

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

*City Hall, Committee Room 263*



**Meeting Agenda**

**Thursday, November 5, 2009**

**10:00 AM**

**Regular Meeting**

---

***Members: David Campos, Chris Daly, Michela Alioto-Pier***

***Clerk: Linda Wong (415) 554-7719***

---

*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**

**CONSENT AGENDA**

*All matters listed hereunder constitute a Consent Agenda, are considered to be routine and will be acted upon by a single roll call vote of the Committee. There will be no separate discussion of these items unless a member of the Committee or the public so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.*

**1. 091223 [Appointment, Immigrant Rights Commission]**

Hearing to consider appointing one member, term ending June 6, 2011, to the Immigrant Rights Commission.

Vacant seat, succeeding Angus McCarthy, seat 7, term expired, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for the unexpired portion of a two-year term ending June 6, 2011.

10/22/09, RECEIVED AND ASSIGNED to Rules Committee.

*1 seat/ 1 applicant*

*Angus McCarthy, seat 7*

**2. 091227 [Appointment, Local Homeless Coordinating Board]**

Hearing to consider appointing one member, term ending October 21, 2011, to the Local Homeless Coordinating Board.

Vacant seat, succeeding Laura Guzman, seat 1, term expired, must be a member of the disabled community, for the unexpired portion of a two-year term ending October 21, 2011.

10/22/09, RECEIVED AND ASSIGNED to Rules Committee.

*1 seat/ 1 applicant*

*Laura Guzman, seat 1 (Residency Waiver Required)*

**3. 091229 [Appointment, Sweatfree Procurement Advisory Group]**

Hearing to consider appointing one member, term ending December 17, 2011, to the Sweatfree Procurement Advisory Group.

Vacant seat, succeeding Jamie Crook, seat 4, resigned, must be a member of the public, for a two-year term ending December 17, 2011.

10/26/09, RECEIVED AND ASSIGNED to Rules Committee.

*1 seat/ 1 applicant*

*Julienne Fisher, seat 4*

**4. 091235 [Appointment, Child Care Planning and Advisory Council]**

Hearing to consider appointment one member, term ending December 31, 2011, to the Child Care Planning and Advisory Council.

Vacant seat, succeeding Simon Lee, seat 4, term expired, must be a nominee of District 4 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative", for the unexpired portion of a three-year term ending December 31, 2011.

10/26/09, RECEIVED AND ASSIGNED to Rules Committee.

*1 seat/ 1 applicant*

*Simon Lee, seat 4*

**5. 091262 [Appointments, California State Association of Counties]**

Motion appointing Supervisors Eric Mar and John Avalos (as an alternate member), terms ending November 28, 2010, to the California State Association of Counties.

Supervisor Eric Mar, seat 1, succeeding himself, term expiring on November 28, 2009, must be a member of the Board of Supervisors, for a one-year term ending November 28, 2010.

Supervisor John Avalos, seat 2, succeeding himself, term expiring on November 28, 2009, must be a member of the Board of Supervisors, serving as an alternate member, for a one-year term ending November 28, 2010.

10/28/09, RECEIVED AND ASSIGNED to Rules Committee.

## REGULAR AGENDA

### 6. 091194 [Appointment, Entertainment Commission - Al Perez]

Motion approving the Mayor's nomination for appointment of Al Perez to the Entertainment Commission, for the unexpired portion of a four-year term ending July 1, 2013. (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 – 10/14/09.)

10/14/09, RECEIVED AND ASSIGNED to Rules Committee.

### 7. 091195 [Appointment, Entertainment Commission - Al Perez]

Motion rejecting the Mayor's nomination for appointment of Al Perez to the Entertainment Commission, for the unexpired portion of a four-year term ending July 1, 2013. (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 – 10/14/09.)

10/20/09, RECEIVED AND ASSIGNED to Rules Committee.

### 8. 091129 [Appointment, Entertainment Commission]

Hearing to consider appointing one member, term ending July 1, 2013, to the Entertainment Commission.

Vacant seat, succeeding Erik Joseph Pred, seat 3, term expired, shall represent the interests of the public health community, for the unexpired portion of a four-year term ending July 1, 2013.

9/21/09, RECEIVED AND ASSIGNED to Rules Committee.

10/15/09, CONTINUED. Heard in Committee. Speakers: Neal Cavellini; Michael Kim; Bob Davis, Entertainment Commission. Continued to the next meeting.

*1 seat/ 5 applicants*  
*Neal Cavellini, seat 3*  
*Michael Kim, seat 3*  
*David Lupo, seat 3*  
*Miles Daniels, seat 3*  
*Solomon Jones, seat 3*

**9. 091226 [Appointments, Pedestrian Safety Advisory Committee]**

Hearing to consider appointing four members, terms ending March 28, 2010 and March 28, 2011, to the Pedestrian Safety Advisory Committee.

