



**City and County of San Francisco**  
**Meeting Minutes**  
**Rules Committee**

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

*Members: David Campos, Michela Alioto-Pier, Eric Mar*

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

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**Thursday, February 4, 2010**

**10:00 AM**

**City Hall, Committee Room 263**

**Regular Meeting**

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**MEETING CONVENED**

*The meeting convened at 10:05 a.m.*

**Present:** 2 - David Campos and Eric Mar

**Excused:** 1 - Michela Alioto-Pier

**CONSENT AGENDA**

*All matters listed hereunder constitute a Consent Agenda, are considered to be routine and will be acted upon by a single roll call vote of the Committee. There will be no separate discussion of these items unless a member of the Committee or the public so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.*

**100116 [Appointment, Association of Bay Area Government Executive Board - Supervisor Chris Daly]**

Motion appointing Supervisor Chris Daly, as an alternate member, term ending June 30, 2011, to the Association of Bay Area Governments Executive Board. (Clerk of the Board)

01/28/10; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speakers: None.*

**RECOMMENDED**

**100115 [Appointments, Citizen's Committee on Community Development - Charlie Sciammas, Rene Cazenave, Joshua Arce and Gaylen Mohre]**

Hearing to consider appointing four members, terms to be determined, to the Citizen's Committee on Community Development. (Clerk of the Board)

Vacant seat 1, new appointment, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City. No person who is either employed by or serves on the governing board of any entity that has a CDBG or ESG grant application pending with the City shall be eligible to serve as a member, for a one-year term to be determined.

Vacant seat 2, new appointment, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City. No person who is either employed by or serves on the governing board of any entity that has a CDBG or ESG grant application pending with the City shall be eligible to serve as a member, for a one-year term to be determined.

Vacant seat 3, new appointment, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City. No person who is either employed by or serves on the governing board of any entity that has a CDBG or ESG grant application pending with the City shall be eligible to serve as a member, for a two-year term to be determined.

Vacant seat 4, new appointment, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City. No person who is either employed by or serves on the governing board of any entity that has a CDBG or ESG grant application pending with the City shall be eligible to serve as a member, for a two-year term to be determined.

01/28/10; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speakers: None.*

*Appointment of Charlie Sciammas, seat 1, recommended.*

*Appointment of Rene Cazenave, seat 2, recommended.*

*Appointment of Joshua Arce, seat 3, recommended.*

*Appointment of Gaylen Mohre, seat 4, recommended.*

**PREPARED IN COMMITTEE AS A MOTION**

Motion appointing Charlie Sciammas, Rene Cazenave, Joshua Arce and Gaylen Mohre, terms to be determined, to the Citizen's Committee on Community Development. (Clerk of the Board)

Charlie Sciammas, seat 1, new appointment, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City. No person who is either employed by or serves on the governing board of any entity that has a CDBG or ESG grant application pending with the City shall be eligible to serve as a member, for a one-year term to be determined.

Rene Cazenave, seat 2, new appointment, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City. No person who is either employed by or serves on the governing board of any entity that has a CDBG or ESG grant application pending with the City shall be eligible to serve as a member, for a one-year term to be determined.

Joshua Arce, seat 3, new appointment, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City. No person who is either employed by or serves on the governing board of any entity that has a CDBG or ESG grant application pending with the City shall be eligible to serve as a member, for a two-year term to be determined.

Gaylen Mohre, seat 4, new appointment, should reflect and advance the concerns and needs of low-income neighborhoods and/or communities in the City. No person who is either employed by or serves on the governing board of any entity that has a CDBG or ESG grant application pending with the City shall be eligible to serve as a member, for a two-year term to be determined.

**RECOMMENDED..**

**The foregoing items were acted upon by the following vote:**

Ayes: 2 - Campos, Mar

Excused: 1 - Alioto-Pier

## REGULAR AGENDA

### **091434 [Setting Transit Operator Wages and Benefits Solely Through Collective Bargaining]**

**Sponsor: Elsbernd**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Sections 8A.104, A8.409-1, A8.409-4 and A8.428 and deleting Section A8.404 of the Charter to eliminate the formula setting a floor for transit operator wages and providing that wages and benefits for transit operators shall be set through collective bargaining and that any impasse in collective bargaining shall be resolved through interest arbitration.

12/15/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/14/2010.

01/21/10; CONTINUED. Heard in Committee. Speakers: Supervisor Sean Elsbernd; Bob Muscat; Jim Lazzar; Walter Scott; Male Speaker; Irwin Lum.  
Continued to January 28, 2010.

