



**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*

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**Monday, September 19, 2022**

**10:00 AM**

**Regular Meeting**

**IN-PERSON MEETING**  
**City Hall, Legislative Chamber, Room 250**

**(remote access provided)**

**(remote public comment provided via teleconference)**

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

*The Rules Committee met in regular session, in-person with remote access and public comment via telephone, on Monday, September 19, 2022, with Chair Aaron Peskin presiding. Chair Peskin called the meeting to order at 10:05 a.m.*

### **Remote Access to Information and Participation**

*The Board of Supervisors and its committees convene hybrid meetings that allow in-person attendance, remote access, and public comment via teleconference. Visit the SFGovTV website at ([www.sfgovtv.org](http://www.sfgovtv.org)) to stream the live meetings and watch meetings on demand or watch live meetings on San Francisco Cable Channels 26, 28, 78 or 99 (depending on your provider). Members of the public may provide public comment in-person or remotely via teleconference (detailed instructions available at: <https://sfbos.org/remote-meeting-call>).*

*Members of the public may submit their comments by email to: [victor.young@sfgov.org](mailto: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. every Monday of each month. Committee agendas and their associated documents are available at <https://sfbos.org/committees>.*

*Please visit the Board's website ([www.sfbos.org](http://www.sfbos.org)) regularly to be updated on the current situation as it affects the legislative process. For more information contact the Clerk, Victor Young, at (415) 554-7723 or [victor.young@sfgov.org](mailto:victor.young@sfgov.org).*

### **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.*

## COMMUNICATIONS

*Victor Young, Rules Committee Clerk, instructed members of the public, when general public comment is called, to contribute live comments for up to two minutes by dialing the provided telephone number. When connected, they will receive another prompt to dial \* 3 to be added to the queue to speak. Make sure to call from a quiet location, speak clearly and slowly, and turn down your television or radio. Written comments may be submitted through email ([victor.young@sfgov.org](mailto:victor.young@sfgov.org)) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.*

## AGENDA CHANGES

*There were no agenda changes.*

## REGULAR AGENDA

**220539 [Campaign and Governmental Conduct Code - Behested Payments Exceptions]****Sponsors: Peskin; Safai, Chan, Walton, Preston and Mar**

Ordinance amending the Campaign and Governmental Conduct Code to modify the rules concerning behested payment solicitations, by excepting solicitations made under certain types of City programs to solicit, request, and contractually obligate charitable donations through competitively procured contracts; providing that the receipt of a non-discretionary license, permit, or other entitlement for use does not make a person an interested party; providing that attempting to influence an administrative action does not make a person an interested party; excepting solicitations made in connection with the City's acquisition of real property; and making other clarifying changes.

(Pursuant to Campaign and Governmental Conduct Code, Section 3.204, this matter requires two-thirds vote of the full membership of the Board of Supervisors (8 votes) for passage.)

05/10/22; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/9/2022.

05/25/22; REFERRED TO DEPARTMENT. Referred to the Department of Elections and Ethics Commission for informational purposes.

06/07/22; SUBSTITUTED AND ASSIGNED UNDER 30 DAY RULE to Rules Committee. Supervisor Peskin introduced a substitute Ordinance bearing a new title.

06/14/22; SUBSTITUTED AND ASSIGNED to Rules Committee. Supervisor Peskin introduced a substitute Ordinance bearing a new title.

06/18/22; REFERRED TO DEPARTMENT. Rereferred to departments.

09/12/22; CONTINUED. Heard in Committee. Speakers: Anne Pearson (Office of the City Attorney); provided an overview and responded to questions raised throughout the discussion. Joshua Steinberger; Ms. Learner; Allison Dotco; Jen Curran; spoke in support of the matter. David Pilpel; Francisco Da Costa; Louis Scott; Charles Sten; provided information on the matter.