Vacant seat, succeeding Howard Strassner, seat 6, term expired, must be a representative from transit or environmental organization, for the unexpired portion of a two-year term ending March 28, 2010.

Vacant seat, succeeding Shirley Bierly, seat 8, term expired, must be representative from a public health organization, for the unexpired portion of a two-year term ending March 28, 2010.

Vacant seat, succeeding Dan Brook, seat 9, term expired, must represent the public at large, for the unexpired portion of a two-year term ending March 28, 2011.

Vacant seat, succeeding William Riggs, seat 10, term expired, must represent the public at large, for the unexpired portion of a two-year term ending March 28, 2010.

10/22/09, RECEIVED AND ASSIGNED to Rules Committee.

*4 seats/ 4 applicants*  
*Paul Supawanich, seats 6, 10*  
*Dahianna Lopez, seat 8 (Residency Waiver Required)*  
*Brooke Bixler, seat 9*  
*Jay Lee, seats 9, 10*

**10. 091128 [Appointment, Police Commission]**

Hearing to consider appointing one member, term ending April 30, 2011, to the Police Commission.

Vacant seat, succeeding Theresa Sparks, seat 1, resigned, must be nominated by the Rules Committee or its successor and subject to confirmation by the Board of Supervisors, for the unexpired portion of a four-year term ending April 30, 2011.

9/21/09, RECEIVED AND ASSIGNED to Rules Committee.

*1 seat/ 13 applicants*  
*Arturo Sandoval, seat 1*  
*James Guglielmoni, seat 1*  
*Amanda Inocencio, seat 1*  
*Robert Retana, seat 1*  
*Andre Bolaffi, seat 1*  
*Arthur Tom, seat 1*  
*John Caldera, seat 1*  
*Morgan Gorrone, seat 1*  
*Lonnie Holmes, seat 1*  
*DeWitt Lacy, seat 1*  
*Gary Converse, seat 1*  
*James Hammer, seat 1*  
*David Wagner, seat 1*

- 11. 091234 [Appointment, Veterans Affairs Commission]**  
Hearing to consider appointing one member, term ending January 31, 2011, to the Veterans Affairs Commission.
- Vacant seat, succeeding Bud Wilson, seat 8, deceased, must be an at-large appointment, for the unexpired portion of a four-year term ending January 31, 2011.
- 10/26/09, RECEIVED AND ASSIGNED to Rules Committee.
- 1 seat/ 2 applicants*  
*Stephen Noetzel, seat 8*  
*Matthew Shea, seat 8*
- 12. 091241 [Veterans Affairs Commission to Expand Membership and Establish Residency Requirement]** **Supervisor Alioto-Pier**  
Ordinance amending Administrative Code Section 5.102 to expand the number of members from 15 to 17 and establish a requirement that members reside in the City and County of San Francisco.
- 10/27/09, RECEIVED AND ASSIGNED to Rules Committee.
- 13. 090960 [Honoring small local businesses during Small Business Month]** **Supervisor Alioto-Pier**  
Ordinance amending the San Francisco Administrative Code by requiring the Small Business Commission to declare one month out of the year "Small Business Month" and to recognize small local businesses during the Small Business Month.
- 7/28/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 8/27/2009.  
8/12/09, REFERRED TO DEPARTMENT. To Small Business Commission for comment.  
Response received on 8/14/09.
- 14. 091013 [Application of City's conflict of interest laws to City officers]** **Supervisor Elsbernd**  
Ordinance amending the San Francisco Campaign and Governmental Conduct Code by amending sections 3.222 and 3.224 to clarify the application of prohibitions to City officers, and by adding sections 3.201 and 3.203 to name the Government Ethics Ordinance, to permit waiver of contracting prohibition, and to define "officer."
- 8/11/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 9/10/2009. Referred to the Ethics Commission for comment on August 17, 2009.
- 15. 091011 [Training center in the Bayview]** **Supervisors Daly, Mirkarimi, Avalos, Campos, Maxwell**  
Hearing on the GoSolarSF and SolarCity's promise to develop a training center in the Bayview.
- 8/11/09, RECEIVED AND ASSIGNED to Rules Committee.
- 16. 091137 [Administrative Code - Historical Property (Mills Act) Contract Procedures]** **Supervisor Alioto-Pier**  
Ordinance amending Chapter 71 of the San Francisco Administrative Code regarding historical

property (Mills Act) contract procedures to reflect amendments made to the San Francisco Charter to create the Historic Preservation Commission, establish certain time lines for review of applications for historical property contracts, require Budget Analyst review of applications for historical property contracts, and making other clarifying amendments; and making findings, including environmental findings.

9/22/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/22/2009.

