

# RULES COMMITTEE

## CITY AND COUNTY OF SAN FRANCISCO

### MEETING MINUTES - DRAFT

Thursday, June 30, 2016 - 10:00 AM

City Hall, Legislative Chamber, Room 250

#### Special Meeting

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Members: Katy Tang, Eric Mar, Malia Cohen

Clerk: Derek Evans (415) 554-7702

*Angela Calvillo, Clerk of the Board*

#### BOARD COMMITTEES

<b>Budget and Finance Committee</b> Supervisors Farrell, Tang, Yee, Kim, Wiener	Wednesday 1:00 PM
<b>Budget and Finance Sub-Committee</b> Supervisors Farrell, Tang, Yee	Wednesday 10:00 AM
<b>Government Audit and Oversight Committee</b> Supervisors Peskin, Yee, Breed	1st and 3rd Thursday 9:30 AM
<b>Land Use and Transportation Committee</b> Supervisors Cohen, Wiener, Peskin	Monday 1:30 PM
<b>Public Safety and Neighborhood Services Committee</b> Supervisors Kim, Avalos, Campos	2nd Thursday 2:30 PM
<b>Rules Committee</b> Supervisors Tang, Mar, Cohen	2nd and 4th Thursday 11:00 AM

**Members Present:** Katy Tang, Eric Mar, and Malia Cohen

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*The Rules Committee met in regular session on Thursday, June 30, 2016, with Chair Katy Tang presiding.*

## **ROLL CALL AND ANNOUNCEMENTS**

*Chair Tang called the meeting to order at 10:13 a.m.*

### **SPECIAL MEETING OF THE BOARD OF SUPERVISORS**

*On the call of the roll, Chair Tang, Vice Chair Mar, Member Cohen were noted present. Supervisors Avalos, Wiener, and Yee were also noted present, constituting a quorum of the Board of Supervisors. A Special Meeting of the Board of Supervisors was convened at 12:28 p.m.*

*Present: Supervisors Avalos, Cohen, Mar, Tang, Wiener, and Yee.*

## **AGENDA CHANGES**

*Chair Tang requested that File No. 160583 be called after File No. 160588.*

## **REGULAR AGENDA**

**160588 [Charter Amendment - Housing and Development Commission]****Sponsors: Peskin; Kim**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco, to create the Housing and Development Commission to oversee the Department of Economic and Workforce Development, the Department of Housing and Community Development, and the Department of Real Estate; to require the Commission to review and make recommendations regarding proposed development agreements and conveyance of certain surplus City property before the Board of Supervisors considers such proposals; and to require the Commission to adopt rules creating competitive selection processes for the Department of Housing and Community Development's expenditure of affordable housing funds and for the development of affordable housing on City-owned property under the jurisdiction of the Department of Housing and Community Development, at an election to be held on November 8, 2016.

*Heard in Committee. Speakers: Sunny Angulo, Legislative Aide (Office of Supervisor Aaron Peskin); Todd Rufo, Director; and Joaquin Torres, Deputy Director (Office of Economic and Workforce Development); Olson Lee, Director (Office of Housing and Community Development); Supervisor John Avalos (Board of Supervisors); Natasha Mihal (Controller's Office); presented information and answered questions raised throughout the hearing. Todd Radulovich, Executive Director (Livable City); Ace Washington; John Elke; Eileen Bogin; spoke in support of the proposed Charter Amendment. Alyssa Kies (SPUR); Corrine Woods; Kevin Carroll; Yaris Ng Pang (Andrea Baker Consulting); Julie Phelps (Counterpulse); Randy Shaw (Tenderloin Housing Clinic); Adriel Lively (Little Saigon Association); Dan Adams (Bridge Housing); Pratibha Tekkey (Central City SRO Collaborative); Scott Hauge (LAL Insurance); Paul Pendergust (Small Business Network); Tyra Fennell (Imprint City); Tim Colen (Housing Action Coalition); Harrison Lao (Chinatown Community Development Center); Samantha Higgins (Golden Gate Restaurant Association); Sharyl Davis; Arnold Townsend; Amos Brown, President (ACLU - San Francisco); Jim Lazarus (Chamber of Commerce); spoke in opposition of the proposed Charter Amendment. Gail Gilman; Dan Faulk (Tenderloin Neighborhood Development Corporation); Lee; spoke neither in support nor against the proposed Charter Amendment.*

**Vice Chair Mar, seconded by Member Cohen, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE by the following vote:**

