



City and County of San Francisco
Meeting Minutes
Rules Committee

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Members: Ahsha Safai, Norman Yee, Catherine Stefani

Clerk: Alisa Somera (415) 554-7711

Wednesday, March 14, 2018

2:00 PM

Legislative Chamber, Room 250

Regular Meeting

Present: 3 - Ahsha Safai, Norman Yee, and Catherine Stefani

The Rules Committee met in regular session on Wednesday, March 14, 2018, with Chair Ahsha Safai presiding.

ROLL CALL AND ANNOUNCEMENTS

Chair Safai called the meeting to order at 2:08 p.m. On the call of the roll, Chair Safai, Vice Chair Norman Yee, and Member Stefani were noted present. There was a quorum.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

171170 [Police, Administrative Codes - Considering Criminal History in Employment and Housing Decisions]

Sponsors: Cohen; Kim and Yee

Ordinance amending the Police Code to prohibit employers and housing providers from inquiring about, requiring disclosure of, or basing housing and employment decisions on convictions for decriminalized behavior, including the non-commercial use and cultivation of cannabis; reducing from 20 to 5 the number of employees required for an employer to be covered by the Fair Chance Ordinance (Article 49); authorize the City to impose penalties for the first violation of that Ordinance, increase the penalties for subsequent violations, and authorize the payment of penalties to the victims of those violations; create a private right of action for the victims; and amend the Administrative Code to, among other things, as defined herein, require City contractors and subcontractors to adhere to the above requirements when making decisions regarding employment of persons for work on City contracts and subcontracts.

10/31/17; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 11/30/2017.

11/06/17; REFERRED TO DEPARTMENT. Referred to Small Business Commission for comment and recommendation; and to Police Department, Office of Cannabis, Rent Board, and Office of Contract Administration for informational purposes.

11/16/17; REFERRED TO DEPARTMENT. Referred to the Office of Labor Standards Enforcement for informational purposes.

02/28/18; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Supervisor Malia Cohen (Board of Supervisors); presented information and answered questions raised throughout the discussion. Eva Dalare; Speaker; Dale Gard; Noel Gavino; spoke in support of the proposed legislation.

02/28/18; RESPONSE RECEIVED. Director Maria Su (Department of Children, Youth and Their Families) submitted a letter in support of the proposed legislation.

Heard in Committee. Speakers: Brittini Chicuata (Office of Supervisor Malia Cohen); Ellen Love (Office of Labor Standards Enforcement); Jon Givner (Office of the City Attorney); Zoe Polk (Human Rights Commission); presented information and answered questions raised throughout the discussion. Sharon Woo (Office of the District Attorney); Phil Hernandez; spoke in support of the hearing matter. Jim Lazurus (Chamber of Commerce); Karen Shain (SF Reentry Council); spoke on various concerns relating to the hearing matter.

Vice Chair Yee moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, to require a status report be provided six months after the operative date and annually thereafter. The motion carried by the following vote:

Ayes: 3 - Safai, Yee, Stefani

Chair Safai moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 9 to 11, to add 'prohibit employers and housing providers from inquiring about, requiring disclosure of, or basing housing and employment decisions on a person's conviction history until after a conditional offer of employment'; Page 4, Lines 17, 21, 22, and 24, to strike language regarding 'either after the first live interview with the person or'; Page 19, Lines 12, 17, 18, and 20, to strike language regarding 'either after the first live interview with the person'; and Page 23, Line 22, to change to the operative date from 'July 1, 2018' to 'October 1, 2018'. The motion carried by the following vote:

Ayes: 3 - Safai, Yee, Stefani

Ordinance amending the Police Code to prohibit employers and housing providers from inquiring about, requiring disclosure of, or basing housing and employment decisions on convictions for decriminalized behavior, including the non-commercial use and cultivation of cannabis; reducing from 20 to 5 the number of employees required for an employer to be covered by the Fair Chance Ordinance (Article 49); prohibit employers and housing providers from inquiring about, requiring disclosure of, or basing housing and employment decisions on a person's conviction history until after a conditional offer of employment; authorize the City to impose penalties for the first violation of that Ordinance, increase the penalties for subsequent violations, and authorize the payment of penalties to the victims of those violations; create a private right of action for the victims; and amend the Administrative Code to, among other things, as defined herein, require City contractors and subcontractors to adhere to the above requirements when making decisions regarding employment of persons for work on City contracts and subcontracts.

Vice Chair Yee moved that this Ordinance be RECOMMENDED AS AMENDED. The motion carried by the following vote:

Ayes: 3 - Safai, Yee, Stefani

180088 [Administrative Code - Mayoral Appearance at the Board of Supervisors]

Sponsor: Peskin

Ordinance amending the Administrative Code to modify the process for the Mayor to appear at the Board of Supervisors for a question-and-answer session.

01/23/18; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/22/2018.

02/06/18; REFERRED TO DEPARTMENT. Referred to Mayor's Office for informational purposes.

Heard in Committee. Speakers: Supervisor Aaron Peskin (Board of Supervisors); Jon Givner (Office of the City Attorney); presented information and answered questions raised throughout the discussion.