01/28/10; CONTINUED. Heard in Committee. Speakers: Supervisor Sean Elsbernd; Mike Casey; Bob Muscat; Irwin Lum; Barbara Brooks; John Hanley, Fire Fighters Union; Bob Planthole; Darin Maxwell; P.J. Liam; Rafael Herrera.  
Continued to February 4, 2010.

*Heard in Committee. Speakers: Supervisor Sean Elsbernd; Male Speaker; Irwin Lum; Male Speaker; Tim Paulson; John Hanley, Fire Fighters Union; Richard Robinson; Michael Zarras; Male Speaker.*

**TABLED by the following vote:**

Ayes: 2 - Campos, Mar

Excused: 1 - Alioto-Pier

**091433 [Reducing Employer Retirement Benefit Costs]****Sponsors: Elsbernd; Mayor**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections A8.432, A8.506, A8.506-2, A8.506-3, and A8.510, and by adding Sections A8.432-1, A8.600 to A8.600-14, A8.601 to A8.601-16 and A8.602 to A8.602-16, to: (1) define "Participating Employers" for the Retiree Health Care Trust Fund to include the Superior Court of California, County of San Francisco, to the extent it participates in the City and County's Health Service System and upon resolution by its governing board; (2) require the difference between the City and County's contribution to the San Francisco Employees' Retirement System (SFERS) set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund; (3) require the difference between the "Participating Employers'" contribution to SFERS set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund only upon resolution by the governing boards of the respective "Participating Employers" approving said deposits; (4) establish an employee contribution rate of nine percent for all employees hired on and after July 1, 2010, who become members of the California Public Employees' Retirement System (CalPERS); (5) require all contracts with CalPERS for persons hired on and after July 1, 2010, to include a three-year formula for the calculation of final compensation to the fullest extent possible; (6) require all contracts and contract amendments on and after July 1, 2010, for personnel of the sheriff's department and housing authority police who are members of CalPERS to be cost-neutral to the City and County; (7) create a new retirement plan for miscellaneous officers and employees hired on and after July 1, 2010, that modifies the average final compensation calculation from a one-year formula to a three-year formula; and (8) create new retirement plans for safety members hired on and after July 1, 2010, that increase required employee retirement contributions to nine percent and modify the average final compensation calculation from a one-year formula to a three-year formula.

12/15/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/14/2010. See Related File 100117

01/21/10; CONTINUED. Heard in Committee. Speakers: Supervisor Sean Elsbernd; Female Speaker; Bob Muscat.  
Continued to January 28, 2010.

01/28/10; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Supervisor Elsbernd; Gary Amelio, Employees' Retirement System; Andrew Shen, City Attorney's Office; Peg Stevenson, Controller's Office; Bob Muscat; Bob Planthole; Robert Holland; Kenneth Lucas; Jean Thomas; John Hanley, Fire Fighters Union; Male Speaker; Mike Casey; Emmanuel Andreous.

01/28/10; DUPLICATED AS AMENDED. See File No. 100117.

01/28/10; CONTINUED AS AMENDED. Continued to February 4, 2010.

*Heard in Committee. Speakers: Supervisor Sean Elsbernd; Bob Muscat; Robert Holland; Harry Baker; Male Speaker; Rachelle Walsh; Rebecca Rond; Tim Paulson; Male Speaker; Female Speaker; Kevin Hues; Jeff Adachi; Brenda Barris; Michael Tom; John Hanley, Fire Fighters Union; Richard Robinson; Madeleine McMillan.*

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

Ayes: 2 - Campos, Mar

Excused: 1 - Alioto-Pier

**100117 [Reducing Employer Retirement Benefit Costs]****Sponsors: Mar; Campos**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections A8.432, A8.506, A8.506-2, A8.506-3, and A8.510, and by adding Sections A8.432-1, A8.600 to A8.600-14, A8.601 to A8.601-16 and A8.602 to A8.602-16, to: (1) define "Participating Employers" for the Retiree Health Care Trust Fund to include the Superior Court of California, County of San Francisco, to the extent it participates in the City and County's Health Service System and upon resolution by its governing board; (2) require the difference between the City and County's contribution to the San Francisco Employees' Retirement System ("SFERS") set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund; (3) require the difference between the "Participating Employers" contribution to SFERS set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund only upon resolution by the governing boards of the respective "Participating Employers" approving said deposits; (4) establish an employee contribution rate of nine percent for all employees hired on and after July 1, 2010 who become members of the California Public Employees' Retirement System ("CalPERS"); (5) require all contracts with CalPERS for persons hired on and after July 1, 2010 to include a three-year formula for the calculation of final compensation to the fullest extent possible; (6) require all contracts and contract amendments on and after July 1, 2010 for personnel of the sheriff's department and housing authority police who are members of CalPERS to be cost-neutral to the City and County; (7) create a new retirement plan for miscellaneous officers and employees hired on and after July 1, 2010 that modifies the average final compensation calculation from a one-year formula to a three-year formula; and (8) create new retirement plans for safety members hired on and after July 1, 2010 that increase required employee retirement contributions to nine percent and modify the average final compensation calculation from a one-year formula to a three-year formula .