*Heard in Committee. Speakers: Catherine Howard; Charles; spoke in support of the matter. Francisco Da Costa; David Pilpel; provided information on the matter.*

**Supervisor Peskin AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE to narrow the prohibition against soliciting from persons involved in administrative enforcement and legislative action; excepting solicitations made in connection with certain types of City contracts; shorten the time periods for the prohibition as to solicitations from City contractors; excepting payments less than \$1,000; authorizing the Board of Supervisors to grant waivers; expand the prohibition against soliciting from lobbyists; and making other conforming and clarifying changes; by the following vote:**

Ayes: 3 - Peskin, Mandelman, Chan

Ordinance amending the Campaign and Governmental Conduct Code to modify the rules concerning behested payment solicitations, by 1) excepting solicitations made under certain types of City programs to solicit, request, and contractually obligate charitable donations through competitively procured contracts; 2) narrowing the prohibition against soliciting from persons involved in administrative enforcement, licenses, permits, or other entitlements for use; 3) narrowing the prohibition against soliciting from persons who have attempted to influence legislative or administrative actions; 4) excepting solicitations made in connection with certain types of City contracts; 5) shortening the time periods for the prohibition as to solicitations from City contractors; 6) excepting payments less than \$1,000; 7) authorizing the Board of Supervisors to grant waivers by resolution; 8) expanding the prohibition against soliciting from registered lobbyists; and 9) making other clarifying changes.

(Pursuant to Campaign and Governmental Conduct Code, Section 3.204, this matter requires two-thirds vote of the full membership of the Board of Supervisors (8 votes) for passage.)

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

Ayes: 3 - Peskin, Mandelman, Chan

**220871 [Appointments, Inclusionary Housing Technical Advisory Committee - Peter Cohen, Fernando Marti, Whitney Jones, and Shannon Way]**

Hearing to consider appointing four members to the Inclusionary Housing Technical Advisory Committee, for terms expiring three months after the date the City Controller produces the Economic Feasibility Analysis of the inclusionary affordable housing obligations required by Planning Code, Section 415.10. (Clerk of the Board)

Seat 1, new appointment, must have experience and expertise in the development finance, for a term expiring three months after the date the City Controller produces the Economic Feasibility Analysis of the inclusionary affordable housing obligations required by Planning Code, Section 415.10. Seat 2, new appointment, must have experience and expertise in the development finance, for a term expiring three months after the date the City Controller produces the Economic Feasibility Analysis of the inclusionary affordable housing obligations required by Planning Code, Section 415.10. Seat 3, new appointment, must have experience and expertise in the development finance, for a term expiring three months after the date the City Controller produces the Economic Feasibility Analysis of the inclusionary affordable housing obligations required by Planning Code, Section 415.10. Seat 4, new appointment, must have experience and expertise in the development finance, for a term expiring three months after the date the City Controller produces the Economic Feasibility Analysis of the inclusionary affordable housing obligations required by Planning Code, Section 415.10.

07/21/22; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speakers: Peter Cohen; Fernando Marti; Whitney Rice Jones; Shannon Way; spoke on their qualifications and answered questions raised throughout the discussion. Ms. Roan; Robert Young; Robert Supman; Anastasia Anopolis; spoke neither in support nor against the appointment applicant name. Tracy Flanderick; Speaker; Speaker; spoke in support of the appointment of various applicants.*

*Peter Cohen, seat 1, recommended (residency requirement waived).*

*Fernando Marti, seat 2, recommended.*

*Whitney Rice Jones, seat 3, recommended.*

*Shannon Way, seat 4, recommended (residency requirement waived).*

**PREPARED IN COMMITTEE AS A MOTION**

Hearing to consider appointing Motion appointing Peter Cohen (residency requirement waived), Fernando Marti, Whitney Jones, and Shannon Way (residency requirement waived) to the Inclusionary Housing Technical Advisory Committee, for terms expiring three months after the date the City Controller produces the Economic Feasibility Analysis of the inclusionary affordable housing obligations required by Planning Code, Section 415.10. (Clerk of the Board)

Peter Cohen (residency requirement waived), seat 1, initial appointment, must have experience and expertise in the development finance, for a term expiring three months after the date the City Controller produces the Economic Feasibility Analysis of the inclusionary affordable housing obligations required by Planning Code, Section 415.10.

Fernando Marti, seat 2, initial appointment, must have experience and expertise in the development finance, for a term expiring three months after the date the City Controller produces the Economic Feasibility Analysis of the inclusionary affordable housing obligations required by Planning Code, Section 415.10.

Whitney Jones, seat 3, initial appointment, must have experience and expertise in the development finance, for a term expiring three months after the date the City Controller produces the Economic Feasibility Analysis of the inclusionary affordable housing obligations required by Planning Code, Section 415.10.

Shannon Way (residency requirement waived), seat 4, initial appointment, must have experience and expertise in the development finance, for a term expiring three months after the date the City Controller produces the Economic Feasibility Analysis of the inclusionary affordable housing obligations required by Planning Code, Section 415.10.