Ayes: 3 - Tang, Mar, Cohen

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco, to create the Housing and Development Commission to oversee the Department of Economic and Workforce Development and the Department of Housing and Community Development; to require the Commission to review and make recommendations regarding proposed development agreements and conveyance of certain surplus City property before the Board of Supervisors considers such proposals; to require the Commission to hold hearings and make recommendations regarding proposals to adopt or change inclusionary housing requirements for housing developments; to require the Commission to adopt rules creating competitive selection processes for the Department of Housing and Community Development's expenditure of affordable housing funds and for the development of affordable housing on City-owned property under the jurisdiction of the Department of Housing and Community Development; and to provide that ordinances regarding inclusionary housing requirements and rules regarding competitive selection for affordable housing adopted under the processes set forth in the Charter may supersede ordinances and rules adopted by the Board of Supervisors or the voters prior to March 1, 2017, at an election to be held on November 8, 2016.

**Vice Chair Mar, seconded by Member Cohen, moved that this Charter Amendment be CONTINUED AS AMENDED to the July 7, 2016, Rules Committee meeting. The motion carried by the following vote:**

Ayes: 3 - Tang, Mar, Cohen

Chair Tang requested that File Nos. 160381 and 160582 be called and heard together.

Supervisor Avalos was noted present at 11:07 p.m.

Supervisor Wiener was noted present at 12:24 p.m.

Supervisor Avalos was noted present at 12:28 p.m.

**160381 [Charter Amendment and Business and Tax Regulations Code - City Responsibility and Parcel Tax for Street Trees]**

**Sponsors: Wiener; Mar**

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco to transfer responsibility for the maintenance of street trees to the City and establish a special fund primarily to pay for such maintenance and the maintenance of trees on San Francisco Unified School District property; to amend the Business and Tax Regulations Code to add a special parcel tax primarily to fund the City's maintenance of street trees and the maintenance of trees on San Francisco Unified School District property; to increase the City's appropriations limit by the amount of the parcel tax for four years from November 8, 2016; and to affirm the Planning Department's determination under the California Environmental Quality Act.

*Heard in Committee. Speakers: Supervisor Scott Wiener (Board of Supervisors); Supervisor John Avalos (Board of Supervisors); presented information and answered questions raised throughout the hearing. Jim Lazarus (Chamber of Commerce); Dan Flannegan (Friends of the Urban Forest); LeeAnn Newt; Tom Radulovich (Livable City); spoke in support of the proposed Charter Amendment. Andrew Yip; Lee; spoke neither in support nor against the Charter Amendment.*

**Vice Chair Mar, seconded by Member Cohen, moved that this Charter Amendment be REFERRED WITHOUT RECOMMENDATION to the July 12, 2016, Board of Supervisors meeting. The motion carried by the following vote:**

Ayes: 3 - Tang, Mar, Cohen

**160582 [Charter Amendment - City Responsibility for Maintaining Street Trees]**

**Sponsors: Avalos; Mar**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to transfer responsibility for the maintenance of street trees from abutting property owners to the City; and affirming the Planning Department's determination under the California Environmental Quality Act, at an election to be held on November 8, 2016.

*Heard in Committee. Speakers: Supervisor Scott Wiener (Board of Supervisors); Supervisor John Avalos (Board of Supervisors); presented information and answered questions raised throughout the hearing. Jim Lazarus (Chamber of Commerce); Dan Flannegan (Friends of the Urban Forest); LeeAnn Newt; Tom Radulovich (Livable City); spoke in support of the proposed Charter Amendment. Andrew Yip; Lee; spoke neither in support nor against the Charter Amendment.*

*Supervisor Mar requested to be added as a co-sponsor.*

**Vice Chair Mar, seconded by Member Cohen, moved that this Charter Amendment be REFERRED WITHOUT RECOMMENDATION to the July 12, 2016, Board of Supervisors meeting. The motion carried by the following vote:**

**160585 [Charter Amendment - Dignity Fund]****Sponsors: Cohen; Mar, Yee, Avalos and Campos**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco to: 1) establish the Dignity Fund to support Seniors and Adults with Disabilities; 2) require an annual contribution by the City to the Fund starting at \$41 million for fiscal year 2017-2018, and increasing by \$3 million a year for the next 9 years until the annual contribution reaches \$68 million in fiscal year 2026-2027, and continuing at that amount, adjusted annually for changes in aggregate discretionary City revenues, for the next 10 years until fiscal year 2036-2037; 3) establish a planning process for expenditures from the Fund; 4) create an Oversight and Advisory Committee; 5) set an expiration date of June 30, 2037; and, 6) change the Commission on Aging to the Aging and Adult Services Commission and update its responsibilities, at an election to be held on November 8, 2016.

