



City and County of San Francisco
Meeting Minutes
Rules Committee

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

Members: Aaron Peskin, Rafael Mandelman, Connie Chan

Clerk: Victor Young (415) 554-7723

Monday, June 7, 2021

10:00 AM

Regular Meeting

Present: 3 - Aaron Peskin, Rafael Mandelman, and Connie Chan

The Rules Committee met in regular session through videoconferencing on Monday, June 7, 2021, with Chair Aaron Peskin presiding. Chair Peskin called the meeting to order at 10:01 a.m.

Remote Access to Information and Participation

In accordance with Governor Newsom's Executive Order No. N-33-20 declaring a State of Emergency regarding the COVID-19 outbreak and Mayor London N. Breed's Proclamation declaring a Local Emergency issued on February 25, 2020, including the guidance for gatherings issued by the San Francisco Department of Public Health Officer, aggressive directives were issued to reduce the spread of COVID-19. On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely (via Microsoft Teams) and will allow remote public comment via teleconference. Visit the SFGovTV website at (www.sfgovtv.org) to stream the live meetings, or to watch meetings on demand.

Members of the public are encouraged to participate remotely via detailed instructions on participating via teleconference available at: <https://sfbos.org/remote-meeting-call>. Members of the public may participate by phone or may submit their comments by email to: victor.young@sfgov.org; all comments received will be made a part of the official record. Regularly-scheduled Rules Committee meetings begin at 10:00 a.m. on each Monday of month. Committee agendas and their associated documents are available at <https://sfbos.org/committees>.

ROLL CALL AND ANNOUNCEMENTS

On the call of the roll, Chair Peskin, Vice Chair Mandelman, and Member Chan were noted present. A quorum was present.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

210382 [Campaign and Governmental Conduct Code - Form 700 (Statement of Economic Interests) Filing Requirements - Sheriff's Department Oversight Board and Office of Inspector General]

Sponsor: Walton

Ordinance amending the Campaign and Governmental Conduct Code to update the Conflict of Interest Code's Form 700 (Statement of Economic Interests) filing requirements, and Sunshine and Ethics training requirements, by adding members of the Sheriff's Department Oversight Board and the Inspector General in the Sheriff's Department Office of Inspector General.

04/13/21; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 5/13/2021.

04/19/21; REFERRED TO DEPARTMENT. Referred to the Ethics Commission for informational purposes.

Heard in Committee. Speakers: None.

Chair Peskin moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Peskin, Mandelman, Chan

201089 [Administrative Code - Rules for Awarding Grants]**Sponsors: Stefani; Chan**

Ordinance amending the Administrative Code by codifying a grant award process to, among other things: 1) require, with certain exceptions, a competitive solicitation; 2) require advertisement of solicitations and set forth evaluation criteria of grant proposals; 3) reserve the City's right to cancel, reject and/or readvertise solicitations; 4) list required grant terms; 5) set forth requirements for the head of a granting agency in making a sole source grant determination; 6) authorize the purchaser to promulgate rules and regulations for effectively carrying out the requirements of this Ordinance; 7) set forth grant requirements based on a grant's funding source; and 8) set forth administrative debarment procedures.

09/22/20; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/22/2020.

12/28/20; REFERRED TO DEPARTMENT. Referred to the Controller and Office of Contract Administration for informational purposes.

Heard in Committee. Speaker: Supervisor Catherine Stefani (Board of Supervisors); provided an overview and responded to questions raised throughout the discussion.

Supervisor Chan requested to be added as a co-sponsor.

Chair Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE on Page 1, Lines 11-12, to insert 'and 9) advertisement of rebate and incentive programs'; on Page 2, Lines 4-7, to insert 'performed by City Employees. (c) Chapter 21G applies to all Grants first advertised, solicited, or initiated if no advertisement or solicitation is required, on or after the effective date of the ordinance in Board File No. 201089 establishing Chapter 21G'; on Page 3, Line 8, to insert 'an individual', on Page 3, Line 13, to insert 'following guidelines outlined in the Solicitation'; on Page 3, line 15, to insert 'or individual'; on Page 3, Lines 20-21, to replace 'Division of the City' with 'Program of the General Services Agency'; on Page 4, Line 5, to refine the language exempting grants for property improvement from competition; on Page 4, Lines 10-12, to set June 1st of each year as the due date for the annual report to the Board of Supervisors commencing on June 1, 2022; on Page 6, Lines 22-23, to set a date by which assignments must be reported to the Controller; on Page 7, Lines 3-6, to insert "But the Grant Agreement shall also require that the Grantee shall maintain records for such period as required by federal or state funding agencies, if longer than the period required in accordance with the preceding sentence; on Page 8-9, to add clarifying language that the Purchaser can issue regulations about sole source grants, that sole source grants must get the approval of any applicable oversight body, require sole source decision to be revisited at least once every 5 years, and allowing sole source grants for the City-owned cultural centers to avoid conflict with the city Charter; on Page 9, Lines 12-13, to set the effective date of the requirements to no later than December 31, 2021; on Page 9, Lines 16, 17, and 21, to clarify that state or federal agency rules supersede city rules if there is a conflict; on Pages 9 and 10, to insert language on debarment and suspension consistent with other parts of the Administrative Code; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Peskin, Mandelman, Chan

