



City and County of San Francisco

Meeting Agenda - Final

Rules Committee

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

Members: Norman Yee, London Breed, Malia Cohen

Clerk: Linda Wong (415) 554-7719

Thursday, March 7, 2013

1:30 PM

City Hall, Committee Room 263

Regular Meeting

AGENDA CHANGES

REGULAR AGENDA

1. **130209** **[Appointment, Historic Preservation Commission - Jonathan Pearlman]**
Motion approving/rejecting the Mayor's nomination for appointment of Jonathan Pearlman to the Historic Preservation Commission, Seat No. 3, for a term ending December 31, 2016. (Clerk of the Board)

(Section 4.135 of the City Charter 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 - February 26, 2013.)

3/1/13; RECEIVED AND ASSIGNED to the Rules Committee.

The chair intends to entertain a motion to refer this item to the full Board as a Committee Report for consideration on March 12, 2013.

2. **130210** **[Appointment, Historic Preservation Commission - Ellen Johnck]**
Motion approving/rejecting the Mayor's nomination for appointment of Ellen Johnck to the Historic Preservation Commission, Seat No. 5, for a term ending December 31, 2016. (Clerk of the Board)

(Section 4.135 of the City Charter 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 - February 26, 2013.)

3/1/13; RECEIVED AND ASSIGNED to the Rules Committee.

The chair intends to entertain a motion to refer this item to the full Board as a Committee Report for consideration on March 12, 2013.

3. **130115** **[Appointment, Port Commission - Mel Murphy]**
Motion confirming the Mayor's appointment of Mel Murphy, term ending May 1, 2016, to the Port Commission. (Mayor)

2/1/13; RECEIVED AND ASSIGNED to the Rules Committee.
4. **130212** **[Appointment, Bicycle Advisory Committee]**
Hearing to consider appointing one member, term ending November 19, 2014, to the Bicycle Advisory Committee. (Clerk of the Board)

Vacant seat 3, succeeding Marc Brandt, term expired, must be a nominee of District 3 Supervisor. The member shall serve the unexpired portion of a two-year term ending November 19, 2014, or for the tenure of the supervisor who nominated the member, whichever is shorter in duration.

3/1/13; RECEIVED AND ASSIGNED to the Rules Committee.

1 seat/ 1 applicant
Marc Brandt, seat 3
5. **130211** **[Appointment, Association of Bay Area Government Executive Board - Supervisor Malia Cohen]**
Motion amending Board of Supervisors Motion No. M13-031 to appoint Supervisor Malia Cohen to the Association of Bay Area Governments Executive Board, for a term ending June 30, 2013. (Clerk of the Board)

3/1/13; RECEIVED AND ASSIGNED to the Rules Committee.
6. **120899** **[Municipal Elections Code - Miscellaneous Amendments]**
Sponsor: Kim
Ordinance amending the Municipal Elections Code, Sections 100, 110, 200, 205, 220, 230, 260, 335, 500, and 590, and adding Section 810, to: incorporate state law provisions governing Community College and Board of Education candidates; change deadlines for withdrawal of candidacy and candidate qualification statements; change the public inspection period for candidate materials; change requirements for petition circulator badges; delete the requirement that a disclaimer appear before Board of Supervisors' arguments in the Voter Information Pamphlet; incorporate state law provisions governing signatures in lieu of filing fees; reinstate candidate filing fee provisions; and make other technical amendments.

9/11/12; ASSIGNED UNDER 30 DAY RULE to the Rules Committee.

9/22/12; REFERRED TO DEPARTMENT.

2/7/13; CONTINUED.

2/21/13; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

2/21/13; CONTINUED AS AMENDED.

7. **121156 [Appointment, Reentry Council]**
Hearing to consider appointing one member, term ending July 17, 2013, to the Reentry Council. (Clerk of the Board)
- Vacant seat 4, succeeding Ronnie Muniz, resigned, for the unexpired portion of a two-year term ending July 17, 2013. Member must be a former inmate in the San Francisco County Jail, a California Department of Corrections and Rehabilitation facility, and/or a United States Bureau of Prison facility. The member must also have served multiple terms of incarceration. (Pursuant to San Francisco Administrative Code Section 5.1, all members of the Council shall be exempt from the Charter requirement that they be electors of the City and County of San Francisco.)
- 10/15/12; RECEIVED AND ASSIGNED to the Rules Committee.
- 1/17/13; CONTINUED TO CALL OF THE CHAIR.
- 1 seat/ 11 seats*
Alvin Siu, seat 4
Bradley Reiss, seat 4
Dennis Kinkle, seat 4
Jamie Brewster, seat 4
Kathleen Culhane, seat 4
Malik Wade, seat 4
Michael Santos, seat 4
Noel Valdivia Sr., seat 4
Robert Bowden, seat 4
Stephen Fields, seat 4
Toni Scott, seat 4

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.

