



City and County of San Francisco

Meeting Agenda

Rules Committee

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

Members: Norman Yee, Katy Tang, David Campos

Clerk: Alisa Miller (415) 554-4447

Thursday, March 6, 2014

2:00 PM

City Hall, Committee Room 263

Regular Meeting

AGENDA CHANGES

REGULAR AGENDA

1. **140081** **[Administrative Code - Dissolving the Community Oversight Committee Regarding Enforcement of Marijuana Offenses]**
Ordinance amending the Administrative Code, by deleting Section 12X.6, to dissolve the Community Oversight Committee Regarding Enforcement of Marijuana Offenses. (Clerk of the Board)

1/28/14; ASSIGNED UNDER 30 DAY RULE to the Rules Committee.

2. **140165** **[Appointments, SRO Task Force]**
Hearing to consider appointing two members, terms ending December 31, 2015, to the SRO Task Force. (Clerk of the Board)

Vacant seat 2, succeeding Suresh Patel, term expired, must be a private SRO owner/operator, for the unexpired portion of a three-year term ending December 31, 2015. Vacant seat 6, succeeding Pratibha Tekkey, term expired, must be a representative of the Central City SRO Collaborative, for the unexpired portion of a three-year term ending December 31, 2015.

2/21/14; RECEIVED AND ASSIGNED to the Rules Committee.

2 seats / 2 applicants
Sam Patel, seat 2
Pratibha Tekkey, seat 6

3. **140178** **[Appointment, Commission on the Aging Advisory Council]**
Hearing to consider appointing one member, term ending March 31, 2015, to the Commission on the Aging Advisory Council. (Clerk of the Board)
- Vacant seat 11, succeeding Jerry Brown, term expired, must be a nominee of the District 9 Supervisor, the unexpired portion of a two-year term ending March 31, 2015.
- 2/28/14; RECEIVED AND ASSIGNED to the Rules Committee.
- 1 seat / 1 applicant*
Margie Ramirez, seat 11
4. **131208** **[Health Code - Restrictions on Sale and Use of Electronic Cigarettes]**
Sponsors: Mar; Avalos and Chiu
Ordinance amending the Health Code to prohibit the use of electronic cigarettes where smoking is otherwise prohibited; require a tobacco permit for the sale of electronic cigarettes; prohibit the sale of electronic cigarettes where the sale of tobacco products is otherwise prohibited; and making environmental findings.
- 12/17/13; ASSIGNED UNDER 30 DAY RULE to the Neighborhood Services and Safety Committee.
- 2/28/14; TRANSFERRED to the Rules Committee.
- 2/28/14; RESPONSE RECEIVED.

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.

5. **140114** **[Settlement of Lawsuit - State Farm Insurance Company - \$115,000]**
Ordinance authorizing settlement of the lawsuit filed by State Farm Insurance Company against the City and County of San Francisco for \$115,000; the lawsuit was filed on July 1, 2013, in Superior Court of California, County of San Francisco, Case No. CGC-13-532539; entitled State Farm General Insurance Company, v. City and County of San Francisco, et al. (City Attorney's Office)
- 2/7/14; RECEIVED FROM DEPARTMENT.
- 2/25/14; RECEIVED AND ASSIGNED to the Rules Committee.

6. **140115** **[Settlement of Claim - John C. Lyons - \$125,000]**
Resolution approving the settlement of the unlitigated claim filed by John C. Lyons against the City and County of San Francisco for \$125,000; claim was filed on February 5, 2013. (City Attorney's Office)

2/7/14; RECEIVED FROM DEPARTMENT.

2/25/14; RECEIVED AND ASSIGNED to the Rules Committee.
7. **140116** **[Settlement of Claim - California State Automobile Association Insurance Company - \$56,330.42]**
Resolution approving the settlement of the unlitigated claim filed by California State Automobile Association Insurance Company against the City and County of San Francisco for \$56,330.42; claim was filed on August 30, 2013. (City Attorney's Office)

2/7/14; RECEIVED FROM DEPARTMENT.

2/25/14; RECEIVED AND ASSIGNED to the Rules Committee.
8. **140118** **[Settlement of Lawsuit - Elevated Investors II, LLC - City to Receive \$20,000]**
Ordinance authorizing settlement of the writ action filed by the City and County of San Francisco against Assessment Appeals Board No. 1, and Elevated Investors II, LLC, as the real party in interest, in exchange for a payment of \$20,000 from Elevated Investors II LLC; the lawsuit was filed on June 12, 2009, in San Francisco Superior Court, Case No. CPF-11-511651; entitled City and County of San Francisco, et al., v. Assessment Appeals Board No. 1, (Elevated Investors II, LLC). (City Attorney's Office)

2/10/14; RECEIVED FROM DEPARTMENT.

2/25/14; RECEIVED AND ASSIGNED to the Rules Committee.
9. **140119** **[Settlement of Lawsuit - BRE/GLEN Portfolio Mezz 4, LLC - \$512,581.50]**
Ordinance authorizing settlement of the lawsuit filed by BRE/GLEN Portfolio Mezz 4, LLC, against the City and County of San Francisco for \$512,581.50; the lawsuit was filed on March 26, 2013, in San Francisco Superior Court, Case No. CGC-13-530011; entitled BRE/GLEN Portfolio Mezz 4, LLC v. City and County of San Francisco. (City Attorney's Office)

2/10/14; RECEIVED FROM DEPARTMENT.

2/25/14; 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 11, 2014.
10. **140137** **[Settlement of Lawsuit - Gabe Terry - \$125,000]**
Ordinance authorizing settlement of the lawsuit filed by Gabe Terry and Elena Wong Terry against the City and County of San Francisco for \$125,000; the lawsuit was filed on July 6, 2012, in San Francisco Superior Court, Case No. CGC-12-522132; entitled Gabe Terry, et al. v. City and County of San Francisco, et al. (City Attorney's Office)

2/12/14; RECEIVED FROM DEPARTMENT.

2/25/14; 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

LEGISLATION UNDER THE 30-DAY RULE

NOTE: The following legislation will not be considered at this meeting. Board Rule 3.22 provides that when an Ordinance or Resolution is introduced which would CREATE OR REVISE MAJOR CITY POLICY, the Committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general, the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply URGE action to be taken.

**140098 [Initiative Ordinance - Business and Tax Regulations Code - Tax on Sugar-Sweetened Beverages to Fund Food and Health Programs]
Sponsors: Mar, Wiener; Avalos, Campos, Chiu and Cohen**

Motion ordering submitted to the voters at an election to be held on November 4, 2014, an Ordinance amending the Business and Tax Regulations Code by adding a new Article 8, imposing a tax of two cents per ounce on the distribution of sugar-sweetened beverages, to fund City-operated programs and City grants for active recreation and improving food access, health, and nutrition, and to fund San Francisco Unified School District physical education, after-school physical activity, health, or nutrition programs, and school lunch and other school nutrition programs.

(Economic Impact)

2/4/14; ASSIGNED UNDER 30 DAY RULE to the Rules Committee.

2/18/14; REFERRED TO DEPARTMENT.

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>