Ordinance amending the Administrative Code by codifying a grant award process to, among other things: 1) require, with certain exceptions, a competitive solicitation; 2) require advertisement of solicitations and set forth evaluation criteria of grant proposals; 3) reserve the City's right to cancel, reject and/or readvertise solicitations; 4) list required grant terms; 5) set forth requirements for the head of a granting agency in making a sole source grant determination; 6) authorize the purchaser to promulgate rules and regulations for effectively carrying out the requirements of this Ordinance; 7) set forth grant requirements based on a grant's funding source; 8) set forth administrative debarment procedures; and 9) advertisement of rebate and incentive programs.

Chair Peskin moved that this Ordinance be CONTINUED TO CALL OF THE CHAIR AS AMENDED. The motion carried by the following vote:

Ayes: 3 - Peskin, Mandelman, Chan

210493 [Administrative Code - Application of Health Care Security Ordinance to Employees Teleworking While Health Orders Place Restrictions on Onsite Work]
Sponsors: Ronen; Peskin and Chan

Ordinance amending the Administrative Code to provide that employees are covered by the Health Care Security Ordinance when they are teleworking during the time period that City health orders place restrictions on onsite work and/or encourage employees to telework during the COVID-19 pandemic.

05/04/21; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/3/2021.

05/17/21; REFERRED TO DEPARTMENT. Referred to all departments through the Mayor's Office for informational purposes.

Heard in Committee. Speakers: Supervisor Hillary Ronen (Board of Supervisors); provided an overview and responded to questions raised throughout the discussion. Elizabeth McCulie; Julia Fultie; Frajashain; Ms. Shepman; spoke in support of the matter. David Pilpel; spoke neither in support nor opposition on the matter.

Supervisors Peskin and Chan requested to be added as a co-sponsor.

Chair Peskin moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Peskin, Mandelman, Chan

210606 [Campaign and Governmental Conduct Code - Redistricting Task Force]

Sponsors: Walton; Peskin and Chan

Ordinance convening the Redistricting Task Force and amending the Campaign and Governmental Conduct Code to require Redistricting Task Force members to file Statements of Economic Interests (Form 700s).

05/25/21; ASSIGNED to Rules Committee. 5/27/21 - President Walton waived the 30-day rule pursuant to Board Rule No. 3.22.

05/28/21; REFERRED TO DEPARTMENT. Referred to the Department of Elections and the Ethics Commission for informational purposes.

Heard in Committee. Speakers: Angela Calvillo, Clerk of the Board (Board of Supervisors); provided an overview and responded to questions raised throughout the discussion. Laura Jargen (League of Women Voters); David Pilpel; spoke in support of the matter.

Supervisor Chan requested to be added as a co-sponsor.

Chair Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE on Page 3, Lines 3-4, to insert 'Members of the Task Force shall serve at the pleasure of their appointing authority and may be removed by their appointing authority at any time'; on Page 3, Lines 17-22, to insert 'Following the inaugural meeting, the Task Force shall hold a regular meeting not less than once each month. Any member who misses three regular meetings of the Task Force within a six-month period without the express approval of the Task Force at or before each missed meeting shall be deemed to have resigned from the Working Group 10 days after the third unapproved absence. The Task Force shall inform the Board of Supervisors of any such resignation'; and on Page 4, Lines 8-13, to insert 'In order to address language access needs, the Task Force shall be appropriately funded to ensure its public meetings and public outreach are conducted as required by the City's Language Access Ordinance (San Francisco Administrative Code, Chapter 91). Such requirements shall include providing interpretation services, if requested at least 48 hours in advance of a Task Force meeting, and translation of all Task Force public meeting notices, agendas and supplemental materials explaining the redistricting process'. The motion carried by the following vote:

Ayes: 3 - Peskin, Mandelman, Chan

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

Ayes: 3 - Peskin, Mandelman, Chan

210161 [Business and Tax Regulations Code - Administration of Vacancy Tax]

Ordinance amending the Business and Tax Regulations Code to add provisions to administer the Vacancy Tax. (Treasurer-Tax Collector)

02/11/21; RECEIVED FROM DEPARTMENT.

