualifications. Richard Corriea (SFPD); Steven Lee; Male Speaker; Tom Murphy; spoke in support of the Mayor's nomination.*

**TABLED by the following vote:**

Ayes: 3 - Kim, Elsbernd, Farrell

**110992 [Appointment, Veteran Affairs Commission - Deborah Dacumos]**

Motion appointing Deborah Dacumos, 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.

09/07/11; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speakers: Deborah Dacumos; spoke on her qualifications. Steven Noetzel (Veteran Affairs Commission); Wallace Levin; spoke in support of the applicant. Appointment of Deborah Dacumos, seat 5, recommended.*

**PREPARED IN COMMITTEE AS A MOTION**

Motion appointing Deborah Dacumos, term ending January 31, 2014, to the Veteran Affairs Commission. (Clerk of the Board)

Deborah Dacumos, 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.

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

Ayes: 3 - Kim, Elsbernd, Farrell

**110877 [Appointments, Bicycle Advisory Committee - Richard Tilles, Bert Hill, Rachel Ebor, and Casey Allen]**

Motion appointing Richard Tilles, Bert Hill, Rachel Ebor, and Casey Allen, 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 Ebor, 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.

07/20/11; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speakers: None.*

*Appointment of Richard Tilles, seat 2, recommended.*

*Appointment of Bert Hill, seat 7, recommended.*

*Appointment of Rachel Ebor, seat 9, recommended.*

*Appointment of Casey Allen, seat 11, recommended.*

**PREPARED IN COMMITTEE AS A MOTION**

Motion appointing Richard Tilles, Bert Hill, Rachel Ebor, and Casey Allen, terms ending November 19, 2012, to the Bicycle Advisory Committee. (Clerk of the Board)  
Richard Tilles, seat 2, succeeding himself, 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.  
Bert Hill, seat 7, succeeding himself, 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.  
Rachel Ebor, seat 9, succeeding herself, 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.  
Casey Allen, seat 11, succeeding himself, 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.

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

Ayes: 3 - Kim, Elsbernd, Farrell

**110963 [Appointments, Reentry Council - Gerald Miller, Kimberli Courtney, Viet Mike Ngo, and Ronnie Muniz]**

Motion appointing Gerald Miller, Kimberli Courtney, Viet Mike Ngo, and Ronnie Muniz, 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.

09/06/11; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speakers: Jessica Flintoff (Reentry Council); presented information concerning the matter. Panorea Roomel; Mary Campbell; Kimberli Courtney; Jamie Brewster; Gerald Miller; Hobert Lee; Bradley Reiss; Robert Mansfield; Ronnie Muniz; Robert Kane; Viet Mike Ngo; Nicholas Gregoratos; spoke on their qualifications. Leslie German; Steve G.; spoke in support of various applicants.*

*Appointment of Gerald Miller, seat 1, recommended.  
Appointment of Kimberli Courtney, seat 2, recommended.  
Appointment of Viet Mike Ngo, seat 3, recommended.  
Appointment of Ronnie Muniz, seat 4, recommended.*

**PREPARED IN COMMITTEE AS A MOTION**

Motion appointing Gerald Miller, Kimberli Courtney, Viet Mike Ngo, and Ronnie Muniz, terms ending July 17, 2013, to the Reentry Council. (Clerk of the Board)  
Gerald Miller, 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.

Kimberli Courtney, 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.

Viet Mike Ngo, 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.

Ronnie Muniz, 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.

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

Ayes: 3 - Kim, Elsbernd, Farrell

**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.

09/06/11; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speaker: Lisa Pagan (OEWD); presented information concerning the matter.*

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

Ayes: 3 - Kim, Elsbernd, Farrell

**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.

09/06/11; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speakers: Trina Villanueva (OEWD); Daniel Hurtado (Central Market CBD); Lisa Pagan (OEWD); presented information concerning the matter. David Fariello; Steven Martin; spoke in support of the matter*

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

Ayes: 3 - Kim, Elsbernd, Farrell

## 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 - Kim, Elsbernd, Farrell

**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)

07/25/11; RECEIVED AND ASSIGNED to Rules Committee.

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

Ayes: 3 - Kim, Elsbernd, Farrell

**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)

08/19/11; RECEIVED AND ASSIGNED to Rules Committee.

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

Ayes: 3 - Kim, Elsbernd, Farrell

**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)

08/26/11; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speaker: Ronald Flynn (City Attorney's Office); presented information concerning the matter.*

**REFERRED WITHOUT RECOMMENDATION to the Board of Supervisors, by the following vote:**

Ayes: 3 - Kim, Elsbernd, Farrell

**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)

08/19/11; RECEIVED AND ASSIGNED to Rules Committee.

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

Ayes: 3 - Kim, Elsbernd, Farrell

**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)

07/19/11; RECEIVED AND ASSIGNED to Rules Committee.

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

Ayes: 3 - Kim, Elsbernd, Farrell

*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: 3 - Kim, Elsbernd, Farrell

## ADJOURNMENT

*The meeting adjourned at 3:35 p.m.*