

**City and County of San Francisco  
Rules Committee**

***City Hall, Room 263***



**Meeting Agenda  
Thursday, October 23, 2008  
10:00 AM  
Rescheduled Meeting**

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***Members: Chris Daly, Bevan Dufty, Tom Ammiano***

***Clerk: Mary Red (415) 554-4442***

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*NOTICE IS HEREBY GIVEN that the regularly scheduled meeting of the Rules Committee on Thursday, October 16, 2008, at 10:00 a.m. HAS BEEN RESCHEDULED TO Thursday, October 23, 2008, at 10:00 a.m., and will be held in Room 263, City Hall.*

*Note: Each item on the Consent or Regular agenda may include the following documents: 1) Legislation 2) Budget Analyst report 3) Legislative Analyst report*

*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**

- 081119 [Noise Control Ordinance]** **Supervisor Ammiano**  
Ordinance amending the San Francisco Police Code by amending Sections 2901, 2902, 2904, 2907, 2908, 2909, 2910, 2916, and 2917, repealing Sections 2903, 2906, 2911, 2912, 2913, 2914, 2915, and 2918, and adding new Sections 2912, 2918, 2920, 2922, 2924, and 2926, to revise the City's noise control regulations, add administrative penalties, and create a noise task force.

8/12/08, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 9/11/2008.

10/14/08, TRANSFERRED to Rules Committee.

**2. 081169 [Appointment, Graffiti Advisory Board]**

Hearing to consider appointing one member, term ending April 10, 2009, to the Graffiti Advisory Board.

1 Seat being considered

Vacant seat succeeding Alexander Mamak, resigned, seat 17, must represent contracting agency for Municipal Railway shelters, for unexpired portion of a two-year term ending April 10, 2009.

9/4/08, RECEIVED AND ASSIGNED to Rules Committee.

9/18/08, CONTINUED. Continued to October 2, 2008.

10/2/08, CONTINUED. Continued to October 23, 2008.

*1 seat/1 applicant*

*Jana Lord, seat 17 (residency waiver required)*

**3. 081274 [Appointment, Peak Oil Preparedness Task Force]**

Hearing to consider appointing one member to the Peak Oil Preparedness Task Force.

1 seat being considered

Vacant seat succeeding Jan Lundberg, seat 4, resigned, must represent the public at-large, for term ending March 27, 2009.

9/24/08, RECEIVED AND ASSIGNED to Rules Committee.

*1 seat/5 applicants*

*Don Eichelberger*

*Benjamin Lowe*

*Sean O'Halloran*

*Alice Friedemann (residency waiver required)*

*Christopher Swan*

**4. 081285 [Lobbyist Ordinance amendments to regulate permit lobbying]**

**Supervisor Peskin**

Ordinance amending Chapter 1 of Article II of the Campaign and Governmental Conduct Code by amending section 2.105 to require registration and disclosure under the Lobbyist Ordinance by persons who lobby the Zoning Administrator, the City Engineer, the County Surveyor, the Bureau Chief of the Department of Public Works' Bureau of Street Use and Mapping, elected officials, or the Director, Assistant Director or Deputy Director of the Planning Department, Department of Building Inspection or Department of Public Works regarding permits, parcel maps or subdivision tract maps.

10/7/08, RECEIVED AND ASSIGNED to Rules Committee.

10/15/08, REFERRED TO DEPARTMENT. Referred to Ethics Commission for review and comments. 10/15/08, 30-day Rule waived.

**5.     081190     [Elections for the Retiree Health Trust Fund Board, San Francisco Employee Retirement System Board and Health Service System Board]     Supervisor Elsbernd**

Ordinance amending the San Francisco Administrative Code by amending sections 16.550-16.561 and 16.563-16.564, and adding Sections 16.553-1, 16.553-2 and 16.565, and amending San Francisco Campaign and Governmental Conduct Code by adding section 3.1-268, to allow for Retiree Health Trust Fund Board elections and making minor revisions to existing San Francisco Retirement System and Health Service System election procedures.

9/9/08, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/9/2008.

9/17/08, REFERRED TO DEPARTMENT. Referred to Ethics Commission for review and comments.

10/7/08, RESPONSE RECEIVED. Ethics Commission endorsed legislation at its meeting October 6, 2008.

