

City and County of San Francisco

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



**MEETING MINUTES**  
**Thursday, October 23, 2008**  
**10:00 AM**  
**City Hall, Room 263**  
**Rescheduled Meeting**

**Rules Committee**

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***Members: Chris Daly, Bevan Dufty, Tom Ammiano***

***Clerk: Mary Red (415) 554-4442***

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**Members Present:** *Chris Daly, Bevan Dufty, Tom Ammiano.*

**Members Excused:** *None.*

**Members Absent:** *None.*

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**Meeting Convened**

The meeting convened at 10:30 a.m.

**081119 [Noise Control Ordinance] Supervisor Ammiano**

Ordinance amending the San Francisco Police Code by amending Sections 2901, 2902, 2904, 2907, 2908, 2909, 2910, 2916, and 2917, repealing Sections 2903, 2906, 2911, 2912, 2913, 2914, 2915, and 2918, and adding new Sections 2912, 2918, 2920, 2922, 2924, and 2926, to revise the City's noise control regulations, add administrative penalties, and create a noise task force.

8/12/08, ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee, expires on 9/11/2008.

10/14/08, TRANSFERRED to Rules Committee.

Heard in committee. Speakers: Dr. Rajiv Bhatia, Director of Public Health, Bill Cogen , Police Department, Terrance Allen, Entertainment Commission, Cheryl Adams, Deputy City Attorney, Martin MacIntyre, Rebecca Sawyer, Jim Sopet, Karen C., Richard Katz, Don Eichelberger, Chris Shoeman. Amendment of the Whole.

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.**

Ordinance amending the San Francisco Police Code by amending Sections 49, 2900, 2901, 2902, 2904, 2907, 2908, 2909, 2910, 2912, 2916, 2917, and 2918, repealing Sections 2903, 2906, 2911, 2913, 2914, 2915, and 2918, and adding new Sections 2912, 2920, 2922, 2924, and 2926, to revise the City's noise control regulations, add administrative penalties, and create a noise task force.

Continued to October 27, 2008.

**CONTINUED AS AMENDED by the following vote:**

Ayes: 3 - Daly, Dufty, Ammiano

**081169 [Appointment, Graffiti Advisory Board, Jana Lord]**

Hearing to consider appointing one member, term ending April 10, 2009, to the Graffiti Advisory Board.

1 Seat being considered

Vacant seat succeeding Alexander Mamak, resigned, seat 17, must represent contracting agency for Municipal Railway shelters, for unexpired portion of a two-year term ending April 10, 2009.

9/4/08, RECEIVED AND ASSIGNED to Rules Committee.

9/18/08, CONTINUED. Continued to October 2, 2008.

10/2/08, CONTINUED. Continued to October 23, 2008.

Heard in committee. Speakers: Jana Lord, Clear Channel Outdoor; Walter Polson.

Appointment of Jana Lord, seat 17, recommended. (residency requirement waived)

**PREPARED IN COMMITTEE AS A MOTION.**

Motion appointing Jana Lord, term ending April 10, 2009, to the Graffiti Advisory Board, residency requirement waived.

Jana Lord, succeeding Alexander Mamak, resigned, seat 17, must represent contracting agency for Municipal Railway shelters, for unexpired portion of a two-year term ending April 10, 2009.

**RECOMMENDED by the following vote:**

Ayes: 3 - Daly, Dufty, Ammiano

**081274 [Appointment, Peak Oil Preparedness Task Force, Benjamin Lowe]**

Hearing to consider appointing one member to the Peak Oil Preparedness Task Force.

1 seat being considered

Vacant seat succeeding Jan Lundberg, seat 4, resigned, must represent the public at-large, for term ending March 27, 2009.

9/24/08, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Don Eichelberger; Benjamin Lowe, Alice Friedemann.

Appointment of Benjamin Lowe, seat 4, recommended.

**PREPARED IN COMMITTEE AS A MOTION.**

Motion appointing Benjamin Lowe, term ending March 27, 2009, to the Peak Oil Preparedness Task Force.

Benjamin Lowe, succeeding Jan Lundberg, seat 4, resigned, must represent the public-at-large, for unexpired portion of two-year term ending March 27, 2009.

**RECOMMENDED by the following vote:**

Ayes: 3 - Daly, Dufty, Ammiano

**081285 [Lobbyist Ordinance amendments to regulate permit lobbying]**

**Supervisors Peskin, Daly**

Ordinance amending Chapter 1 of Article II of the Campaign and Governmental Conduct Code by amending section 2.105 to require registration and disclosure under the Lobbyist Ordinance by persons who lobby the Zoning Administrator, the City Engineer, the County Surveyor, the Bureau Chief of the Department of Public Works' Bureau of Street Use and Mapping, elected officials, or the Director, Assistant Director or Deputy Director of the Planning Department, Department of Building Inspection or Department of Public Works regarding permits, parcel maps or subdivision tract maps.

10/7/08, RECEIVED AND ASSIGNED to Rules Committee.

10/15/08, REFERRED TO DEPARTMENT. Referred to Ethics Commission for review and comments.

10/15/08, 30-day Rule waived.

Heard in committee. Speakers: David Owens, Aide to Supervisor Peskin; John St.Croix, Ethics Commission.

Supervisor Daly requests to be added as cosponsor.

**RECOMMENDED.**

**081190 [Elections for the Retiree Health Trust Fund Board, San Francisco Employee Retirement System Board and Health Service System Board] Supervisor Elsbernd**

Ordinance amending the San Francisco Administrative Code by amending sections 16.550-16.561 and 16.563-16.564, and adding Sections 16.553-1, 16.553-2 and 16.565, and amending San Francisco Campaign and Governmental Conduct Code by adding section 3.1-268, to allow for Retiree Health Trust Fund Board elections and making minor revisions to existing San Francisco Retirement System and Health Service System election procedures.

9/9/08, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/9/2008.

9/17/08, REFERRED TO DEPARTMENT. Referred to Ethics Commission for review and comments.

10/7/08, RESPONSE RECEIVED. Ethics Commission endorsed legislation at its meeting October 6, 2008.

10/7/08, REFERRED TO DEPARTMENT. Referred to Retirement Board and Health Service for information and comments.

Heard in committee. Speakers: Rebekah Krell, Aide to Supervisor Elsbernd; Clare Murphy, Retirement Board; Eric Rappaport, Deputy City Attorney; John St.Croix, Ethics Commission.  
Amendment of the Whole.

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.**

Ordinance amending the San Francisco Administrative Code by amending Sections 16.550-16.561 and 16.563-16.564, and adding Sections 16.553-1, 16.553-2 and 16.565, and amending San Francisco Campaign and Governmental Conduct Code by adding Section 3.1-268, to provide for Retiree Health Trust Fund Board elections and making minor revisions to existing San Francisco Retirement System and Health Service System election procedures.

**RECOMMENDED AS AMENDED by the following vote:**

Ayes: 3 - Daly, Dufty, Ammiano

**081309 [Appointment, Taxi Commission - Arthur Tom]**

Motion approving the Mayor's appointment of Arthur Tom to the Taxi Commission, for the term ending June 28, 2012.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote

within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - October 8, 2008.)

10/8/08, RECEIVED AND ASSIGNED to Rules Committee.

Continued to October 27, 2008.

The Chair intends to entertain a motion to send this item to Board October 28, as a Committee Report.

**CONTINUED by the following vote:**

Ayes: 3 - Daly, Dufty, Ammiano

**081310 [Appointment, Taxi Commission - Arthur Tom]**

Motion rejecting the Mayor's appointment of Arthur Tom to the Taxi Commission for the term ending June 28, 2012.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - October 8, 2008.)

10/8/08, RECEIVED AND ASSIGNED to Rules Committee.

Continued to October 27, 2008.

The Chair intends to entertain a motion to send this item to Board October 28, as a Committee Report.

**CONTINUED by the following vote:**

Ayes: 3 - Daly, Dufty, Ammiano

**081311 [Appointment, Taxi Commission - Arthur Tom]**

Motion taking no position concerning the Mayor's appointment of Arthur Tom to the Taxi Commission, for the term ending June 28, 2012.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. Transmittal date - October 8, 2008.)

10/8/08, RECEIVED AND ASSIGNED to Rules Committee.

Continued to October 27, 2008.

The Chair intends to entertain a motion to send this item to Board October 28, as a Committee Report.

**CONTINUED by the following vote:**

Ayes: 3 - Daly, Dufty, Ammiano

**081257 [Confirming the re-appointment of Francee Covington to the San Francisco Redevelopment Agency]**

**Mayor**

Motion confirming the re-appointment of Francee Covington to the San Francisco Redevelopment Agency for a four-year term ending September 3, 2012.

9/23/08, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Francee Covington, Commissioner, Redevelopment Agency.

**RECOMMENDED by the following vote:**

Ayes: 3 - Daly, Dufty, Ammiano

**081227 [Voting Systems Task Force]**

**Supervisor Ammiano**

Ordinance amending the Administrative Code by adding Sections 5.400-410 to establish a Voting Systems Task Force comprised of individuals with backgrounds in good government, computer science or the computer industry, election administration, and accommodations of persons with disabilities, to make recommendations to the Board of Supervisors about voting system standards, design and development.

9/16/08, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2008.

Heard in committee. Speakers: Male Speaker; Jim Sopet; Sasha; Chaundra; Alex Bash; Bret Turner; Bob Planthold.

**RECOMMENDED by the following vote:**

Ayes: 3 - Daly, Dufty, Ammiano

**081245 [Nitrite based Poppers] Supervisor Ammiano**

Hearing on the disclosure of the Health effects of Nitrite based Poppers.

9/23/08, RECEIVED AND ASSIGNED to Rules Committee.

**CONTINUED TO CALL OF THE CHAIR by the following vote:**

Ayes: 3 - Daly, Dufty, Ammiano

**080558 [Mills Act program requirements] Supervisor Alioto-Pier**

Hearing on the Mills Act program requirements.

4/22/08, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speaker: Tara Sullivan-Lenane, Planning Department.

**FILED by the following vote:**

Ayes: 3 - Daly, Dufty, Ammiano

**LITIGATION**

**Conference with City Attorney**

*[Convene in Closed Session - Existing Litigation - City as Plaintiff and/or Defendant]  
Motion that the Budget and Finance 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 - Daly, Dufty, Ammiano

**081068 [Settlement of City's Lawsuit Against Defendant EnCana Corp]**

Ordinance authorizing partial settlement of the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023), filed by the City and County of San Francisco on June 8, 2004, and coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides approximately \$265,695.80 to the City from defendant EnCana Corp. (City Attorney)

9/22/08, RECEIVED AND ASSIGNED to Rules Committee.

**RECOMMENDED by the following vote:**

Ayes: 3 - Daly, Dufty, Ammiano

**081165 [Settlement of Lawsuit - Twylah Sperka - \$49,000]**

Ordinance authorizing settlement of the lawsuit filed by Twylah Sperka against the City and County of San Francisco for \$49,000; the lawsuit was filed on February 26, 2007 in San Francisco Superior Court, Case No. 460-772; entitled Twylah Sperka v. City and County of San Francisco, et al. (City Attorney) 9/9/08, RECEIVED AND ASSIGNED to Rules Committee.

**RECOMMENDED by the following vote:**

Ayes: 3 - Daly, Dufty, Ammiano

**081166 [Settlement of Lawsuit - J. Hadley Loudon - \$35,000]**

Ordinance authorizing settlement of the lawsuit filed by J. Hadley Loudon against the City and County of San Francisco for \$35,000; the lawsuit was filed on June 5, 2006 in San Francisco Superior Court, Case No. 06-452880, entitled J. Hadley Loudon v. Sgt. Sorgie et al., and removed to the United States District Court, Northern District of California, Case No. 06-04762 MHP, on August 7, 2006. (City Attorney) 9/4/08, RECEIVED AND ASSIGNED to Rules Committee.

**RECOMMENDED by the following vote:**

Ayes: 3 - Daly, Dufty, Ammiano

**081205 [Settlement of Lawsuit, Gladys DeWitt - \$50,000]**

Ordinance authorizing settlement of the lawsuit filed by Gladys DeWitt against the City and County of San Francisco for \$50,000; the lawsuit was filed on January 19, 2007 in San Francisco Superior Court, Case No. 459735, and removed, on July 27, 2007, to United States District Court for the Northern District of California, Case No. C-07-03791 PJH, entitled DeWitt v. City and County of San Francisco, et al. 9/9/08, RECEIVED AND ASSIGNED to Rules Committee.

**RECOMMENDED by the following vote:**

Ayes: 3 - Daly, Dufty, Ammiano

**081259 [Settlement of Lawsuit - Karen Douma - \$1,695,100.00]**

Ordinance authorizing settlement of the lawsuit filed by Karen Douma, individually, Karen Douma, as Personal Representative of the Estate Of David Douma, deceased, Jason Douma, individually, Pamela Fay, individually, and David Douma, Jr., individually against SF American Taxicab, Inc., Autos For Hire Rpg, Inc., Alem Belai, City And County Of San Francisco, Regents of The University of California, DOES 1 to 100, jointly and severally for \$1,695,100.00; the lawsuit was filed on August 10, 2007 in San Francisco Superior Court, Case No. CGC-07-466068; entitled Karen Douma, et al., v. SF American Taxicab, Inc., et al. (City Attorney)

9/23/08, RECEIVED AND ASSIGNED to Rules Committee.

**RECOMMENDED by the following vote:**

Ayes: 3 - Daly, Dufty, Ammiano

**081260 [Settlement of Lawsuit - James R. Figueroa - \$65,000]**

Ordinance authorizing settlement of James R. Figueroa's claims in the lawsuit filed by James R. Figueroa against the City and County of San Francisco for \$65,000; the lawsuit was filed on September 26, 2007, in the San Francisco Superior Court, Case No. 467599, entitled James Figueroa v. City and County of San Francisco dba Department of Public Works. (City Attorney)

9/23/08, RECEIVED AND ASSIGNED to Rules Committee.

**RECOMMENDED by the following vote:**

Ayes: 3 - Daly, Dufty, Ammiano

**081261 [Settlement of Lawsuit - Husam Sajjan - \$100,000.00]**

Ordinance authorizing settlement of the lawsuit filed by Husam Sajjan against the City and County of San Francisco for \$100,000.00; the lawsuit was filed on December 12, 2006 in the San Francisco Superior Court, Case No. 458649; entitled Husam Sajjan v. City and County of San Francisco, et al. (City Attorney)

9/23/08, RECEIVED AND ASSIGNED to Rules Committee.

**RECOMMENDED by the following vote:**

Ayes: 3 - Daly, Dufty, Ammiano

**081262 [Settlement of Lawsuit - Estate of Nicholas Torrico, et al. - \$150,000.00]**

Ordinance authorizing settlement of the lawsuit filed by the Estate of Nicholas Torrico, et al. against the City and County of San Francisco for \$150,000.00; the lawsuit was filed on July 13, 2007 in United States District Court, Case No. C07-3624 JCS; entitled Estate of Nicholas Torrico, et al., v. City and County of San Francisco, et al. (City Attorney)

9/29/08, RECEIVED AND ASSIGNED to Rules Committee.

**RECOMMENDED by the following vote:**

Ayes: 3 - Daly, Dufty, Ammiano

**081263 [Approval of Settlement Agreement before the Federal Energy Regulatory Commission]**

Ordinance approving a settlement agreement related to the electricity crisis of 2000-2001 in proceedings before the Federal Energy Regulatory Commission and accepting distribution of settlement funds collected by FERC. (City Attorney)

9/29/08, RECEIVED AND ASSIGNED to Rules Committee.

**RECOMMENDED by the following vote:**

Ayes: 3 - Daly, Dufty, Ammiano

**081317 [Authorizing Settlement of Attorney's Fees and Costs Claim Following Lawsuit - \$380,000]**

Ordinance authorizing settlement of the claim for attorney's fees and costs incurred by Paula Fiscal, Larry Barsetti, Rebecca Kidder, Dana Drenkoski, John Candido, Alan Byard, Andrew Sirkis, National Rifle Association, Second Amendment Foundation, California Association of Firearm Retailers, Law Enforcement Alliance of America, and San Francisco Veteran Police Officers Association in litigation against the City and County of San Francisco, for \$380,000.00; the lawsuit was filed on December 29, 2005 in San Francisco Superior Court, Case No. CPF-050505960; entitled Fiscal, et al., v. City and County of San Francisco, et al. (City Attorney)

(10/23/08, Supervisor Daly dissenting in committee)

10/10/08, RECEIVED AND ASSIGNED to Rules Committee.

**RECOMMENDED by the following vote:**

Ayes: 2 - Dufty, Ammiano

Noes: 1 - Daly

**Report on Closed Session**

*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 discussion to the public by the following vote:**

Ayes: 3 - Daly, Dufty, Ammiano

**ADJOURNMENT**