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

8. **130111 [Settlement of Lawsuit - Derek Kerr, M.D. - \$750,000]**
Ordinance authorizing settlement of the lawsuit filed by Derek Kerr, M.D., against the City and County of San Francisco for \$750,000; the lawsuit was filed on November 16, 2010, in United States District Court of California, Case No. C-10-5733 CW; entitled Derek Kerr, M.D. v. City and County of San Francisco, et al. (City Attorney)
- 2/1/13; RECEIVED FROM DEPARTMENT.
- 2/12/13; RECEIVED AND ASSIGNED to the Rules Committee.

- 9. 130112 [Settlement of Lawsuit - Rissa Kossen, et al. - \$27,500]**
Ordinance authorizing settlement of the lawsuit filed by Rissa Kossen and Cameron Kossen against the City and County of San Francisco for \$27,500; the lawsuit was filed on December 1, 2011, in San Francisco County Superior Court, Case No. CGC-11-517538; entitled Rissa Kossen and Cameron Kossen, et al. v. City and County of San Francisco, et al.; other material terms of said settlement is full payment of San Francisco General Hospital's lien. (City Attorney)

2/11/13; RECEIVED FROM DEPARTMENT.

2/12/13; RECEIVED AND ASSIGNED to the Rules Committee.
- 10. 130113 [Settlement of Lawsuit - Ana Guevara - \$75,000]**
Ordinance authorizing settlement of the lawsuit filed by Ana Guevara against the City and County of San Francisco for \$75,000; the lawsuit was filed on October 13, 2011, in San Francisco Superior Court, Case No. CGC-11-515089; entitled Ana Guevara v. City and County of San Francisco, et al. (City Attorney)

2/11/13; RECEIVED FROM DEPARTMENT.

2/12/13; RECEIVED AND ASSIGNED to the Rules Committee.
- 11. 130135 [Settlement of Lawsuit - Shawn and Sarah Myers - \$200,000]**
Ordinance authorizing settlement of the lawsuit filed by Shawn and Sarah Myers against the City and County of San Francisco for \$200,000; the lawsuit was filed on February 27, 2008, in United States District Court, Case No. 08-cv-1163; entitled Shawn Myers, et al., v. City and County of San Francisco, et al. (City Attorney)

2/11/13; RECEIVED FROM DEPARTMENT.

2/26/13; RECEIVED AND ASSIGNED to the Rules Committee.
- 12. 130136 [Settlement of Lawsuit - Veronica Hinkley Reck - \$70,000]**
Ordinance authorizing settlement of the lawsuit filed by Veronica Hinkley Reck against the City and County of San Francisco for \$70,000; the lawsuit was filed on July 27, 2011, in Alameda Superior Court, Case No. RG-11-587571; entitled Veronica Hinkley Reck, et al. v. City and County of San Francisco, et al. (City Attorney)

2/11/13; RECEIVED FROM DEPARTMENT.

2/26/13; RECEIVED AND ASSIGNED to the Rules Committee.
- 13. 130137 [Settlement of Unlitigated Claim - SF Works - \$110,000]**
Resolution approving the settlement of the unlitigated claim filed by the City and County of San Francisco against SF Works for \$110,000. (City Attorney)

2/11/13; RECEIVED FROM DEPARTMENT.

2/26/13; RECEIVED AND ASSIGNED to the Rules Committee.

