



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, November 17, 2011

2:00 PM

City Hall, Committee Room 263

Rescheduled Meeting

President David Chiu appointed Supervisor Scott Wiener to serve on the Rules Committee for the meeting of November 17, 2011, in place of Supervisor Mark Farrell.

Present: 3 - Jane Kim, Sean Elsbernd, and Scott Wiener

Excused: 1 - Mark Farrell

MEETING CONVENED

The meeting convened at 2:03 p.m.

REGULAR AGENDA

111050 [Administrative Code - San Francisco Sentencing Commission and Recidivism Reduction Ordinance of 2011]

Sponsors: Wiener; Farrell and Cohen

Ordinance amending the San Francisco Administrative Code by adding Article XXV, Sections 5.250 through 5.250-4 to: 1) establish the San Francisco Sentencing Commission; 2) set forth the Commission's purpose, powers and duties; and 3) establish membership criteria.

09/27/11; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/27/2011.

11/03/11; CONTINUED. Heard in Committee. Speaker: Walter Paulson; spoke neither in support nor opposition to the matter.

Heard in Committee. Speakers: Lenore Anderson (District Attorney's Office); William Sifferman (Juvenile Probation Department); Wendy Still (Adult Probation Department); Jeff Adachi (Public Defender's Office); Supervisor Ross Mirkarimi (Board of Supervisors); presented information concerning the matter and answered questions raised throughout the hearing. Alex Busanskey; Caitlin O'Neill; spoke in support of the matter. Randolph Daar; Douglas Yep; spoke neither in support nor opposition to the matter.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - Kim, Elsbernd, Wiener

Excused: 1 - Farrell

111178 [Appointments, Medical Cannabis Task Force - Hunter Holliman, Leonard Watkins, Martin Olive, Sarah Shrader, Brent Saupe, and Jean Talleyrand]

Hearing to consider appointing six members, terms ending December 31, 2012, to the Medical Cannabis Task Force. (Clerk of the Board)

Vacant seat 2, succeeding David Goldman, resigned, must be a representative of a local patient advocacy organization with a background in working to protect the interests of medical cannabis patients, for a term ending December 31, 2012.

Vacant seat 4, succeeding Mary Schroeder, resigned, must be a representative of a hospice or a residential care facility with a background as an employee or volunteer in direct services working with medical cannabis patients or as a nurse or physician with a background in working with or treating of medical cannabis patients, for a term ending December 31, 2012.

Vacant seat 6, succeeding Martin Olive, term expired, must be a person with a background in the management of a medical cannabis dispensary, for a term ending December 31, 2012.

Vacant seat 8, succeeding Sarah Shrader, term expired, must be a representative of a drug policy organization working specifically on medical cannabis issues, for a term ending December 31, 2012.

Vacant seat 10, succeeding Albert Blais, resigned, must be a person with a background in providing medical cannabis to low-income patients, for a term ending December 31, 2012.

Vacant seat 15, new appointment, must be a licensed or an accredited health care practitioner practicing in San Francisco with a background in medical cannabis and familiarity with the laws and regulations governing medical cannabis, for a term ending December 31, 2012.

10/26/11; RECEIVED AND ASSIGNED to Rules Committee.

11/03/11; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Marguis Ausby; Kenneth Lima; Leonard Watkins; spoke on their qualifications. Maureen Burns; spoke in support of applicant Marguis Ausby. Mrs. Watkins; spoke in support of applicant Leonard Watkins. Walter Paulson; spoke neither in support nor opposition of the applicants.

Heard in Committee. Speakers: Hunter Holliman; Marquis Ausby; Kenneth Lima; Martin Olive; Sarah Shrader; Brent Saupe; Jean Talleyrand; spoke on their qualifications. Gregory Ledbetter; John Gallo; Michael Goldman; Shantanae Todd; John Stone; David Crain; Henry Jones; Carlton; Mr. Alexander; Shauna G.; Stephanie Tucker; Paul Torello; Mr. Brown; A. Jon Martinelli; Denise S.; Fred Lewis Smith; spoke in support of various applicants.

Appointment of Hunter Holliman, seat 2, recommended.

Appointment of Leonard Watkins, seat 4, recommended, residency requirement waived.

Appointment of Martin Olive, seat 6, recommended.

Appointment of Sarah Shrader, seat 8, recommended.

Appointment of Brent Saupe, seat 10, recommended.

Appointment of Jean Talleyrand, seat 15, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Hunter Holliman, Leonard Watkins, Martin Olive, Sarah Shrader, Brent Saupe, and Jean Talleyrand, terms ending December 31, 2012, to the Medical Cannabis Task Force, residency requirement waived. (Clerk of the Board)

Hunter Holliman, seat 2, succeeding David Goldman, resigned, must be a representative of a local patient advocacy organization with a background in working to protect the interests of medical cannabis patients, for a term ending December 31, 2012.

Leonard Watkins, seat 4 (residency requirement waived), succeeding Mary Schroeder, resigned, must be a representative of a hospice or a residential care facility with a background as an employee or volunteer in direct services working with medical cannabis patients or as a nurse or physician with a background in working with or treating of medical cannabis patients, for a term ending December 31, 2012.

Martin Olive, seat 6, succeeding Martin Olive, term expired, must be a person with a background in the management of a medical cannabis dispensary, for a term ending December 31, 2012.

Sarah Shrader, seat 8, succeeding Sarah Shrader, term expired, must be a representative of a drug policy organization working specifically on medical cannabis issues, for a term ending December 31, 2012.

