

# City and County of San Francisco

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



## **MEETING MINUTES**

Thursday, August 6, 2009

10:00 AM

City Hall, Committee Room 263

Regular Meeting

Rules Committee

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**Members:** *David Campos, Chris Daly, Michela Alioto-Pier*

**Clerk:** *Linda Wong (415) 554-7719*

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**Members Present:** *David Campos, Chris Daly, Bevan Dufty.*

**Members Excused:** *None.*

**Members Absent:** *Michela Alioto-Pier.*

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### **MEETING CONVENED**

The meeting convened at 10:02 a.m.

President David Chiu appointed Supervisor Bevan Dufty to the Rules Committee meeting of August 6, 2009.

### **CONSENT AGENDA**

#### **090952 [Appointment, California State Association of Counties - Supervisor Eric Mar]**

Motion appointing Supervisor Eric Mar, term ending November 28, 2009, to the California State Association of Counties.

Supervisor Eric Mar, seat 1, succeeding Jake McGoldrick, term expired, must be a Member of the Board of Supervisors, for the unexpired portion of a one-year term ending November 28, 2009.

7/27/09, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speaker: None.

#### **RECOMMENDED.. by the following vote:**

Ayes: 3 - Campos, Daly, Dufty

Absent: 1 - Alioto-Pier

### **REGULAR AGENDA**

#### **090877 [Confirming the reappointment of Kimberly K. Brandon to the**

**Mayor**

**San Francisco Port Commission]**

Motion confirming the reappointment of Kimberly K. Brandon to the San Francisco Port Commission for a four-year term ending May 1, 2013.

7/13/09, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: None.

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

Ayes: 3 - Campos, Daly, Dufty

Absent: 1 - Alioto-Pier

**090970 [Reappointment, Recreation and Parks Commission - Larry Martin]**

Motion approving the Mayor's reappointment of Larry Martin to the Recreation and Parks Commission for the term ending June 27, 2013.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed.

Transmittal date - July 13, 2009.)

7/30/09, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Larry Martin; Male Speaker; Denise B.; Nancy Wuerfel.

**REFERRED WITHOUT RECOMMENDATION AS COMMITTEE REPORT by the following vote:**

Ayes: 3 - Campos, Daly, Dufty

Absent: 1 - Alioto-Pier

**090971 [Reappointment, Recreation and Parks Commission - Larry Martin]**

Motion rejecting the Mayor's reappointment of Larry Martin to the Recreation and Parks Commission for the term ending June 27, 2013.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed.

Transmittal date - July 13, 2009.)

7/30/09, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Larry Martin; Male Speaker; Denise B.; Nancy Wuerfel.

**TABLED by the following vote:**

Ayes: 3 - Campos, Daly, Dufty

Absent: 1 - Alioto-Pier

**090972 [Reappointment, Recreation and Parks Commission - David Lee]**

Motion approving the Mayor's reappointment of David Lee to the Recreation and Parks Commission for the term ending June 27, 2013.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the

Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date - July 13, 2009.)

7/30/09, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Male Speaker; Nancy Wuerfel; Denise B.

**TABLED by the following vote:**

Ayes: 2 - Campos, Daly

Noes: 1 - Dufty

Absent: 1 - Alioto-Pier

**090973 [Reappointment, Recreation and Parks Commission - David Lee]**

Motion rejecting the Mayor's reappointment of David Lee to the Recreation and Parks Commission for the term ending June 27, 2013.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date - July 13, 2009.)

7/30/09, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Male Speaker; Nancy Wuerfel; Denise B.

**RECOMMENDED AS COMMITTEE REPORT by the following vote:**

Ayes: 2 - Campos, Daly

Noes: 1 - Dufty

Absent: 1 - Alioto-Pier

**090974 [Appointment, Residential Rent Stabilization and Arbitration Board - Amelia D. Yaros]**

**Supervisor Elsbernd**

Motion approving the Mayor's appointment of Amelia D. Yaros to the Residential Rent Stabilization and Arbitration Board for the term ending October 1, 2011.

(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 - July 13, 2009.)

7/30/09, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Amelia Yaros; Male Speaker; Cheryl Adams, Office of the City Attorney.

**RECOMMENDED AS COMMITTEE REPORT by the following vote:**

Ayes: 3 - Campos, Daly, Dufty

Absent: 1 - Alioto-Pier

**090975 [Appointment, Residential Rent Stabilization and Arbitration Board - Amelia D. Yaros]**

Motion rejecting the Mayor's appointment of Amelia D. Yaros to the Residential Rent Stabilization and Arbitration Board for the term ending October 1, 2011.

(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 - July 13, 2009.)

7/30/09, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Amelia Yaros; Male Speaker; Cheryl Adams, Office of the City Attorney.