10/6/09, SUBSTITUTED. Supervisor Alioto-Pier submitted a substitute ordinance bearing new title.

10/6/09, ASSIGNED to Rules Committee.

10/14/09, REFERRED TO DEPARTMENT. To Planning Department for CEQA review and Historic Preservation Commission for comment and recommendation.

## 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.*

**17. 091075 [Settlement of Lawsuit - Bernard and Mildred Bolton - \$650,000]**

Ordinance authorizing settlement of the lawsuit filed by Bernard and Mildred Bolton against the City and County of San Francisco for \$650,000; the lawsuit was filed on October 15, 2008, in San Francisco Superior Court, Case No. 480-896; entitled Bernard and Mildred Bolton, et al., v. City and County of San Francisco, et al. (City Attorney)

9/17/09, RECEIVED AND ASSIGNED to Rules Committee.

**18. 091076 [Settlement of Lawsuit - Segundo Malvar Tiongco, Maretes B. Peralta, Elizabeth Sarmiento, Arnulfo Tiongco, Edwina Tiongco, Nick B. Tiongco, Segundo B. Tiongco, Jr., and Wilfredo B. Tiongco -**

Ordinance authorizing settlement of the lawsuit filed by Segundo Malvar Tiongco, Maretes B. Peralta, Elizabeth Sarmiento, Arnulfo Tiongco, Edwina Tiongco, Nick B. Tiongco, Segundo B. Tiongco, Jr., and Wilfredo B. Tiongco against the City and County of San Francisco for \$1,750,000; the lawsuit was filed on January 16, 2009, in San Francisco Superior Court, Case No. 484-171; entitled Segundo Malvar Tiongco, Maretes B. Peralta, Elizabeth Sarmiento, Arnulfo Tiongco, Edwina Tiongco, Nick B. Tiongco, Segundo B. Tiongco, Jr., and Wilfredo B. Tiongco, et al. v. City and County of San Francisco, et al. (City Attorney)

9/17/09, RECEIVED AND ASSIGNED to Rules Committee.

**19. 091080 [Settlement of Lawsuit - Duncan Briggs - \$65,000]**

Ordinance authorizing settlement of the lawsuit filed by Duncan Briggs against the City and County of San Francisco for \$65,000; the lawsuit was filed on August 19, 2008, in San Francisco Superior Court, Case No. 478-836; entitled Duncan Briggs, et al. v. City and County of San Francisco, et al. (City Attorney)

9/22/09, RECEIVED AND ASSIGNED to Rules Committee.

**20. 091086 [Settlement of Lawsuit - Jeanne Schoenstein - \$225,000]**

Ordinance authorizing settlement of the lawsuit filed by Jeanne Schoenstein against the City and County of San Francisco and Marcelo Samame for \$225,000 inclusive of attorneys' fees and costs; the lawsuit was filed on July 14, 2008, in San Francisco Superior Court, Case No. CGC-08-477472; entitled Schoenstein, et al., v. City and County of San Francisco, et al. (City Attorney)

9/22/09, RECEIVED AND ASSIGNED to Rules Committee.

**21. 091186 [Settlement of Lawsuit - Gavin Smith - \$55,000]**

Ordinance authorizing settlement of the lawsuit filed by Gavin Smith against the City and County of San Francisco for \$55,000; the lawsuit was filed on April 29, 2009, in San Francisco Superior Court, Case No. CGC-09-487887; entitled Gavin Smith v. City and County of San Francisco. (City Attorney)

10/7/09, RECEIVED AND ASSIGNED to Rules Committee.

**22. 090998 [Settlement of Eminent Domain Lawsuit - Pacific Gas and Electric Company - \$112,000]**

Ordinance authorizing settlement of the eminent domain lawsuit filed by Pacific Gas and Electric Company against the City and County of San Francisco et al., San Mateo Superior Court, Case No.449100; entitled Pacific Gas and Electric v. City and County of San Francisco, et al.; other material terms of said settlement are set forth in the Stipulation for Entry of Judgment in Condemnation contained in Board of Supervisors' File No. 090998. (City Attorney)

10/5/09, RECEIVED AND ASSIGNED to Rules Committee.

*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.*

### **091233 [Amendments to Chapters 6 and 21, Related to False Claims]**

**Supervisor Alioto-Pier**

Ordinance amending Administrative Code Sections 6.22, 6.42, and 21.35 to clarify that the false claims provisions of Chapters 6 and 12 are statutory rather than contractual and to eliminate the requirement that such provisions be incorporated into public works contracts or professional services contracts.

10/27/09, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 11/26/2009.

## 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.

**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 5, 6, 7, 9, 21, 47, 49, 71, 71L, F, J, K, L, M, N, T (exit at Van Ness Station). 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 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 by mail 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 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 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics)