

City and County of San Francisco

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



MEETING MINUTES
Thursday, January 15, 2009
10:00 AM
City Hall, Room 263
Regular Meeting

Rules Committee

Members: Chris Daly, Bevan Dufty

Clerk: Mary Red (415) 554-4442

Members Present: *Chris Daly, Bevan Dufty, Eric Mar.*

Members Excused: *None.*

Members Absent: *None.*

Meeting convened

The Meeting convened at 10:06 a.m.

President appointed Supervisor Eric Mar to the Rules Committee for item 090036.

REGULAR AGENDA

- 081199** **[Medical Cannabis Act Revisions]** **Mayor**
- Ordinance approving amendments to the Medical Cannabis Act to clarify that a medical cannabis dispensary shall be a cooperative or collective and shall operate as a non-profit.
- 9/9/08, RECEIVED AND ASSIGNED to Rules Committee.
- 9/17/08, REFERRED TO DEPARTMENT. Referred to Small Business Commission for review and comments.
- 11/18/08, SUBSTITUTED. Mayor Newsom submitted a substitute ordinance bearing the same title.
- 11/18/08, ASSIGNED to Rules Committee.
- 11/21/08, RESPONSE RECEIVED. Small Business Commission has no comment on the item.
- 12/4/08, CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Rajiv Bhatia, M.D., MPH, Medical Director, Department of Public Health; Male Speaker; Patrick; Michelle Algrich.
- Heard in Committee. Speakers: Catherine Dodd, Phd, Deputy Chief of Staff, Mayor's Office; Michelle

Aldrich; Wayne Justin; Michael Aldrich; Patrick Gargan.
Amendment of the Whole.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

RECOMMENDED AS AMENDED by the following vote:

Ayes: 2 - Daly, Dufty

090036 [Appointment, Metropolitan Transportation Commission - Chris Daly]

Motion appointing Supervisor Chris Daly, term ending February 10, 2011, to the Metropolitan Transportation Commission.

1/7/09, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee: Speaker: None.

RECOMMENDED by the following vote:

Ayes: 2 - Dufty, Mar

Excused: 1 - Daly

081215 [Appointment, Transbay Joint Powers Authority - Carter R. Rohan]

Resolution confirming the appointment of Mr. Carter R. Rohan, R. A. (Senior Director of Transportation Planning and Development Division of the San Francisco Municipal Transportation Agency) to serve on the Transbay Joint Powers Authority as an Alternate Member when SFMTA Executive Director/CEO Nathaniel P. Ford, Sr. is unable to attend. (Municipal Transportation Agency)

9/12/08, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speaker: None.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 2 - Daly, Dufty

081482 [Appointments, Peak Oil Preparedness Task Force]

Hearing to consider appointing one member, term ending March 27, 2009, to the Peak Oil Preparedness Task Force.

Vacant seat succeeding Richard Katz, resigned, seat 2, must represent the public at-large, for unexpired portion of a one-year term expiring March 27, 2009.

12/3/08, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Woody Hastings; Don Eichelberger; Jeanne Rosenmires.

Appointment of Woody Hastings, seat 2, recommended.

PREPARED IN COMMITTEE AS A MOTION.

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

Woody Hastings, succeeding Richard Katz, resigned, seat 2, must represent the public at-large, for unexpired portion of a one-year term expiring March 27, 2009.

RECOMMENDED.. by the following vote:

Ayes: 2 - Daly, Dufty

081403 [Appointments - Citizens General Obligation Bond Oversight Committee]

Resolution appointing Robert Muscat and Kristen Chu, terms ending 2010, to the Citizens General Obligation Bond Oversight Committee.

11/4/08, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Kristen Chu; Robert Muscat; Mr. Romero.

Clerical correction made to title to insert date, seat numbers were inserted on lines 10 and 12 and term ending date corrected on lines 11 and 13.

CLERICAL CORRECTION.

Resolution appointing Robert Muscat and Kristen Chu, terms ending November 21, 2010, to the Citizens General Obligation Bond Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Daly, Dufty

081390 [Appointments, Shelter Monitoring Committee]

Hearing to consider appointing six members, terms ending November 23, 2010, to the Shelter Monitoring Committee.

Vacant seat, new assignment, seat 1, must be homeless or formerly homeless within the 3 years prior to appointment and living with their homeless child under age 18, for two-year term ending November 23, 2010.

Vacant seat, new assignment, seat 2, must be homeless or formerly homeless within the 3 years prior to appointment with a disability, for two-year term ending November 23, 2010.

Vacant seat, succeeding Chris Callandrillo, seat 3. term expired, must have experience providing direct services to the homeless through a community setting, for two-year term ending November 23, 2010.

Vacant seat, succeeding Kim Clark, seat 4, term expired, must be selected from a list of candidates that are nominated by community agencies that provide behavioral health, housing placement, or other services to the homeless, for two-year term ending November 23, 2010.

Vacant seat, succeeding Diana Greer, seat 5, term expired, must be selected from a list of candidates that are nominated by

11/3/08, RECEIVED AND ASSIGNED to Rules Committee.

