



City and County of San Francisco
Meeting Minutes
Budget and Finance Committee

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

Members: John Avalos, Ross Mirkarimi, Sean Elsbernd

Clerk: Victor Young (415) 554-7723

Wednesday, November 3, 2010

11:00 AM

City Hall, Legislative Chamber, Room 250

Regular Meeting

Present: 2 - John Avalos and Ross Mirkarimi

Excused: 1 - Sean Elsbernd

MEETING CONVENED

The meeting convened at 11:00 a.m.

REGULAR AGENDA

101099 [Business and Tax Regulations Code - Common Administrative Provisions; Parking Tax; Business Registration]

Sponsors: Mirkarimi; Dufty

Ordinance amending the San Francisco Business and Tax Regulations Code by: (1) amending Article 6 (Common Administrative Provisions) to revise provisions relating to: certificates of authority to collect third-party taxes; prepayment and remittance requirements for hotel and parking operators; enforcement procedures and penalties; and to otherwise clarify and update the provisions of Article 6; (2) amending Article 9 (Tax on Occupancy of Parking Space in Parking Stations), Article 10 (Utility Users Tax), and Article 12 (Business Registration), to lengthen the time period that service suppliers must preserve records from 4 years to 5 years and to extend the payment date of the registration certificate; and (3) repealing Sections 608 through 608.8 of Article 9 (Tax on Occupancy of Parking Space in Parking Stations); and (4) amending the San Francisco Administrative Code by amending Article XIII (Funds), Chapter 10 (Finance, Taxation, and Other Fiscal Matters), to correct references to the California Government Code.

08/10/10; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 9/9/2010.

09/14/10; SUBSTITUTED AND ASSIGNED to Budget and Finance Committee.

10/27/10; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee.

Speakers: David Augustine, Treasurer's Office; Cheryl Adams, Deputy City Attorney; Walter Paulson; Officer Stewart, Police Department.

10/27/10 - Amendment of the whole bearing the same title.

10/27/10; CONTINUED AS AMENDED. Continued to November 3, 2010.

Heard in Committee. Speakers: None.

RECOMMENDED by the following vote:

Ayes: 2 - Avalos, Mirkarimi

Excused: 1 - Elsbernd

**101100 [Business and Tax Regulations Code - Adding to the Definition of "Control",
Revising the Enforcement Authority, and Making Other Nonsubstantive Changes]
Sponsors: Mirkarimi; Dufty**

Ordinance amending Article 22 of the Business and Tax Regulations Code by amending Sections 2201 through 2210, 2215, 2216, 2218, 2220, 2225, 2226, 2229, 2230, 2232, and 2233 and repealing Sections 2217, 2223, 2224, and 2237, to establish a presumption that certain operators, signatories and owners control the business affairs of the parking station, revise the Enforcing Agency's authority to permit the use of all authority granted by law and by Article 6 of this Code, and make other nonsubstantive changes.

08/10/10; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 9/9/2010.

09/14/10; SUBSTITUTED AND ASSIGNED to Budget and Finance Committee.

10/27/10; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: David Augustine, Treasurer's Office; Cheryl Adams, Deputy City Attorney; Walter Paulson; Officer Stewart, Police Department.

10/27/10 - Amendment of the whole bearing the same title.

10/27/10; CONTINUED AS AMENDED. Continued to November 3, 2010.

Heard in Committee. Speakers: None.

RECOMMENDED by the following vote:

Ayes: 2 - Avalos, Mirkarimi

Excused: 1 - Elsbernd

**101356 [Assessment Ballots for City-Owned Parcels for Proposed Ocean Avenue
Community Benefits District]**

Sponsor: Avalos

Resolution authorizing the Mayor to cast assessment ballots in the affirmative on behalf of the City and County of San Francisco as the owner of two parcels and part of a third parcel of real property over which the Board of Supervisors has jurisdiction, where those two parcels and the partial parcel would be subject to assessment in the proposed property and business improvement district to be named the Ocean Avenue Community Benefits District.

10/26/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Heard in Committee. Speaker: Lisa Pagan, Office of Economic and Workforce Development.

