

# Board of Supervisors



City Hall  
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San Francisco, CA 94102-4689  
Tel. No. 554-5184  
TDD No. 554-5227

## Legislation Introduced

December 15, 2009

### LEGISLATION INTRODUCED AT ROLL CALL

#### Introduced by Supervisors or Mayor

#### Ordinances

**091435 [Child Care Planning and Advisory Council Membership]**

**Sponsor:** Chiu

Ordinance amending San Francisco Administrative Code by amending section 5.200, to: (1) reduce the number of members of the Child Care Planning and Advisory Council ("Council") from 30 to 25, and provide for the appointment of 12 members by the Board of Supervisors, 12 members by the Board of Education and the joint appointment of one member by the Board of Supervisors and Board of Education; (2) provide for the establishment of a Council Executive Committee; and (3) amend the attendance, qualification, membership term, and compensation provisions for Council members. ASSIGNED UNDER 30 DAY RULE to Rules Committee.

**091436 [Accept and Expend U.S. Dept. of Justice/Office of Violence Against Women Grant and Amend Annual Salary Ordinance for FY 2009-2010 - \$698,970]**

**Sponsor:** Chiu

Ordinance authorizing the San Francisco District Attorney's Office to retroactively accept and expend a grant in the amount of \$698,970 from the U.S. Department of Justice/Office of Violence Against Women - Grants to Encourage Arrest Policies and Enforcement of Protection Orders for the purpose of improving the criminal justice systems' response to limited English proficiency victims of domestic violence, and amending Ordinance No. 183-09 (Annual Salary Ordinance, FY 2009-2010) to reflect the addition of one (1) grant-funded position (.50 FTE) in Class 8129 Victim Witness Investigator at District Attorney's Office. RECEIVED AND ASSIGNED to Public Safety Committee.

**091438 [De-Appropriating Police and Fire Department Salaries and Fringe Benefits for FY 2009-2010 - \$20,705,195]**

**Sponsor:** Daly

Ordinance de-appropriating \$20,705,195, including \$13,870,901 of salaries and fringe benefits representing 102.64 FTEs, or 366.98 annualized positions, of sworn officers in the Police Department, and \$6,834,294 of salaries and fringe benefits representing 49.70 FTEs, or 177.69 annualized positions, of firefighters in the Fire Department, effective March 20, 2009, for FY 2009-2010. RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 091441 [Recreation and Park Department—Animal Protections; Increasing Penalties for Park Code Violations]**  
**Sponsor:** Elsbernd  
 Ordinance amending the San Francisco Park Code by amending Section 4.01 to prohibit entrance into animal habitats or enclosures at the San Francisco Zoo and the bison paddock; amending Section 5.07 to prohibit feeding non-domesticated animals in parks; amending Section 5.08 to prohibit taunting or endangering animals at the Zoo or in the bison paddock; and amending Section 10.01 to increase the penalties for violation of the Park Code up to \$500 maximum for an infraction and up to \$1000 for a misdemeanor. ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee.
- 091443 [Prohibiting Smoking in Enclosed Areas, Certain Unenclosed Areas, and Sports Stadiums]**  
**Sponsor:** Mar  
 Ordinance amending Articles 19F and 19G of the San Francisco Health Code by amending Sections 1009.20, 1009.21, 1009.22, 1009.23, 1009.25, and 1009.81, adding Sections 1009.26, 1009.27, 1009.29, 1009.30, 1009.31, and 1009.32, and repealing Section 1009.24, to update findings and prohibit smoking in: 1) business establishments and bars regardless of whether owner-operated, 2) common areas of multi-unit housing complexes, 3) tourist lodging facilities, 4) tobacco shops, 5) charity bingo games, 6) unenclosed dining areas of restaurants, 7) service waiting areas, 8) areas outside entrances, exits and operable windows and vents of all buildings except at the curb of the nearest street, sidewalk or alley, 9) farmers markets, and 10) vehicles owned by the City and County of San Francisco; establishing obligations for property owners and managers to prevent smoking in prohibited areas; adding administrative procedures and penalties; deleting criminal penalties; adding provisions for cost recovery and liens; and making conforming changes in the Health Code. ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.
- 091444 [Energy Efficiency Steering Committee]**  
**Sponsor:** Mar  
 Ordinance amending the San Francisco Administrative Code by adding Article II to Chapter 5, Sections 5.2-1 through 5.2-8, to: create an Energy Efficiency Steering Committee to advise the Board of Supervisors on planning and decision-making regarding energy efficiency projects; provide for the Committee's membership, organization, and duties; and set a sunset date for the Committee. ASSIGNED UNDER 30 DAY RULE to Rules Committee.
- 091445 [Accept and Expend FY 09 Second Chance Youth Offender Reentry Initiative Grant - \$660,615 and Amend Annual Salary Ordinance, FY 2009 2010]**  
**Sponsor:** Maxwell  
 Ordinance authorizing the Juvenile Probation Department ("JPD"), on behalf of the City and County of San Francisco, to retroactively accept and expend a grant in the amount of \$660,615 from the Office of Justice Programs ("OJP") for the United States Department of Justice for funding under the FY 09 Second Chance Youth Offender Reentry Initiative ("Second Chance grant award"); and amending Ordinance No. 183-09 (Annual Salary Ordinance, FY 2009-2010) to reflect the addition of one Class 2910 Social Worker grant-funded position (0.60 FTE) at the San Francisco Public Defender's Office (PDR). RECEIVED AND ASSIGNED to Public Safety Committee.
- 091446 [Food Security Task Force]**  
**Sponsor:** Maxwell  
 Ordinance amending the San Francisco Health Code by amending Section 470.1, to modify the membership of the Food Security Task Force and to direct the Task Force to prepare an annual assessment of the state of hunger in San Francisco, and by amending Section 470.2, to extend the term of the Task Force. ASSIGNED UNDER 30 DAY RULE to Rules Committee.