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

Ayes: 3 - Peskin, Mandelman, Chan

#### **220906 [Mayoral Appointment, Planning Commission - Derek Braun]**

Motion approving/rejecting the Mayoral nomination for the appointment of Derek Braun to the Planning Commission, for a term ending June 30, 2026. (Clerk of the Board)

(Charter, Section 4.105, provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days from the date the nomination is transmitted to the Clerk, then the nominee shall be deemed approved. Transmittal date: July 29, 2022.)

09/06/22; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speakers: Derek Braun; spoke on their qualifications and answered questions raised throughout the discussion. David Hill; Speaker; Christopher Yee; Ryan Bernal; Speaker; Jess Grosberg; Jet Wollberg; Speaker; Kevin Low; spoke in support of the appointment of Derek Braun. Francisco Da Costa; spoke in opposition of the appointment of Derek Braun. Ossie Ram; Catherine Howard; Anastasia Anopolis; Tracy Flanderick; Sue Hestor; spoke neither in support nor against the appointment of Derek Braun.*

**Chair Peskin moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING A NEW TITLE, to approve the mayor's nomination for board appointment and making clarifying and conforming changes. The motion carried by the following vote:**

Ayes: 3 - Peskin, Mandelman, Chan

Motion approving the Mayoral nomination for the appointment of Derek Braun to the Planning Commission, for a term ending June 30, 2026. (Clerk of the Board)  
(Charter, Section 4.105, provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days from the date the nomination is transmitted to the Clerk, then the nominee shall be deemed approved. Transmittal date: July 29, 2022.)

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

Ayes: 3 - Peskin, Mandelman, Chan

### **220905 [Mayoral Reappointment, Planning Commission - Rachael Tanner]**

Motion approving/rejecting the mayoral nomination for the reappointment of Rachael Tanner to the Planning Commission, for a term ending June 30, 2026. (Clerk of the Board)  
(Charter, Section 4.105, provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days from the date the nomination is transmitted to the Clerk, then the nominee shall be deemed approved. Transmittal date: July 29, 2022.)

07/29/22; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speakers: Rachael Tanner; spoke on their qualifications and answered questions raised throughout the discussion. Speaker; Scott; Manny Coppal; Demanche; spoke in support of the reappointment of Rachael Tanner. Ossie Ram; Anastasia Anopolis; spoke neither in support nor against the reappointment Rachel Tanner.*

**Chair Peskin moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING A NEW TITLE, to approve the mayor's nomination for board appointment and making clarifying and conforming changes. The motion carried by the following vote:**

Ayes: 3 - Peskin, Mandelman, Chan

Motion approving the mayoral nomination for the reappointment of Rachael Tanner to the Planning Commission, for a term ending June 30, 2026. (Clerk of the Board)  
(Charter, Section 4.105, provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days from the date the nomination is transmitted to the Clerk, then the nominee shall be deemed approved. Transmittal date: July 29, 2022.)

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

Ayes: 3 - Peskin, Mandelman, Chan

*Chair Peskin requested that File Nos. 220936, 220937, and 220939 be called and heard together.*

**220936 [Mayoral Reappointment, Public Utilities Commission - Sophie Maxwell]**

Motion approving/rejecting the Mayor's nomination for the reappointment of Sophie Maxwell to the Public Utilities Commission, for a term ending August 1, 2026. (Clerk of the Board)  
(Charter, Section 4.112, provides that the Board of Supervisors shall confirm the Mayor's appointment by a majority of the Board of Supervisors. Transmittal date: August 26, 2022.)

09/06/22; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speakers: Sophie Maxwell; Newsha Ajami; Tony Rivera; spoke on their qualifications and answered questions raised throughout the discussion. Shaun Bufford; Floyd Robinson; David Pilpel; spoke in support of the appointment of various applicants. Eileen Boken; spoke neither in support nor against the appointment of various applicants.*

**Chair Peskin moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING A NEW TITLE, to approve the mayor's nomination for board appointment and making clarifying and conforming changes. The motion carried by the following vote::**

Ayes: 3 - Peskin, Mandelman, Chan

Motion approving the Mayor's nomination for the reappointment of Sophie Maxwell to the Public Utilities Commission, for a term ending August 1, 2026. (Clerk of the Board)  
(Charter, Section 4.112, provides that the Board of Supervisors shall confirm the Mayor's appointment by a majority of the Board of Supervisors. Transmittal date: August 26, 2022.)