Vice Chair Yee moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, to require the Clerk to forward submitted topics to the City Attorney to determine if the topic provide legally adequate notice, and to allow the Mayor to ask questions to any Supervisor who is present at the meeting. The motion carried by the following vote:

Ayes: 3 - Safai, Yee, Stefani

(Supervisor Stefani dissented in Committee.)

Vice Chair Yee moved that this Ordinance be RECOMMENDED AS AMENDED. The motion carried by the following vote:

Ayes: 2 - Safai, Yee

Noes: 1 - Stefani

180212 [Mayoral Appointment, Director of the Department of Police Accountability - Paul Henderson]

Motion approving/rejecting the Mayor's nomination of Paul Henderson as the Director of the Department of Police Accountability, serving at the pleasure of the Police Commission, pursuant to Charter Section 4.136(b). (Clerk of the Board)

(Charter, Section 4.136, provides that this nomination is subject to confirmation by the Board of Supervisors. If the Board of Supervisors fails to act on this nomination within 30 days, the appointment shall be deemed approved. Transmittal date: March 5, 2018.)

03/06/18; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Paul Henderson; spoke on his qualifications. Ryne Abon (Police Commission); Candice Carpenter and Susan Romarian (Department of Police Accountability); Sharon Woo and Tenitta Johnson (Office of the District Attorney); Karen Shain (Reentry Council); Cathy Davis; Beverly Upton; Suzy Loftus; Rev. Arnold Townsend; spoke in support of Paul Henderson.

Member Stefani, seconded by Vice Chair Yee, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, to approve the Mayor's appointment of Paul Henderson. The motion carried by the following vote:

Ayes: 3 - Safai, Yee, Stefani

Motion approving the Mayor's nomination of Paul Henderson as the Director of the Department of Police Accountability, serving at the pleasure of the Police Commission, pursuant to Charter Section 4.136(b). (Clerk of the Board)

(Charter, Section 4.136, provides that this nomination is subject to confirmation by the Board of Supervisors. If the Board of Supervisors fails to act on this nomination within 30 days, the appointment shall be deemed approved. Transmittal date: March 5, 2018.)

Member Stefani, seconded by Vice Chair Yee, moved that this Motion be RECOMMENDED AS AMENDED. The motion carried by the following vote:

Ayes: 3 - Safai, Yee, Stefani

180229 [Mayoral Appointment, Historic Preservation Commission - Kate Black]

Motion approving/rejecting the Mayor's nomination of Kate Black for appointment to the Historic Preservation Commission, for a term ending December 31, 2018. (Clerk of the Board)

(Charter, Section 4.105, 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 from the date the nomination is transmitted to the Clerk, the nominee shall be deemed approved. Transmittal date: March 6, 2018.)

03/09/18; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Kate Black spoke on her qualifications. Diane Champion; Speaker; spoke in support of Kate Black.

Vice Chair Yee moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, to approve the Mayor's appointment of Kate Black. The motion carried by the following vote:

Ayes: 3 - Safai, Yee, Stefani

Motion approving the Mayor's nomination of Kate Black for appointment to the Historic Preservation Commission, for a term ending December 31, 2018. (Clerk of the Board)
(Charter, Section 4.105, 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 from the date the nomination is transmitted to the Clerk, the nominee shall be deemed approved. Transmittal date: March 6, 2018.)

Vice Chair Yee moved that this Motion be RECOMMENDED AS AMENDED. The motion carried by the following vote:

Ayes: 3 - Safai, Yee, Stefani

180230 [Appointments, Park, Recreation, and Open Space Advisory Committee - Mark Scheuer and Steven Currier]

Hearing to consider appointing one member, term ending February 1, 2019, and two members, terms ending February 1, 2020, to the Park, Recreation and Open Space Advisory Committee. (Rules Committee)

Seat 7, succeeding Mark Scheuer, term expired, must be nominated by the District 8 Supervisor from the organizations listed in Resolution No. 391-13, for the unexpired portion of a two-year term ending February 1, 2020.

Seat 16, succeeding Jorell Corpus, resigned, must be nominated by the District 3 Supervisor and from District 3, for the unexpired portion of a two-year term ending February 1, 2019.

Seat 22, succeeding Theresa Factora, term expired, must be nominated by the District 11 Supervisor and from District 11, for the unexpired portion of a two-year term ending February 1, 2020.

03/09/18; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Mark Scheuer and Steven Currier; spoke on their qualifications. Sherry Amberhart; spoke in support of Steven Currier.

*Mark Scheuer, seat 7, recommended.
Steven Currier, seat 22, recommended.*

Consideration of Seat 16 continued to the call of the chair.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Mark Scheuer and Steven Currier, terms ending February 1, 2020, to the Park, Recreation and Open Space Advisory Committee. (Rules Committee)

Mark Scheuer, seat 7, succeeding himself, term expired, must be nominated by the District 8 Supervisor from the organizations listed in Resolution No. 391-13, for the unexpired portion of a two-year term ending February 1, 2020;

Steven Currier, seat 22, succeeding Theresa Factora, term expired, must be nominated by the District 11 Supervisor and from District 11, for the unexpired portion of a two-year term ending February 1, 2020.

Member Supervisor Stefani moved that this Motion be RECOMMENDED AS AMENDED. The motion carried by the following vote:

Ayes: 3 - Safai, Yee, Stefani

ADJOURNMENT

There being no further business, the Rules Committee adjourned at the hour of 4:14 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.