10/7/08, REFERRED TO DEPARTMENT. Referred to Retirement Board and Health Service for information and comments.

**6.     081309     [Appointment, Taxi Commission - Arthur Tom]**

Motion approving the Mayor's appointment of Arthur Tom to the Taxi Commission, for the term ending June 28, 2012.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - October 8, 2008.)

10/8/08, RECEIVED AND ASSIGNED to Rules Committee.

**7.     081310     [Appointment, Taxi Commission - Arthur Tom]**

Motion rejecting the Mayor's appointment of Arthur Tom to the Taxi Commission for the term ending June 28, 2012.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - October 8, 2008.)

10/8/08, RECEIVED AND ASSIGNED to Rules Committee.

8.     **081311**     **[Appointment, Taxi Commission - Arthur Tom]**  
Motion taking no position concerning the Mayor's appointment of Arthur Tom to the Taxi Commission, for the term ending June 28, 2012.  
  
(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - October 8, 2008.)  
  
10/8/08, RECEIVED AND ASSIGNED to Rules Committee.
9.     **081257**     **[Confirming the re-appointment of Francee Covington to the San Francisco Redevelopment Agency]**     **Mayor**  
Motion confirming the re-appointment of Francee Covington to the San Francisco Redevelopment Agency for a four-year term ending September 3, 2012.  
  
9/23/08, RECEIVED AND ASSIGNED to Rules Committee.
10.    **081227**     **[Voting Systems Task Force]**     **Supervisor Ammiano**  
Ordinance amending the Administrative Code by adding Sections 5.400-410 to establish a Voting Systems Task Force comprised of individuals with backgrounds in good government, computer science or the computer industry, election administration, and accommodations of persons with disabilities, to make recommendations to the Board of Supervisors about voting system standards, design and development.  
  
9/16/08, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2008.
11.    **081245**     **[Nitrite based Poppers]**     **Supervisor Ammiano**  
Hearing on the disclosure of the Health effects of Nitrite based Poppers.  
  
9/23/08, RECEIVED AND ASSIGNED to Rules Committee.
12.    **080558**     **[Mills Act program requirements]**     **Supervisor Alioto-Pier**  
Hearing on the Mills Act program requirements.  
  
4/22/08, RECEIVED AND ASSIGNED to 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. Government 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.*

### **13. 081068 [Settlement of City's Lawsuit Against Defendant EnCana Corp]**

Ordinance authorizing partial settlement of the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023), filed by the City and County of San Francisco on June 8, 2004, and coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides approximately \$265,695.80 to the City from defendant EnCana Corp. (City Attorney)

9/22/08, RECEIVED AND ASSIGNED to Rules Committee.

### **14. 081165 [Settlement of Lawsuit - Twylah Sperka - \$49,000]**

Ordinance authorizing settlement of the lawsuit filed by Twylah Sperka against the City and County of San Francisco for \$49,000; the lawsuit was filed on February 26, 2007 in San Francisco Superior Court, Case No. 460-772; entitled Twylah Sperka v. City and County of San Francisco, et al. (City Attorney)

9/9/08, RECEIVED AND ASSIGNED to Rules Committee.

### **15. 081166 [Settlement of Lawsuit - J. Hadley Loudon - \$35,000]**

Ordinance authorizing settlement of the lawsuit filed by J. Hadley Loudon against the City and County of San Francisco for \$35,000; the lawsuit was filed on June 5, 2006 in San Francisco Superior Court, Case No. 06-452880, entitled J. Hadley Loudon v. Sgt. Sorgie et al., and removed to the United States District Court, Northern District of California, Case No. 06-04762 MHP, on August 7, 2006. (City Attorney)

9/4/08, RECEIVED AND ASSIGNED to Rules Committee.

### **16. 081205 [Settlement of Lawsuit, Gladys DeWitt - \$50,000]**

Ordinance authorizing settlement of the lawsuit filed by Gladys DeWitt against the City and County of San Francisco for \$50,000; the lawsuit was filed on January 19, 2007 in San Francisco Superior Court, Case No. 459735, and removed, on July 27, 2007, to United States District Court for the Northern District of California, Case No. C-07-03791 PJH, entitled DeWitt v. City and County of San Francisco, et al.