02/23/21; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 3/25/2021.

05/28/21; TRANSFERRED to Rules Committee.

Heard in Committee. Speaker: Amanda Fried (Office of the Treasurer-Tax Collector); provided an overview and responded to questions raised throughout the discussion.

Chair Peskin moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Peskin, Mandelman, Chan

Supervisor Mandelman Excused from Attendance

Chair Peskin moved that Supervisor Mandelman be Excused from voting on File Nos. 210593 and 210594. The motion carried by the following vote:

Ayes: 2 - Peskin, Chan

Excused: 1 - Mandelman

Chair Peskin requested that File Nos. 210293 and 210294 be heard together.

210593 [Mayoral Appointment, Commission on the Environment - Austin Hunter]

Motion approving/rejecting the Mayor's nomination for appointment of Austin Hunter to the Commission on the Environment, for the unexpired portion of a four-year term ending March 25, 2023. (Clerk of the Board)

(Charter, Section 3.100(18), provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within thirty 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: May 21, 2021.)

05/25/21; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Austin Hunter; Sarah Ching-Ting Wan; spoke on their qualifications and answered questions raised throughout the discussion. David Pilpel; spoke in support of the appointment of various applicants. Susan Fiefer; Ada Ashim; Diane Haight; Taylor Ingerham; Ms. Angerall; Speaker; Speaker; Christian Webb; spoke in support of the appointment of Austin Hunter. Speaker; spoke neither in support nor against Austin Hunter.

Chair Peskin moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by striking the word 'approving' throughout the legislation; on Page 1, Lines 15-16, to strike 'WHEREAS, The Board of Supervisors, by Motion No. 01-34, established a process to review the Mayor's appointment to the Retirement Board; now'; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 2 - Peskin, Chan

Excused: 1 - Mandelman

Motion rejecting the Mayor's nomination for appointment of Austin Hunter to the Commission on the Environment, for the unexpired portion of a four-year term ending March 25, 2023. (Clerk of the Board)

(Charter, Section 3.100(18), provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within thirty 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: May 21, 2021.)

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

Ayes: 2 - Peskin, Chan

Excused: 1 - Mandelman

210594 [Mayoral Appointment, Commission on the Environment - Sarah Ching-Ting Wan]

Motion approving/rejecting the Mayor's nomination for reappointment of Sarah Ching-Ting Wan to the Commission on the Environment, for the unexpired portion of a four-year term ending May 11, 2025.

(Clerk of the Board)

(Charter, Section 3.100(18), provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within thirty 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: May 21, 2021.)

05/25/21; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Austin Hunter; Sarah Ching-Ting Wan; spoke on their qualifications and answered questions raised throughout the discussion. David Pilpel; spoke in support of the appointment of various applicants. Susan Fiefer; Ada Ashim; Diane Haight; Taylor Ingerham; Ms. Angerall; Speaker; Speaker; Christian Webb; spoke in support of the appointment of Austin Hunter. Speaker; spoke neither in support nor against Austin Hunter.

Chair Peskin moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by striking the word 'rejecting' throughout the legislation; on Page 1, Lines 15-16, to strike 'WHEREAS, The Board of Supervisors, by Motion No. 01-34, established a process to review the Mayor's appointment to the Retirement Board; now'; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 2 - Peskin, Chan

Excused: 1 - Mandelman

Motion approving the Mayor's nomination for reappointment of Sarah Ching-Ting Wan to the Commission on the Environment, for the unexpired portion of a four-year term ending May 11, 2025.

(Clerk of the Board)

(Charter, Section 3.100(18), provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within thirty 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: May 21, 2021.)

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

Ayes: 2 - Peskin, Chan

Excused: 1 - Mandelman

ADJOURNMENT

There being no further business, the Rules Committee adjourned at the hour of 11:39 a.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.