*Heard in Committee. Speakers: Natasha Mihal (Controller's Office); presented information and answered questions raised throughout the hearing. Michael Bliker; Kathy Davis; Bruce Oka; Louisa Antonio; Fiona Hinze (Independent Living Resource Center); Andrew Yip; spoke in support of the proposed Charter Amendment.*

*Member Cohen, seconded by Vice Chair Mar, moved that this Charter Amendment be CONTINUED AS AMENDED to the July 7, 2016, Rules Committee meeting. The motion carried by the following vote:*

*Ayes: 3 - Tang, Avalos, Cohen*

*Vice Chair Mar, seconded by Member Cohen, moved to rescind the previous vote. The motion carried by the following vote:*

*Ayes: 3 - Tang, Mar, Cohen*

**Member Cohen, seconded by Vice Chair Mar, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

**Ayes: 3 - Tang, Mar, Cohen**

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco to: 1) establish the Dignity Fund to support Seniors and Adults with Disabilities; 2) require an annual contribution by the City to the Fund including an annual baseline amount of \$38 million, increasing by \$6 million for fiscal year 2017-2018, and increasing by \$3 million a year for the next 9 years until fiscal year 2026-2027, and continuing at that amount, adjusted annually for changes in aggregate discretionary City revenues, for the next 10 years until fiscal year 2036-2037; 3) establish a planning process for expenditures from the Fund; 4) create an Oversight and Advisory Committee; 5) set an expiration date of June 30, 2037; and, 6) change the "Commission on Aging" to the "Aging and Adult Services Commission" and update its responsibilities, at an election to be held on November 8, 2016.

**Member Cohen, seconded by Vice Chair Mar, moved that this Charter Amendment be CONTINUED AS AMENDED to the July 6, 2016, Rules Committee meeting. The motion carried by the following vote:**

**Ayes: 3 - Tang, Mar, Cohen**

**160586 [Charter Amendment - Department of Police Accountability]****Sponsor: Cohen**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to: re-name the Office of Citizen Complaints (OCC) as the Independent Police Oversight Department (IPOD); eliminate the requirement that the Police Commission approve IPOD's proposed budget and instead give IPOD direct authority over its proposed budget; authorize IPOD to conduct periodic reviews of how the Police Commission, Police Department, and IPOD have handled claims of officer misconduct; and require an annual appropriation to IPOD at least equal to the OCC budget for FY2015-2016, adjusted for changes in total City discretionary revenues, at an election to be held on November 8, 2016.

*Heard in Committee. Speakers: Joyce Hicks (Office of Citizen's Complaints); presented information and answered questions raised throughout the hearing. Jane Porshe; Cameron Janice; Kirk Grime; spoke in support of the proposed Charter Amendment.*

**Member Cohen, seconded by Vice Chair Mar, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 3 - Tang, Mar, Cohen

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco to: re-name the Office of Citizen Complaints (OCC) as the Department of Police Accountability (DPA); give DPA direct authority over its proposed budget; and require DPA to conduct a performance audit every two years of how the Police Department has handled claims of officer misconduct and use of force, at an election to be held on November 8, 2016.

**Member Cohen, seconded by Vice Chair Mar, moved that this Charter Amendment be CONTINUED AS AMENDED to the July 6, 2016, Rules Committee meeting. The motion carried by the following vote:**

Ayes: 3 - Tang, Mar, Cohen

**160583 [Charter Amendment - Public Advocate]****Sponsors: Campos; Avalos, Kim and Mar**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to: 1) create the Office of the Public Advocate; 2) set the Public Advocate's powers and duties; 3) authorize the Public Advocate to review the administration of City programs, including programs for transmitting information to the public, and to receive, investigate, and attempt to resolve complaints regarding City services and programs; 4) place the Public Advocate in charge of the Office of Labor Standards Enforcement (OLSE), the Office of Citizen Complaints (OCC), and the Controller's whistleblower program; 5) call a special election for November 7, 2017, to elect the first Public Advocate; 6) provide for the Public Advocate's election, removal, and salary; and 7) establish a set-aside of 0.03% of the City's budget, as well as the amounts previously budgeted to OLSE, OCC, and the whistleblower program, to fund the Office of the Public Advocate, and setting an operative date, at an election to be held on November 8, 2016.

