



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, Mark Farrell, David Campos

Clerk: Linda Wong (415) 554-7719

Thursday, October 4, 2012

1:30 PM

City Hall, Committee Room 263

Regular Meeting

Present: 3 - Jane Kim, Sean Elsbernd, and David Campos

MEETING CONVENED

The meeting convened at 1:35 p.m.

REGULAR AGENDA

120958 **[Appointment, California State Association of Counties - Supervisor Eric Mar]**
Motion appointing Supervisor Eric Mar, term ending November 28, 2013, to the California State Association of Counties Board of Directors. (Clerk of the Board)

09/25/12; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: None.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Campos

120858 **[Appointments, Commission of Animal Control and Welfare]**
Hearing to consider appointing three members, terms ending April 30, 2014, to the Commission of Animal Control and Welfare. (Clerk of the Board)
Vacant seat 1, succeeding Geneva Page, term expired, must be a member representing the general public having interest and experience in animal matters, for the unexpired portion of a two-year term ending April 30, 2014.
Vacant seat 2, succeeding Susanna Russo, term expired, must be a member representing the general public having interest and experience in animal matters, for the unexpired portion of a two-year term ending April 30, 2014.
Vacant seat 7, succeeding John Aldridge, term expired, must be a licensed veterinarian, for the unexpired portion of a two-year term ending April 30, 2014.

08/21/12; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Annemarie Fortier; James Yorck; Julia Frank; Zachary Marks; Sussana Russo; Shari O'Neil; spoke on their qualifications. Glendon Hyde; spoke in support of applicant James Yorck. Kat Brown; responded to questions raised during the hearing.

Appointment of Annemarie Fortier, seat 1, recommended.

Appointment of Susanna Russo, seat 2, recommended.

Appointment of Shari B. O'Neill, seat 7, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Annemarie Fortier, Susana Russo, and Shari B. O'Neill, terms ending April 30, 2014, to the Commission of Animal Control and Welfare. (Clerk of the Board)
Annemarie Fortier, seat 1, new appointment, must be a member representing the general public having interest and experience in animal matters, for the unexpired portion of a two-year term ending April 30, 2014.

Susana Russo, seat 2, reappointment, must be a member representing the general public having interest and experience in animal matters, for the unexpired portion of a two-year term ending April 30, 2014.

Shari B. O'Neill, seat 7, new appointment, must be a licensed veterinarian, for the unexpired portion of a two-year term ending April 30, 2014.

RECOMMENDED by the following vote:

Ayes: 3 - Kim, Elsbernd, Campos

120956 [Appointments, Immigrant Rights Commission]

Hearing to consider appointing four members, terms ending June 6, 2014, to the Immigrant Right Commission. (Clerk of the Board)

Vacant seat 1, succeeding Vera Haile, term expired, must 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, 2014.

Vacant seat 2, succeeding Haregu Gaime, term expired, must 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, 2014.

Vacant seat 5, succeeding Teresa Chee, term expired, must 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, 2014.

Vacant seat 9, succeeding Elahe Enssani, 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, 2014.

09/22/12; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Vera Haile; Haregu Gaime; Gilberto Alexander; spoke on their qualifications. Commissioner Felix Fuentes (Immigrants Rights Commission); spoke in support of Vera Haile's reappointment. Adrienne Pon (Office of Civic Engagement and Immigrant Affairs); spoke in support of Teresa Chee's reappointment.

Appointment of Vera Haile, seat 1, recommended.

Appointment of Haregu Gaime, seat 2, recommended.

Appointment of Teresa Chee, seat 5, recommended.

Appointment of Elahe Enssani, seat 9, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Vera Haile, Haregu Gaime, Teresa Chee, and Elahe Enssani, terms ending June 6, 2014, to the Immigrant Right Commission. (Clerk of the Board)

Vera Haile, seat 1, reappointment, must 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, 2014.

Haregu Gaime, seat 2, reappointment, must 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, 2014.

Teresa Chee, seat 5, reappointment, must 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, 2014.

Elahe Enssani, seat 9, reappointment, 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, 2014.

RECOMMENDED by the following vote:

Ayes: 3 - Kim, Elsbernd, Campos

120954 [Appointment, Graffiti Advisory Board]

Hearing to consider appointing two members, terms ending April 10, 2013, to the Graffiti Advisory Board. (Clerk of the Board)

Vacant seat 14, succeeding Debbie Shea, term expired, must represent a business that operates in San Francisco and be a property owner, for the unexpired portion of a two-year term ending April 10, 2013.

Vacant seat 15, succeeding Paul Giusti, term expired, must represent a business that operates in San Francisco, for the unexpired portion of a two-year term ending April 10, 2013.

09/22/12; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Drew Lindner, and Paul Giusti; spoke on their qualifications. David Pilpel; spoke in support of Paul Giusti's reappointment.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Paul Giusti, term ending April 10, 2013, to the Graffiti Advisory Board. (Clerk of the Board)

Paul Giusti, seat 15, reappointment, must represent a business that operates in San Francisco, for the unexpired portion of a two-year term ending April 10, 2013.