01/28/10; RECEIVED AND ASSIGNED to Rules Committee. 1/28/10 - Duplicate of File No. 091433

01/28/10; CONTINUED. Continued to February 4, 2010.

*Heard in Committee. Speakers: Supervisor Sean Elsbernd; Bob Muscat; Robert Holland; Harry Baker; Male Speaker; Rachelle Walsh; Rebecca Rond; Tim Paulson; Male Speaker; Female Speaker; Kevin Hues; Jeff Adachi; Brenda Barris; Michael Tom; John Hanely, Fire Fighters Union; Richard Robinson; Madeleine McMillan.*

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

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by amending Sections A8.409-5, A8.432, A8.506, A8.506-2, A8.506-3, and A8.510, and by adding Sections A8.432-1, A8.600 to A8.600-14, A8.601 to A8.601-16 and A8.602 to A8.602-16, to: (1) restrict the City and County from agreeing to pay required employee contributions to the San Francisco Employees' Retirement System ("SFERS") or the California Public Employees' Retirement System ("CalPERS") for certain employees after June 8, 2010; (2) authorize the City and County to offer a one-time seven percent (7%) wage increase to certain employees as acknowledgement that the City and County will no longer pay the required seven and one-half percent (7.5%) employee contribution to SFERS or the required employee contribution to CalPERS afforded in their most recent collectively bargained agreement, provided that no such increase shall become effective before July 1, 2011; (3) require voter approval before the City and County can pay, for up to a two-year period, required employee contributions to SFERS or CalPERS for certain employees after June 8, 2010; (4) define "Participating Employers" for the Retiree Health Care Trust Fund to include the Superior Court of California, County of San Francisco, to the extent it participates in the City and County's Health Service System and upon resolution by its governing board; (5) require the difference between the City and County's contribution to the San Francisco Employees' Retirement System ("SFERS") set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund; (6) require the difference between the "Participating Employers" contribution to SFERS set by the Retirement Board each year and the employer normal cost rate to be deposited into the Retiree Health Care Trust Fund only upon resolution by the governing boards of the respective "Participating Employers" approving said deposits; (7) establish an employee contribution rate of nine percent for all employees hired on and after July 1, 2010 who become members of the California Public Employees' Retirement System ("CalPERS"); (8) require all contracts with CalPERS for miscellaneous safety persons hired on and after July 1, 2010 to include a two-year formula for the calculation of final compensation to the fullest extent possible; (9) require all contracts with CalPERS for sheriff's department employees and housing authority police hired on and after July 1, 2010 to include a three-year formula for the calculation of final compensation to the fullest extent possible; (10) require all contracts and contract amendments on and after July 1, 2010 for personnel of the sheriff's department and housing authority police who are members of CalPERS to be cost-neutral to the City and County; (11) create a new retirement plan for miscellaneous officers and employees hired on and after July 1, 2010 that modifies the average final compensation calculation from a one-year formula to a two-year formula; and (12) create new retirement plans for safety members hired on and after July 1, 2010 that increase required employee retirement contributions to nine percent and modify the average final compensation calculation from a one-year formula to a two-year formula.

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

Ayes: 2 - Campos, Mar

Excused: 1 - Alioto-Pier

**091430 [Mandated Reduction of Expenditures to Programs for City Services, Designated by the Board of Supervisors]****Sponsor: Avalos**

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco by amending Sections 9.103 and 9.104 to: (1) allow the Board of Supervisors to mandate the expenditure of identified appropriations for particular programs or activities, in an amount not to exceed the total value of expenditure reductions made by the Board at the same time; (2) require the relevant City departments to report to the Board on their plans for expenditure of the money appropriated; and, (3) allow the Mayor to reject or reduce an appropriation identified as mandatory and reject the designation of the appropriation as mandatory with or without reducing the amount of the appropriation.

12/15/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/14/2010.

01/28/10; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee.

Speakers: Supervisor John Avalos; Ben Rosenfield, Controller's Office; Starr Terrell, Mayor's Office.

Continued to February 4, 2010.

01/28/10; CONTINUED AS AMENDED. Continued to February 4, 2010.