12/4/08, CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Rita P. Lark; Kelly Knapp; Aubrey Moore; Diana Greer; Tomas Picarello; Charles Pitts; James Lennard; Jennifer Friedenbach; Quintin Mecke, Shelter Monitoring Committee; Joyce Crum, Director, Housing and Homeless Division, Human Services Agency

Heard in Committee. Speakers: Rita Lark; Amanda Thompson; Ramses Teon-Nichols; Elihu Hernandez; David C. Harvey; Aubrey Moore; Charles Pitts; Tracy H.; LeAnn.

Appointment of Rita Lark, seat 1, recommended.

Appointment of Elihu Hernandez, seat 2, recommended.

Appointment of Aubrey Moore, seat 3, recommended.

Appointment of Ramses Teon-Nichols, seat 4, recommended.

Appointment of Diana Greer, seat 5, recommended.

Appointment of Amanda Thompson, seat 6, recommended.

PREPARED IN COMMITTEE AS A MOTION.

Motion appointing Rita P. Lark, Elihu Hernandez, Aubrey Moore, Ramses Teon-Nichols, Diana Greer and Amanda Thompson, terms ending November 23, 2010, to the Shelter Monitoring Committee.

Rita P. Lark, new assignment, seat 1, must be homeless or formerly homeless within the 3 years prior to appointment and living with their homeless child under age 18, for two-year term ending November 23, 2010.

Elihu Hernandez, new assignment, seat 2, must be homeless or formerly homeless within the 3 years prior to appointment with a disability, for two-year term ending November 23, 2010.

Aubrey Moore, succeeding Chris Callandrillo, seat 3. term expired, must have experience providing direct services to the homeless through a community setting, for two-year term ending November 23, 2010.

Ramses Teon-Nichols, succeeding Kim Clark, seat 4, term expired, must be selected from a list of candidates that are nominated by community agencies that provide behavioral health, housing placement, or other services to the homeless, for two-year term ending November 23, 2010.

Diana Greer, succeeding

RECOMMENDED.. by the following vote:

Ayes: 2 - Daly, Dufty

081430 [Appointments, Children's Collaborative Task Force]

Hearing to consider appointing members to the Children's Collaborative Task Force.

Vacant seat, new appointment, seat 1, must be a teacher and/or an education professional currently employed by a public school in San Francisco, for a two-year term commencing on the date the Task Force first convenes.

Vacant seat, new appointment, seat 2, must be a teacher and/or an education professional currently employed by a public school in San Francisco, for a two-year term commencing on the date the Task Force first convenes.

Vacant seat, new appointment, seat 3, must be a teacher and/or an education professional currently employed by a public school in San Francisco, for a two-year term commencing on the date the Task Force first convenes.

Vacant seat, new appointment, seat 5, must be the parent of a child currently enrolled in or attending a public school in San Francisco, for a two-year term commencing on the date the Task Force first convenes.

Vacant seat, new appointment, seat 6, must be the parent of a child currently enrolled in or attending a public school in San Francisco, for a two-year

11/13/08, RECEIVED AND ASSIGNED to Rules Committee.

12/4/08, CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speaker: Rondall K. Lane, M.D.

Heard in Committee. Speakers: Sarah Ballard, Legislative Assistant to Supervisor Michela Alioto-Pier; Leslie Trook; Markus Hunt; Sharon Olken.

Appointment of Sharon Olken, seat 1, recommended.

Appointment of Leslie Trook, seat 2, recommended.

Appointment of Dr. Rondall Lane, seat 3, recommended.

Appointment of Markus Hunt, seat 10, recommended, residency requirement waived.

Remaining seats were not filled.

PREPARED IN COMMITTEE AS A MOTION.

Motion appointing Sharon Olken, Leslie Trook, Dr. Rondall Lane and Markus Hunt to the Children's Collaborative Task Force, residency requirement waived.

Sharon Olken, new appointment, seat 1, must be a teacher and/or an education professional currently employed by a public school in San Francisco, for a two-year term commencing on the date the Task Force first convenes.

Leslie Trook, new appointment, seat 2, must be a teacher and/or an education professional currently employed by a public school in San Francisco, for a two-year term commencing on the date the Task Force first convenes.

Dr. Rondall Lane, new appointment, seat 3, must be a teacher and/or an education professional currently employed by a public school in San Francisco, for a two-year term commencing on the date the Task Force first convenes.

Markus Hunt, new appointment, seat 10, must be a teacher and/or an education professional currently employed by a private school in San Francisco, for a two-year term commencing on the date the Task Force first convenes.

RECOMMENDED.. by the following vote:

Ayes: 2 - Daly, Dufty

081534 [Appointments, Bicycle Advisory Committee]

Hearing to consider appointing three members, terms ending November 19, 2010, to the Bicycle Advisory Committee.

Vacant seat succeeding Richard Tilles, seat 2, term expired, must be nominee of District 2 Supervisor. The member shall serve a two-year term or for the tenure of the supervisor who nominated the member, whichever is shorter in duration, for two-year term ending November 19, 2010.