RECOMMENDED by the following vote:

Ayes: 2 - Avalos, Mirkarimi

Excused: 1 - Elsbernd

101297 [Reserved Funds - San Francisco Public Utilities Commission - \$298,408,678]

Hearing to consider release of reserved funds, San Francisco Public Utilities Commission (File No. 100337, Ordinance No. 92-10), in the amount of \$298,408,678 to fund the construction for the Water System Improvement Program (WSIP) Project CUW367 - Harry Tracy Water Treatment Plant Long Term Improvement. (Public Utilities Commission)

10/15/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Heard in Committee. Speakers: Ed Harington, General Manager, and Julie Labonte, San Francisco Public Utilities Commission; Harvey Rose, Budget and Legislative Analyst.

11/3/10 - Amended to accept the Budget and Legislative Analyst recommendations to: 1) increase the release amount to \$298,408,678; 2) Replace the existing Budget and Finance Reserve with a Controller's Reserve; 3) Release the estimated additional needed non-construction amount of \$19,153,678; and 4) Request the Controller to return any remaining unneeded funds to a Budget and Finance Committee Reserve.

AMENDED

Hearing to consider release of reserved funds, San Francisco Public Utilities Commission (File No. 100337, Ordinance No. 92-10), in the amount of \$298,408,678 to fund the construction for the Water System Improvement Program (WSIP) Project CUW367 - Harry Tracy Water Treatment Plant Long Term Improvement. (Public Utilities Commission)

The Release of \$298,408,678 was approved and filed.

APPROVED AND FILED by the following vote:

Ayes: 2 - Avalos, Mirkarimi

Excused: 1 - Elsbernd

101302 [Harry Tracy Water Treatment Plant Improvements Project Findings]

Resolution adopting findings under the California Environmental Quality Act (CEQA), including the adoption of a mitigation monitoring and reporting program and a statement of overriding considerations related to the Harry Tracy Water Treatment Plant Long-Term Improvements Project No. CUW36701, part of the Water System Improvement Program, for the improvements to the regional water supply system and directing the Clerk of the Board of Supervisors to notify the Controller of this action. (Public Utilities Commission)

10/15/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Heard in Committee. Speakers: Ed Harington, General Manager, and Julie Labonte, San Francisco Public Utilities Commission; Harvey Rose, Budget and Legislative Analyst.

RECOMMENDED by the following vote:

Ayes: 2 - Avalos, Mirkarimi

Excused: 1 - Elsbernd

LITIGATION

Conference with City Attorney

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

Motion that the Budget and Finance 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 settlement of anticipated litigation to be filed by Skyline Stables Corporation. Government Code Section 54956.9(b) and San Francisco Administrative Code Section 67.10(d)(2) permit this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the anticipated litigation.

Public Comment on the Motion to Convene in Closed Session. Speakers: None.

The motion to convene in closed session passed by the following vote:

Ayes: 2 - Avalos, Mirkarimi

Excused: 1 - Elsbernd

101357 [Settlement of Unlitigated Claims - Skyline Stables Corporation - \$650,000]

Sponsor: Avalos

Resolution approving the settlement of the unlitigated claims by and between Skyline Stables Corporation (Skyline) and City and County of San Francisco, related to the lease between Skyline and the San Francisco Public Utilities Commission (SFPUC) of a portion of the SFPUC Harry Tracy Water Treatment Plant (HTWTP) site in San Mateo County, the SFPUC approval of the HTWTP Long Term Improvement Project to improve water service reliability and seismic stability of the HTWTP, the SFPUC termination of Skyline's lease and Skyline's vacation of the lease premises, and SFPUC's offer to acquire the leasehold interest, calling for SFPUC to pay \$650,000 to Skyline, and including other material terms and conditions in a settlement and release agreement.

10/26/10; RECEIVED AND ASSIGNED to Budget and Finance Committee.

Public Comment: Speaker: Christine Hanson.

Speakers in Closed Session: Cheryl Adams and Noreen Ambrose, City Attorney's Office; Ed Harrington, General Manager, San Francisco Public Utilities Commission; Monique Zmuda, Deputy Controller; Ben Rosenfield, Controller; Rick Wilson, Mayor's Office.

RECOMMENDED by the following vote:

Ayes: 2 - Avalos, Mirkarimi

Excused: 1 - Elsbernd

Deputy City Attorney Cheryl Adams reported that the Budget and Finance Committee has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (b) and Administrative Code Section 67.10 (d)(2), 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.

The motion to not disclose closed session deliberation passed by the following vote:

Ayes: 2 - Avalos, Mirkarimi

Excused: 1 - Elsbernd

ADJOURNMENT

The meeting adjourned at 3:31 p.m.