**TABLED by the following vote:**

Ayes: 3 - Campos, Daly, Dufty

Absent: 1 - Alioto-Pier

**090976 [Reappointment, Civil Service Commission - Dennis Normandy]**

Motion approving the Mayor's reappointment of Dennis Normandy to the Civil Service Commission for the term ending June 30, 2013.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date - July 13, 2009.)

7/30/09, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Dennis Normandy; Male Speaker.

**RECOMMENDED AS COMMITTEE REPORT by the following vote:**

Ayes: 3 - Campos, Daly, Dufty

Absent: 1 - Alioto-Pier

**090977 [Reappointment, Civil Service Commission - Dennis Normandy]**

Motion rejecting the Mayor's reappointment of Dennis Normandy to the Civil Service Commission for the term ending June 30, 2013.

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of Reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the reappointee continuing to serve as reappointed. Transmittal date - July 13, 2009.)

7/30/09, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Dennis Normandy; Male Speaker.

**TABLED by the following vote:**

Ayes: 3 - Campos, Daly, Dufty

Absent: 1 - Alioto-Pier

**090953 [Appointments, Commission of Animal and Welfare - Philip Gerrie, Pam Hemphill, Sally Stephens and Andrea Brooks]**

Hearing to consider appointing four members, terms ending April 30, 2011, to the Commission of Animal Control and Welfare.

Seat 3, succeeding Philip Gerrie, 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, 2011.

Seat 4, succeeding Pam Hemphill, 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, 2011.

Seat 5, succeeding Sally Stephens, 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, 2011.

Seat 6, succeeding Andrea Brooks, 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, 2011.

7/28/09, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Philip Gerrie; Jennifer Jameson; Karen Tomcala; Laura Fairbanks; Pam Hemphill; Sally Stephens; Mark Ennis; Andrea Brooks; Ed Ilumin; Karen Olsson; Deborah H.; Robert Simon; Paul Koski; Norman Tannenbaum; Nancy Wuerfel; Vicki Tiernan; Hope Johnson; Walter Paulson; Wendy Bean; Dr. Katz; Caroline Katz; Laura Nelson; Joanne Kipnis; Noreen Weeden; Female Speaker; Denise B.; Steve Lees; Angela Padilla; Carrissa; Male Speaker.

Appointment of Philip Gerrie, seat 3, recommended.

Appointment of Pam Hemphill, seat 4,

### **PREPARED IN COMMITTEE AS A MOTION.**

Motion appointing Philip Gerrie, Pam Hemphill, Sally Stephens and Andrea Brooks, terms ending April 30, 2011, to the Commission of Animal Control and Welfare.

Philip Gerrie, seat 3, succeeding himself, 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, 2011.

Pam Hemphill, seat 4, succeeding herself, 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, 2011.

Sally Stephens, seat 5, succeeding herself, 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, 2011.

Andrea Brooks, seat 6, succeeding herself, 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, 2011.

### **RECOMMENDED.. by the following vote:**

Ayes: 3 - Campos, Daly, Dufty

Absent: 1 - Alioto-Pier

### **090954 [Appointments, Immigrant Rights Commission - Lorena Melgarejo, Felix Fuentes and Ana Perez]**

Hearing to consider appointing four members, terms ending June 6, 2011, to the Immigrant Rights Commission.

Seat 4, succeeding Christopher Punongbayan, 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, 2011.

Seat 6, succeeding Rael Silva, 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, 2011. Seat 8, succeeding Felix Fuentes, 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 7/28/09, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Felix Fuentes; Ana Perez; Toye Moses; Adrienne Pon, Office of Civic Engagement and Immigrant Rights Commission; Linda Richardson; Ms. Robinson; Male Speaker.

Appointment of Lorena Melgarejo, seat 6, recommended.

Appointment of Felix Fuentes, seat 8, recommended.

Appointment of Ana Perez, seat 10, recommended, residency requirement waived.

Appointment of Toye Moses, seat 11, recommended.

**PREPARED IN COMMITTEE AS A MOTION.**

Motion appointing Lorena Melgarejo, Felix Fuentes and Ana Perez, residency requirement waived, terms ending June 6, 2011, to the Immigrant Rights Commission.

Lorena Melgarejo, seat 6, succeeding Rael Silva, 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, 2011.

Felix Fuentes, seat 8, succeeding himself, 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, 2011.

Ana Perez (residency requirement waived), seat 10, succeeding herself, must be an immigrant to the United States who is

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Campos, Daly, Dufty

Absent: 1 - Alioto-Pier

**091022 [Appointment, Immigrants Rights Commission - Toye Moses]**

Motion appointing Toye Moses, term ending June 6, 2011, to the Immigrant Rights Commission.