- 14. 130164 [Settlement of Lawsuit - Mary Allen, et al. - \$40,000]**
Ordinance authorizing settlement of the lawsuit filed by Mary Allen against the City and County of San Francisco for \$40,000; the lawsuit was filed on October 22, 2010, in San Francisco Superior Court, Case No. CGC-10-504814; entitled Mary Allen, et al. v. City and County of San Francisco, et al.; other material terms of said settlement are dismissal with prejudice and a waiver of any and all monetary sanctions. (City Attorney)
- 2/20/13; RECEIVED FROM DEPARTMENT.
3/5/13; RECEIVED AND ASSIGNED to the Rules Committee.
- 15. 130165 [Settlement of Lawsuits - Greenwich Associates LLC and Octavia Associates LLC - \$360,632.36]**
Ordinance authorizing settlement of the lawsuits filed by Greenwich Associates LLC and Octavia Associates LLC against the City and County of San Francisco for \$360,632.36; the lawsuits were filed on September 26, 2012, in San Francisco County Superior Court, Case Nos. CGC-12-524729 and CGC-12-524730; entitled Greenwich Associates LLC v. City and County of San Francisco, et al. and Octavia Associates LLC v. City and County of San Francisco, et al. (City Attorney)
- 2/20/13; RECEIVED FROM DEPARTMENT.
3/5/13; RECEIVED AND ASSIGNED to the Rules Committee.
- 16. 130166 [Settlement of Lawsuit - Regina Potascher - \$87,500]**
Ordinance authorizing settlement of the lawsuit filed by Regina Potascher, by her conservator Kim Schwarcz against the City and County of San Francisco for \$87,500; the lawsuit was filed on November 14, 2011, in San Francisco Superior Court, Case No. CGC-11-515780; entitled Regina Potascher, by her conservator Kim Schwarcz, et al. v. City and County of San Francisco, et al. (City Attorney)
- 2/20/13; RECEIVED FROM DEPARTMENT.
3/5/13; RECEIVED AND ASSIGNED to the Rules Committee.
- 17. 130167 [Settlement of Lawsuit - Jane Martin, et al. - \$1,748,840.74]**
Ordinance authorizing settlement of remaining claims in the lawsuit filed by various plaintiffs against the City and County of San Francisco for \$1,748,840.74; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al., v. City and County of San Francisco, et al. (City Attorney)
- 2/25/13; RECEIVED FROM DEPARTMENT.
3/5/13; RECEIVED AND ASSIGNED to the Rules Committee.

[Elect To Disclose]

Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the Chair immediately to disclose that information.

[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.

ADJOURNMENT

Agenda Item Information

Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation
- 2) Budget and Legislative Analyst report
- 3) Department or Agency cover letter and/or report
- 4) Public correspondence

These items will be available for review at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, Reception Desk.

Meeting Procedures

The Board of Supervisors is the legislative body of the City and County of San Francisco. The Board has several standing committees where ordinances and resolutions are the subject of hearings at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers, and similar sound-producing electronic devices; 3) bringing in or displaying signs in the meeting room; and 4) standing in the meeting room.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the President or Chair at the beginning of each item or public comment, excluding City representatives, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

IMPORTANT INFORMATION: The public is encouraged to testify at Committee meetings. Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors. Written communications should be submitted to the Clerk of the Board, Clerk of a Committee or its members: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Communications which are not received prior to the hearing may be delivered to the Clerk of the Committee at the hearing and you are encouraged to bring enough copies for distribution.

LAPTOP COMPUTER FOR PRESENTATIONS: Contact City Hall Media Services at (415) 554-7490 to coordinate the use of the laptop computer for presentations. Presenters should arrive 30 minutes prior to the meeting to test their presentations on the computer.

AGENDA PACKET: Available for review in Clerk's Office, Room 244, City Hall, 1 Dr. Carlton B Goodlett Place, or on the internet at <http://www.sfbos.org/meetings>. Meetings are cablecast on SF Cable 26. Meetings are broadcast live on KPOO 89.5 FM. For DVD copies and scheduling call (415) 554-4188.

LANGUAGE INTERPRETERS: Requests must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Madeleine Licavoli at (415) 554-7722. **AVISO EN ESPAÑOL:** La solicitud para un traductor debe recibirse antes de mediodía de el viernes anterior a la reunion. Llame a Derek Evans (415) 554-7702.

翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7719

Disability Access

The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible. Meetings are real-time captioned and are cablecast open-captioned on SF Cable 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Madeleine Licavoli at (415) 554-7722 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and 71L. For more information about MUNI accessible services, call (415) 701-4485.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under The Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact by mail Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102; phone at (415) 554-7724; fax at (415) 554-7854; or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfbos.org/sunshine>

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site <http://www.sfgov.org/ethics>