*Heard in Committee. Speakers: Supervisor David Campos (Board of Supervisors); Natasha Mihal (Controller's Office); presented information and answered questions raised throughout the hearing. Mike Casey; Alisa Messer; Tom O'Connor (San Francisco Fire Fighters); Ace Washington; spoke in support of the proposed Charter Amendment. Jim Lazarus (Chamber of Commerce); spoke in opposition of the proposed Charter Amendment.*

*Member Cohen, seconded by Vice Chair Mar, moved that this Charter Amendment be CONTINUED AS AMENDED to the July 7, 2016, Rules Committee meeting. The motion carried by the following vote:*

*Ayes: 3 - Tang, Avalos, Cohen*

*Member Cohen, seconded by Vice Chair Mar, moved to rescind the previous vote. The motion carried by the following vote:*

*Ayes: 3 - Tang, Mar, Cohen*

**Vice Chair Mar, seconded by Member Cohen, moved that this Charter Amendment be CONTINUED to the July 6, 2016, Rules Committee meeting. The motion carried by the following vote:**

**Ayes: 3 - Tang, Mar, Cohen**

**160589 [Charter Amendment - Municipal Transportation Agency - Appointments to Board of Directors and Budget Process]****Sponsors: Yee; Kim, Peskin and Campos**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to split the power to make appointments to the San Francisco Municipal Transportation Agency (SFMTA) Board of Directors between the Mayor and the Board of Supervisors, to lower the vote by which the Board of Supervisors may reject the SFMTA Budget from seven to six, and to make related changes implementing these amendments, at an election to be held on November 8, 2016.

*Heard in Committee. Speakers: Supervisor Norman Yee (Board of Supervisors); Natasha Mihal (Office of the Controller); Ed Reiskin, Director (Municipal Transportation Agency); presented information and answered questions raised throughout the hearing. Eileen Boken; spoke in support of the proposed Charter Amendment.*

**Member Cohen, seconded by Vice Chair Mar, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

**Ayes: 3 - Tang, Mar, Cohen**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco to split the power to make appointments to the San Francisco Municipal Transportation Agency (SFMTA) Board of Directors between the Mayor and the Board of Supervisors, to lower the vote by which the Board of Supervisors may reject the SFMTA Budget from seven to six, and to make related changes implementing these amendments, at an election to be held on November 8, 2016.

**Member Cohen, seconded by Vice Chair Mar, moved that this Charter Amendment be CONTINUED AS AMENDED to the July 6, 2016, Rules Committee meeting. The motion carried by the following vote:**

Ayes: 3 - Tang, Mar, Cohen

### **160581 [Charter Amendment - Homeless Housing and Services Fund; Transportation Improvement Fund - Budget Set-Asides]**

**Sponsors: Mayor; Wiener and Farrell**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to: create a Homeless Housing and Services Fund and appropriate \$11,500,000 to the Fund in FY2016-2017 and \$47,750,000 annually to the Fund, adjusted for changes in discretionary City revenues, for the next 24 years, and create a Transportation Improvement Fund and appropriate \$23,000,000 to the Fund in FY2016-2017 and \$95,500,000 annually to the Fund, adjusted for changes in discretionary City revenues, for the next 24 years, at an election to be held on November 8, 2016.

*Heard in Committee. Speakers: Supervisor Scott Wiener (Board of Supervisors); Jeff Kositsky, Director (Department of Homelessness and Supportive Housing); Tilly Change and Ed Reiskin, Director (Municipal Transportation Agency); Natasha Mihal (Office of the Controller); presented information and answered questions raised throughout the hearing. Todd Radulovich; Peter Cohen; Nick Josefowitz; Adina Levin (Friends of CalTrain); spoke in support of the proposed Charter Amendment. George Wooding, President (San Francisco Neighborhoods); Eileen Boken; Sylvia Johnson; ; spoke neither in support nor against the proposed Charter Amendment.*

**Member Cohen, seconded by Vice Chair Mar, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:**

Ayes: 3 - Tang, Mar, Cohen

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco to: create a Homeless Housing and Services Fund and appropriate \$12.5 million to the Fund in fiscal year 2016-2017 and \$50 million annually to the Fund, adjusted for changes in discretionary City revenues, for the next 24 years, and create a Transportation Improvement Fund and appropriate \$25.4 million to the Fund in fiscal year 2016-2017 and \$101.6 million annually to the Fund, adjusted for changes in discretionary City revenues, for the next 24 years, and authorize the City to issue indebtedness secured by monies deposited in the Transportation Improvement Fund, at an election to be held on November 8, 2016.

**Vice Chair Mar, seconded by Member Cohen, moved that this Charter Amendment be CONTINUED AS AMENDED to the July 7, 2016, Rules Committee meeting. The motion carried by the following vote:**

Ayes: 3 - Tang, Mar, Cohen

## **ADJOURNMENT**

*There being no further business, the Rules Committee adjourned at the hour of 3:00 p.m.*

*N.B. The Minutes of this meeting set forth all actions taken by the Rules Committee on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.*