Brent Saupe, seat 10, succeeding Albert Blais, resigned, must be a person with a background in providing medical cannabis to low-income patients, for a term ending December 31, 2012.

Jean Talleyrand, seat 15, new appointment, must be a licensed or an accredited health care practitioner practicing in San Francisco with a background in medical cannabis and familiarity with the laws and regulations governing medical cannabis, for a term ending December 31, 2012.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Wiener

Excused: 1 - 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, Wiener

Excused: 1 - Farrell

111135 [Settlement of Lawsuit - Diane Bauer - \$35,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Diane Bauer against the City and County of San Francisco for \$35,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al.

10/17/11; RECEIVED FROM DEPARTMENT.

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

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Wiener

Excused: 1 - Farrell

111136 [Settlement of Lawsuit - David Cheung - \$80,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by David Cheung, individually and dba Kwok Shing Hong against the City and County of San Francisco for \$80,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al.

10/17/11; RECEIVED FROM DEPARTMENT.

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

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Wiener

Excused: 1 - Farrell

111137 [Settlement of Lawsuit - Elaine Choy - \$28,850]

Ordinance authorizing settlement of the portion of the lawsuit filed by Elaine Choy against the City and County of San Francisco for \$28,850; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

10/17/11; RECEIVED FROM DEPARTMENT.

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

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Wiener

Excused: 1 - Farrell

111138 [Settlement of Lawsuit - Shonna Cook - \$27,785]

Ordinance authorizing settlement of the portion of the lawsuit filed by Shonna Cook against the City and County of San Francisco for \$27,785; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

10/17/11; RECEIVED FROM DEPARTMENT.

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

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Wiener

Excused: 1 - Farrell

111139 [Settlement of Lawsuit - James Cordova/Maria Morales - \$26,965]

Ordinance authorizing settlement of the portion of the lawsuit filed by James Cordova/Maria Morales against the City and County of San Francisco for \$26,965; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

10/17/11; RECEIVED FROM DEPARTMENT.

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

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Wiener

Excused: 1 - Farrell

111140 [Settlement of Lawsuit - Brenda Dickson - \$28,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Brenda Dickson against the City and County of San Francisco for \$28,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

10/17/11; RECEIVED FROM DEPARTMENT.

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

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Wiener

Excused: 1 - Farrell

111141 [Settlement of Lawsuit - Susan Garduno - \$25,730]

Ordinance authorizing settlement of the portion of the lawsuit filed by Susan Garduno against the City and County of San Francisco for \$25,730; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

10/17/11; RECEIVED FROM DEPARTMENT.

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

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Wiener

Excused: 1 - Farrell

111142 [Settlement of Lawsuit - KLW, LLC - \$110,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by KLW, LLC, against the City and County of San Francisco for \$110,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

10/17/11; RECEIVED FROM DEPARTMENT.

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

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Wiener

Excused: 1 - Farrell

111143 [Settlement of Lawsuit - Lawrence LaBianca - \$34,965]

Ordinance authorizing settlement of the portion of the lawsuit filed by Lawrence LaBianca against the City and County of San Francisco for \$34,965; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

10/17/11; RECEIVED FROM DEPARTMENT.

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

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Wiener

Excused: 1 - Farrell

111144 [Settlement of Lawsuit - Jane Martin and David Baker - \$50,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Jane Martin and David Baker against the City and County of San Francisco for \$50,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

10/17/11; RECEIVED FROM DEPARTMENT.

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

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Wiener

Excused: 1 - Farrell

111145 [Settlement of Lawsuit - Pat Moore/Tom Moore - \$30,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Pat Moore/Tom Moore against the City and County of San Francisco for \$30,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

10/17/11; RECEIVED FROM DEPARTMENT.

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

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Wiener

Excused: 1 - Farrell

111146 [Settlement of Lawsuit - James Ramsey/Patricia Carazo Ramsey - \$33,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by James Ramsey/Patricia Carazo Ramsey against the City and County of San Francisco for \$33,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

10/17/11; RECEIVED FROM DEPARTMENT.

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

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Wiener

Excused: 1 - Farrell

111147 [Settlement of Lawsuit - Sally Seid - \$27,815]

Ordinance authorizing settlement of the portion of the lawsuit filed by Sally Seid against the City and County of San Francisco for \$27,815; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

10/17/11; RECEIVED FROM DEPARTMENT.

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

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Wiener

Excused: 1 - Farrell

111148 [Settlement of Lawsuit - Angela Sinicropi/Martin Takigawa - \$26,820]

Ordinance authorizing settlement of the portion of the lawsuit filed by Angela Sinicropi/Martin Takigawa against the City and County of San Francisco for \$26,820; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

10/17/11; RECEIVED FROM DEPARTMENT.

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

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Wiener

Excused: 1 - Farrell

111149 [Settlement of Lawsuit - Sunday Bazaar/2170 Folson, LLC - \$60,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Sunday Bazaar/2170 Folson, LLC, against the City and County of San Francisco for \$60,000; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

10/17/11; RECEIVED FROM DEPARTMENT.

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

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Wiener

Excused: 1 - Farrell

111150 [Settlement of Claim - James Christian - \$200,000]

Resolution approving the settlement of the unlitigated claim filed by James Christian against the City and County of San Francisco for \$200,000; claim was filed on May 31, 2011. (City Attorney)

10/17/11; RECEIVED FROM DEPARTMENT.

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

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Wiener

Excused: 1 - 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, Wiener

Excused: 1 - Farrell

ADJOURNMENT

The meeting adjourned at 3:37 p.m.