RECOMMENDED by the following vote:

Ayes: 3 - Kim, Elsbernd, Campos

120955 [Appointments, Balboa Park Station Community Advisory Committee]

Hearing to consider appointing three members, terms to be determined, to the Balboa Park Station Community Advisory Committee. (Clerk of the Board)

Vacant seat 1, new appointment, must represent Muni riders' interests in the neighborhoods served by Balboa Park Station, for a two-year term to be determined.

Vacant seat 2, new appointment, must represent BART riders' interests in the neighborhoods served by Balboa Park Station, for a two-year term to be determined.

Vacant seat 3, new appointment, must represent pedestrians' and bicycles' interests in the neighborhoods served by Balboa Park Station, for a two-year term to be determined.

Vacant seat 4, new appointment, must represent students, faculty and staff (particularly from City College or other area schools) in the neighborhoods served by Balboa Park Station, for a two-year term to be determined.

Vacant seat 5, new appointment, must represent the senior/disabled community in the neighborhoods served by Balboa Park Station, for a two-year term to be determined.

Vacant seat 8, new appointment, must represent youth and families in the neighborhoods served by Balboa Park Station, for a two-year term to be determined.

09/22/12; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Jon Givner (City Attorney's Office); answered questions raised throughout the hearing. Daniel Weaver; Veronica Garcia; William Walker; and Henry Kevane; spoke on their qualifications. David Pilpel; spoke in support of applicants Daniel Weaver and William Walker. Zoe Polk; spoke in support of applicant Veronica Garcia.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Kim, Elsbernd, Campos

120977 [Appointment, Sunshine Ordinance Task Force]

Hearing to consider appointing one member, term ending April 27, 2013, to the Sunshine Ordinance Task Force. (Clerk of the Board)

Vacant seat 11, succeeding Jackson West, resigned, must be a member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government, for the unexpired portion of a two-year term ending April 27, 2013.

09/25/12; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Bruce Oka; spoke on his qualifications. Male Speaker; Richard Knee; spoke neither in support nor against the applicants. David Pilpel; spoke in support of applicant Bruce Oka.

Appointment of Bruce Oka, seat 11, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Bruce Oka, term ending April 27, 2013, to the Sunshine Ordinance Task Force. (Clerk of the Board)

Bruce Oka, seat 11, new appointment, must be a member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government, for the unexpired portion of a two-year term ending April 27, 2013.

RECOMMENDED by the following vote:

Ayes: 3 - Kim, Elsbernd, Campos

120973 [Hearing - Citizen's Advisory Committee for the Central Market and Tenderloin Area]**Sponsor: Kim**

Hearing on the six month report of the Citizen's Advisory Committee for the Central Market Street and Tenderloin Area.

09/25/12; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speaker: Dina Hilliard (Community Advisory Committee for the Central Market and Tenderloin Area); presented and answered questions raised throughout the hearing.

FILED by the following vote:

Ayes: 3 - Kim, Elsbernd, Campos

111160 [Business and Tax Regulations Code - Revisions to the Citizen's Advisory Committee for the Central Market Street and Tenderloin Area]**Sponsor: Kim**

Ordinance amending the San Francisco Business and Tax Regulations Code Section 906.3-1 to clarify how members of the Citizen's Advisory Committee for the Central Market Street and Tenderloin Area shall be appointed for their initial terms.

10/25/11; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: None.

RECOMMENDED by the following vote:

Ayes: 3 - Kim, Elsbernd, Campos

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, Campos

120657 [Settlement of Lawsuit - Michael Horan - \$250,000]

Ordinance authorizing settlement of the lawsuit filed by Michael Horan against the City and County of San Francisco for \$250,000; the lawsuit was originally filed on September 25, 2009, in San Francisco Superior Court, Case No. CGC-09-492910, removed to United States District Court, Northern District, Case No. CV-10-01383; entitled Michael Horan v. City and County of San Francisco, et al. (City Attorney)

06/05/12; RECEIVED FROM DEPARTMENT.

06/19/12; RECEIVED AND ASSIGNED to Rules Committee.

07/19/12; CONTINUED TO CALL OF THE CHAIR.

09/06/12; CONTINUED.

09/20/12; CONTINUED TO CALL OF THE CHAIR.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Kim, Elsbernd, Campos

120929 [Settlement of Lawsuit - City and County of San Francisco - \$95,000]

Ordinance authorizing settlement of a lawsuit for breach of contract, declaratory judgment and permanent injunction filed by the City and County of San Francisco against Geary Courtyard Associates, ERP Operating Limited Partnership and Equity Residential, for \$95,000; the lawsuit entitled City and County of San Francisco v. Geary Courtyard Associates, et al., Case No. CGC 12-520504, filed May 4, 2012, in San Francisco Superior Court. (City Attorney)

09/14/12; RECEIVED FROM DEPARTMENT.

09/18/12; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Elsbernd, Campos

Deputy City Attorney Jon Givner 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, Campos

ADJOURNMENT

The meeting adjourned at 3:34 p.m.