Toye Moses, seat 11, succeeding himself, 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 demonstrated knowledge of and interest in 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, 2011.

(Supervisor Daly dissented in Committee.)

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

Ayes: 2 - Campos, Dufty

Noes: 1 - Daly

Absent: 1 - Alioto-Pier

**090120 [Appointments, Community Oversight Committee Regarding Enforcement of Marijuana Offenses - Gregory Ledbetter, Catherine Smith and Michael Barbitta]**

Hearing to consider appointing three members, terms ending January 1, 2011, to the Community Oversight Committee Regarding Enforcement of Marijuana Offenses.

Seat 1, succeeding Mira Ingram, term expired, must be a medical cannabis patient, for the unexpired portion of a two-year term ending January 1, 2011.

Seat 3, succeeding Catherine Smith, term expired, must be representative of a medical cannabis dispensary operating in San Francisco, for the unexpired portion of a two-year term ending January 1, 2011.

Seat 5, succeeding Patt Denning, resigned, must be a harm reduction practitioner, for the unexpired portion of a two-year term ending January 1, 2011.

2/2/09, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Anthony DeRenzo; Gregory Ledbetter; Rosaura Kenyon; Catherine Smith; Michael Barbitta; Mesha Irizarry; Frank Malinaro; Russel Kiel; Donna Schuchers; Rev. Randelyn Webster; Julie Alameda; Female Speaker; Maureen Burns; Jonathan Beaver; James Keys; Gilbert C.; Alana Lee; Shamari Clarke; Female Speaker; A. Jon Martinelli; John Smith.

Appointment of Gregory Ledbetter, seat 1, recommended.

Appointment of Catherine Smith, seat 3, recommended.

Appointment of Michael Barbitta, seat 5, recommended.

Motion appointing Gregory Ledbetter, Catherine Smith and Michael Barbitta, terms ending January 1, 2011, to the Community Oversight Committee Regarding Enforcement of Marijuana Offenses.

Gregory Ledbetter, seat 1, succeeding Mira Ingram, term expired, must be a medical cannabis patient, for the unexpired portion of a two-year term ending January 1, 2011.

Catherine Smith, seat 3, succeeding herself, term expired, must be representative of a medical cannabis dispensary operating in San Francisco, for the unexpired portion of a two-year term ending January 1, 2011.

Michael Barbitta, seat 5, succeeding Patt Denning, resigned, must be a harm reduction practitioner, for the unexpired portion of a two-year term ending January 1, 2011.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Campos, Daly, Dufty

Absent: 1 - Alioto-Pier

**090258 [Reports, Shelter Monitoring Committee]**

Hearing to consider the quarterly reports of the Shelter Monitoring Committee. (Clerk of the Board)

(Pursuant to Article 12-20 of the San Francisco Administrative Code, Ord. No. 283-04, the Committee shall prepare and submit quarterly reports. Original reports are in File 051713 and File 060377).

2/26/09, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speaker: John Smith.

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

Ayes: 3 - Campos, Daly, Dufty

Absent: 1 - Alioto-Pier

**090219 [Amendment to post-employment restrictions]**

**Supervisor Elsbernd**

Ordinance amending section 3.234 of the San Francisco Campaign and Governmental Conduct Code to extend the one-year restriction on communicating with one's former department to employees and officers

who have transferred departments within the City, and to provide that an employee or officer may not be employed by a party to a City contract within one year after the contract date if the employee or officer participated personally and substantially in the award of the contract.

2/24/09, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Jon Givner, Office of the City Attorney; Female Speaker; Male Speaker.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Campos, Daly, Dufty

Absent: 1 - Alioto-Pier

**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 - Campos, Daly, Dufty

Absent: 1 - Alioto-Pier

**090895 [Settlement of Lawsuit - Linda Caratti - \$80,000]**

Ordinance authorizing settlement of the lawsuit filed by Linda Caratti against the City and County of San Francisco for \$80,000; the lawsuit was filed on August 28, 2008, in San Francisco Superior Court, Case No. 479214; entitled Linda Caratti, v. City and County of San Francisco, et al.; other material terms of said settlement are that the City and San Francisco Zoological Society agree to a mutual release of claims for indemnification. (City Attorney)

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

7/30/09, CONTINUED. Continued to August 6, 2009. Suprvisors Daly and Chu requested to be added as co-sponsors.

**REFERRED WITHOUT RECOMMENDATION AS COMMITTEE REPORT by the following vote:**

Ayes: 2 - Campos, Daly

Absent: 2 - Alioto-Pier, Dufty

*After a closed session, if one occurs, the Committee shall adopt a motion either to disclose or not to disclose.*

*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 by the following vote:**

Ayes: 2 - Campos, Daly

Absent: 2 - Alioto-Pier, Dufty

**ADJOURNMENT**