*Heard in Committee. Speakers: Supervisor John Avalos; Peg Stevenson, Controller's Office; Robert Holland; Jay Dee; Geary Rogers; Jim Lazzar; Ed Pinchly; Brenda Darros; Michael Tom.*

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

Ayes: 2 - Campos, Mar

Excused: 1 - Alioto-Pier

**091431 [Setting Minimum 52-Hour Work Week for Firefighters]****Sponsors: Avalos; Daly and Campos**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section A8.452 to: (1) eliminate the 48.7-hour limitation on the work week for uniformed officers and member of the Fire Department, (2) establish a work week of at least 52 hours, on an annualized basis, for uniformed officers and members assigned to fire fighting companies and units, with the minimum 52-hour work week requirement to be effective for any amendment or extension to the current Memorandum of Understanding (MOU) between the City and County of San Francisco (City) and the San Francisco Fire Fighters Union Local 798 (Union) in effect July 1, 2007 through June 30, 2011, and for the successor MOU and each MOU between the City and Union thereafter, and (3) eliminate superseded language regarding holiday schedules and compensation; and by adding Section A8.590-9 to provide that the minimum work week for firefighters assigned to fire fighting companies and units shall be governed by Section A8.452 and not be subject to binding interest arbitration under Charter Section A8.590-5.

12/15/09; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/14/2010.

01/28/10; CONTINUED. Heard in Committee. Speakers: Supervisor John Avalos; Mike Casey; Gary Massetani, on behalf of Joanne Hayes-White, Fire Department; John Hanley, Fire Fighters Union; Erwin Lum; Kevin S., Sean Beaver; Leo Tangens; John L.; Peg Stevenson, Controller's Office; Mary Hao, Department of Human Resources; Nathan Shepero; Female Speaker; Laura Taga; Tom O'Conner; Pat Darcey; P. J. Williams; Andy Gracia; Adrienne Sims; Michael Wash; Marilyn Chavez; Anthony Volerio; Male Speaker; Male Speaker.

Continued to February 4, 2010.

*Heard in Committee. Speakers: Supervisor John Avalos; Tom Paulson; John Hanley, Fire Fighters Union; Connie Ford; Lourdes; Male Speaker; Irwin Lum; David Weir; Male Speaker; Male Speaker; Tom O'Connor; Male Speaker; Dean Whittaker; Norm Cava; Ed Ariganni; Michael Walsh; David Amishuami; Sean; Alice Lee; Adrienne Sims; Male Speaker; Marilyn Chavez; Dawn Rosales; Supervisor Chris Daly.*

**TABLED by the following vote:**

Ayes: 2 - Campos, Mar

Excused: 1 - Alioto-Pier



**100075 [Transbay Transit Center - Under Construction at First and Mission to be the Northern Terminus for California High Speed Rail]****Sponsors: Daly; Campos, Mirkarimi, Avalos and Mar**

Hearing to consider proposed initiative declaration of policy to be submitted by four or more Supervisors to the voters at the June 8, 2010, election entitled "Declaration of Policy concerning the Transbay Transit Center - Under Construction at First and Mission to be the Northern Terminus for California High Speed Rail."

01/19/10; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Supervisor Chris Daly; Jim Lazzar; Male Speaker.*

*Supervisor Mar requested to be added as a co-sponsor.*

**FILED**

Ayes: 2 - Campos, Mar

Excused: 1 - Alioto-Pier

**100077 [Ordinance Amending Administrative Code Chapter 37 Relating to "Tenant Financial Hardship Applications"]****Sponsors: Daly; Campos, Chiu, Avalos and Mirkarimi**

Hearing to consider proposed initiative ordinance to be submitted by four or more Supervisors to the voters at the June 8, 2010, election entitled "Ordinance amending Chapter 37 of the San Francisco Administrative Code - the Residential Rent Stabilization and Arbitration Ordinance relating to Tenant Financial Hardship Applications."

01/19/10; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speakers: Supervisor Chris Daly; Delene Wolf, Rent Board; Ken Gullison; Lisa Berkeley; Malcolm Young; Anjelica; Richard Robinson.*

**FILED by the following vote:**

Ayes: 2 - Campos, Mar

Excused: 1 - Alioto-Pier

**100078 [Ordinance Relating to "Park Sunlight Protection"]****Sponsors: Chiu; Maxwell, Mirkarimi, Mar and Campos**

Hearing to consider proposed initiative ordinance to be submitted by four or more Supervisors to the voters at the June 8, 2010, election entitled "Ordinance relating to Park Sunlight Protection."

01/19/10; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speakers: Supervisor David Chiu; John Rahaim, Planning Department; Brad Paul; Jennifer Clarey; Male Speaker.*

**FILED**

Ayes: 2 - Campos, Mar

Excused: 1 - Alioto-Pier

**ADJOURNMENT**

*The meeting adjourned at 2:30 p.m.*