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

Ayes: 3 - Peskin, Mandelman, Chan

**220937 [Mayoral Appointment, Public Utilities Commission - Newsha Ajami]**

Motion approving/rejecting the Mayor's nomination for the appointment of Newsha Ajami to the Public Utilities Commission, for a term ending August 1, 2024. (Clerk of the Board)  
(Charter, Section 4.112, provides that the Board of Supervisors shall confirm the Mayor's appointment by a majority of the Board of Supervisors. Transmittal date: August 26, 2022.)

Seat 1, succeeding Ed Harrington, resigned, for the unexpired portion of a four-year term ending August 1, 2024.

09/06/22; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speakers: Sophie Maxwell; Newsha Ajami; Tony Rivera; spoke on their qualifications and answered questions raised throughout the discussion. Shaun Bufford; Floyd Robinson; David Pilpel; spoke in support of the appointment of various applicants. Eileen Boken; spoke neither in support nor against the appointment of various applicants.*

**Chair Peskin moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING A NEW TITLE, to approve the mayor's nomination for board appointment and making clarifying and conforming changes. The motion carried by the following vote:**

Ayes: 3 - Peskin, Mandelman, Chan

Motion approving the Mayor's nomination for the appointment of Newsha Ajami to the Public Utilities Commission, for a term ending August 1, 2024. (Clerk of the Board)  
(Charter, Section 4.112, provides that the Board of Supervisors shall confirm the Mayor's appointment by a majority of the Board of Supervisors. Transmittal date: August 26, 2022.)

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

Ayes: 3 - Peskin, Mandelman, Chan

**220939 [Mayoral Appointment, Public Utilities Commission - Tony Rivera]**

Motion approving/rejecting the Mayor's nomination for the appointment of Tony Rivera to the Public Utilities Commission, for a term ending August 1, 2024. (Clerk of the Board)  
(Charter, Section 4.112, provides that the Board of Supervisors shall confirm the Mayor's appointment by a majority of the Board of Supervisors. Transmittal date: August 26, 2022.)

09/06/22; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speakers: Sophie Maxwell; Newsha Ajami; Tony Rivera; spoke on their qualifications and answered questions raised throughout the discussion. Shaun Bufford; Floyd Robinson; David Pilpel; spoke in support of the appointment of various applicants. Eileen Boken; spoke neither in support nor against the appointment of various applicants.*

**Chair Peskin moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING A NEW TITLE, to approve the mayor's nomination for board appointment and making clarifying and conforming changes. The motion carried by the following vote:**

Motion approving the Mayor's nomination for the appointment of Tony Rivera to the Public Utilities Commission, for a term ending August 1, 2024. (Clerk of the Board)  
(Charter, Section 4.112, provides that the Board of Supervisors shall confirm the Mayor's appointment by a majority of the Board of Supervisors. Transmittal date: August 26, 2022.)

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

Ayes: 3 - Peskin, Mandelman, Chan

**220728 [Presidential Appointment, Board of Appeals - Jefferson Robert Eppler]**

Motion approving/rejecting the President of the Board of Supervisors Shamann Walton's nomination of Jefferson Robert Eppler for appointment to the Board of Appeals, for a term ending July 1, 2026. (Clerk of the Board)

(Charter, Section 4.106, provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date: September 9, 2022.)

09/13/22; RECEIVED AND ASSIGNED to Rules Committee.

*Heard in Committee. Speakers: Jefferson Robert Eppler; spoke on their qualifications and answered questions raised throughout the discussion. David Pilpel; Rick Swigg (President, Board of Appeals); spoke in support of the appointment of Jefferson Robert Eppler.*

**Chair Peskin moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING A NEW TITLE, to approve the President's nomination for board appointment and making clarifying and conforming changes. The motion carried by the following vote:**

Ayes: 3 - Peskin, Mandelman, Chan

Motion approving the President of the Board of Supervisors Shamann Walton's nomination of Jefferson Robert Eppler for appointment to the Board of Appeals, for a term ending July 1, 2026. (Clerk of the Board)

(Charter, Section 4.106, provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date: September 9, 2022.)

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

Ayes: 3 - Peskin, Mandelman, Chan



## ADJOURNMENT

*There being no further business, the Rules Committee adjourned at the hour of 12:20 p.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.*