Vacant seat succeeding Lisa Estrella, seat 4, term expired, must be nominee of District 4 Supervisor. The member shall serve a two-year term or for the tenure of the supervisor who nominated the member, whichever is shorter in duration, for two-year term ending November 19, 2010.

Vacant seat succeeding Elbert Hill, seat 7, term expired, must be nominee of District 7 Supervisor. The member shall serve a two-year term or for the tenure of the supervisor who nominated the member, whichever is shorter in duration, for two-year term ending November 19, 2010.

12/2/08, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Elbert Hill; Andy Thornley.

Appointment of Richard Tilles, seat 2, recommended.

Appointment of Jared Washkowitz, seat 4, recommended.

Appointment of Elbert Hill, seat 7, recommended.

PREPARED IN COMMITTEE AS A MOTION.

Motion appointing Richard Tilles, Jared Washkowitz and Elbert Hill, terms ending November 19, 2010, to the Bicycle Advisory Committee.

Richard Tilles succeeding himself, seat 2, term expired, must be nominee of District 2 Supervisor. The member shall serve a two-year term or for the tenure of the supervisor who nominated the member, whichever is shorter in duration, for two-year term ending November 19, 2010.

Jared Washkowitz succeeding Lisa Estrella, seat 4, term expired, must be nominee of District 4 Supervisor. The member shall serve a two-year term or for the tenure of the supervisor who nominated the member, whichever is shorter in duration, for two-year term ending November 19, 2010.

Elbert Hill succeeding himself, seat 7, term expired, must be nominee of District 7 Supervisor. The member shall serve a two-year term or for the tenure of the supervisor who nominated the member, whichever is shorter in duration, for two-year term ending November 19, 2010.

RECOMMENDED.. by the following vote:

Ayes: 2 - Daly, Dufty

081481 [Appointments, Pedestrian Safety Advisory Committee]

Hearing to consider appointing one member, term ending March 28, 2009, to the Pedestrian Safety Advisory Committee.

Vacant seat succeeding Joy Oganeku, term expired, seat 3, must be a representative from senior or disability organizations, for term ending March 28, 2009.

12/3/08, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Richard Rothman, Mr. Ross, Burt Hill.

Appointment of Richard Rothman, seat 3, recommended.

PREPARED IN COMMITTEE AS A MOTION.

Motion appointing Richard Rothman, term ending March 28, 2009, to the Pedestrian Safety Advisory Committee.

Richard Rothman succeeding Joy Oganeku, term expired, seat 3, must be a representative from senior or disability organizations, for term ending March 28, 2009.

RECOMMENDED.. by the following vote:

Ayes: 2 - Daly, Dufty

081511 [Reentry Council]

Supervisor Mirkarimi

Ordinance amending the San Francisco Administrative Code by modifying Section 5.1-3 to clarify that the Board of Supervisors shall appoint four, rather than three, of the members of the Reentry Council who are former inmates, and to exempt all members of the Reentry Council from the requirement that they be electors of the City and County.

11/25/08, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 12/25/2008.

Heard in Committee. Speaker: Rick Galbreath, Legislative Assistant to Supervisor Ross Mirkarimi.

RECOMMENDED by the following vote:

Ayes: 2 - Daly, Dufty

LITIGATION

Conference with City Attorney

[Convene in Closed Session - Existing Litigation - City as Plaintiff and/or Defendant]

Motion that the Rules Committee 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. Government Code Section 54956.9(a) and San Francisco 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/or claims listed below.

Unanimous vote to convene in closed session. by the following vote:

Ayes: 2 - Daly, Dufty

081618 [Settlement Of Lawsuit - Xiaomei Ma v. CCSF - \$115,000]

Ordinance authorizing settlement of Xiaomei Ma's claims in the lawsuit filed by Xiaomei Ma against the City and County of San Francisco for \$115,000.00; the lawsuit was filed on April 6, 2007, in the San Francisco Superior Court, Case No. 07-462106, entitled Ma v. City and County of San Francisco. (City Attorney)

12/29/08, RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Daly, Dufty

081395 [Settlement of Lawsuit - Denise Caicedo - \$47,500.00]

Ordinance authorizing settlement of the lawsuit filed by Denise Caicedo against the City and County of San Francisco for \$47,500.00; the lawsuit was filed on September 22, 2006 in Superior, Case No. 456-426; entitled Denise Caicedo v. City and County of San Francisco, et al. (City Attorney)

11/24/08, RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Daly, Dufty

081363 [Settlement of Unlitigated Tax-Related Matter with Internal Revenue Service]

Resolution authorizing settlement of unlitigated tax-related matter with the Internal Revenue Service regarding potential tax liability. (City Attorney)

10/24/08, RECEIVED AND ASSIGNED to Rules Committee.

12/4/08, CONTINUED TO CALL OF THE CHAIR.

RECOMMENDED.. by the following vote:

Ayes: 2 - Daly, Dufty

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: 2 - Daly, Dufty

ADJOURNMENT