9/9/08, RECEIVED AND ASSIGNED to Rules Committee.

- 17. 081259 [Settlement of Lawsuit - Karen Douma - \$1,695,100.00]**  
Ordinance authorizing settlement of the lawsuit filed by Karen Douma, individually, Karen Douma, as Personal Representative of the Estate Of David Douma, deceased, Jason Douma, individually, Pamela Fay, individually, and David Douma, Jr., individually against SF American Taxicab, Inc., Autos For Hire Rpg, Inc., Alem Belai, City And County Of San Francisco, Regents of The University of California, DOES 1 to 100, jointly and severally for \$1,695,100.00; the lawsuit was filed on August 10, 2007 in San Francisco Superior Court, Case No. CGC-07-466068; entitled Karen Douma, et al., v. SF American Taxicab, Inc., et al. (City Attorney)  
  
9/23/08, RECEIVED AND ASSIGNED to Rules Committee.
- 18. 081260 [Settlement of Lawsuit - James R. Figueroa - \$65,000]**  
Ordinance authorizing settlement of James R. Figueroa's claims in the lawsuit filed by James R. Figueroa against the City and County of San Francisco for \$65,000; the lawsuit was filed on September 26, 2007, in the San Francisco Superior Court, Case No. 467599, entitled James Figueroa v. City and County of San Francisco dba Department of Public Works. (City Attorney)  
  
9/23/08, RECEIVED AND ASSIGNED to Rules Committee.
- 19. 081261 [Settlement of Lawsuit - Husam Sajjan - \$100,000.00]**  
Ordinance authorizing settlement of the lawsuit filed by Husam Sajjan against the City and County of San Francisco for \$100,000.00; the lawsuit was filed on December 12, 2006 in the San Francisco Superior Court, Case No. 458649; entitled Husam Sajjan v. City and County of San Francisco, et al. (City Attorney)  
  
9/23/08, RECEIVED AND ASSIGNED to Rules Committee.
- 20. 081262 [Settlement of Lawsuit - Estate of Nicholas Torrico, et al. - \$150,000.00]**  
Ordinance authorizing settlement of the lawsuit filed by the Estate of Nicholas Torrico, et al. against the City and County of San Francisco for \$150,000.00; the lawsuit was filed on July 13, 2007 in United States District Court, Case No. C07-3624 JCS; entitled Estate of Nicholas Torrico, et al., v. City and County of San Francisco, et al. (City Attorney)  
  
9/29/08, RECEIVED AND ASSIGNED to Rules Committee.
- 21. 081263 [Approval of Settlement Agreement before the Federal Energy Regulatory Commission]**  
Ordinance approving a settlement agreement related to the electricity crisis of 2000-2001 in proceedings before the Federal Energy Regulatory Commission and accepting distribution of settlement funds collected by FERC. (City Attorney)  
  
9/29/08, RECEIVED AND ASSIGNED to Rules Committee.

**22. 081317 [Authorizing Settlement of Attorney's Fees and Costs Claim Following Lawsuit - \$380,000]**

Ordinance authorizing settlement of the claim for attorney's fees and costs incurred by Paula Fiscal, Larry Barsetti, Rebecca Kidder, Dana Drenkoski, John Candido, Alan Byard, Andrew Sirkis, National Rifle Association, Second Amendment Foundation, California Association of Firearm Retailers, Law Enforcement Alliance of America, and San Francisco Veteran Police Officers Association in litigation against the City and County of San Francisco, for \$380,000.00; the lawsuit was filed on December 29, 2005 in San Francisco Superior Court, Case No. CPF-050505960; entitled Fiscal, et al., v. City and County of San Francisco, et al. (City Attorney)

10/10/08, RECEIVED AND ASSIGNED to Rules Committee.

*Pending introduction at Board meeting October 21, 2008.*

*After a closed session, if one occurs, the Committee shall adopt a motion either to disclose or not to disclose.*

*[Elect To Disclose] Motion that the Committee 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 now listed 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 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.sfgov.org/site/bos\\_meetings](http://www.sfgov.org/site/bos_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.



**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 J, K, L, M, N, and T (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, call (415) 923-6142.

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 decisions 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 Frank Darby by mail to 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](mailto:sotf@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.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 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)