- 091447 [Ordinance Levying Special Taxes within Special Tax District No. 2010-1 San Francisco Sustainable Financing]**  
**Sponsors:** Mayor; Mar and Dufty  
Ordinance to authorize and levy special taxes within City and County of San Francisco Special Tax District 2009-1 (San Francisco Sustainable Financing); authorize the Director of Public Finance to determine the Special Tax Rate and Amount to be levied each fiscal year; to establish the method for the collection of special taxes and other matters necessary or advisable in connection therewith. RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 091453 [Planning Code Amendment – Green Landscaping Ordinance]**  
**Sponsors:** Mayor; Chu and Dufty  
Ordinance amending various sections of the Planning Code to address screening, greening, street tree, and permeability requirements; creating definitions for “vehicle use area”, “ornamental fencing”, and “permeable surface”; amending the Public Works Code Section 805 to create requirements for the establishment of new street trees and replacement of dead street trees; and adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1. ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.
- 091454 [MOU - San Francisco Deputy Sheriffs’ Association - Unit 12A]**  
**Sponsor:** Mayor  
Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Sheriffs’ Association for Unit 12A, to be effective July 1, 2009, through June 30, 2012. RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 091455 [MOU - San Francisco Deputy Sheriffs’ Association - Unit 12B]**  
**Sponsor:** Mayor  
Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Sheriffs’ Association for Unit 12B, to be effective July 1, 2009 through June 30, 2012. RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 091456 [Accept and Expend FY 2009 Homeland Security Grant Program Grant - \$2,079,703 and Amend Annual Salary Ordinance, FY 2009-2010]**  
**Sponsor:** Mayor  
Ordinance authorizing the Department of Emergency Management to retroactively accept and expend a Fiscal Year 2009-2010 Homeland Security Grant Program grant in the amount of \$2,079,703 from the United States Department of Homeland Security, through the California Emergency Management Agency; amending Ordinance No. 183-09 (Annual Salary Ordinance, FY2009-2010) to reflect the addition of one Class 5277 Planner I grant-funded position (0.50 FTE) at the General Services Agency (GSA- ADM) and one Class 5278 Planner II grant-funded position (0.50 FTE) at the Department of Emergency Management. RECEIVED AND ASSIGNED to Public Safety Committee.

**091458 [Earthquake Safety and Emergency Response General Bond Obligation Bond Election - \$652,070,000]**

**Sponsors:** Mayor; Chiu, Avalos, Campos, Dufty and Mirkarimi

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, June 8, 2010, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: \$652,070,000 to finance the rehabilitation of Neighborhood Fire Stations, the Auxiliary Water Supply System and the construction of a Public Safety Building and a Forensic Sciences Center and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Chapter 37 of the San Francisco Administrative Code; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act ("CEQA") and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the bond; finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by the San Francisco Municipal Elections Code Section 510; complying with the restrictions on the use of bond proceeds specified in Section 53410 of the California Government Code; incorporating the provisions of the San Francisco Administrative Code, Section 5.30 - 5.36; and waiving the time requirements specified in Section 2.34 of the San Francisco Administrative Code. RECEIVED AND ASSIGNED to Budget and Finance Committee.

**091460 [Authorizing the Execution of an Option to Purchase Interests in the Properties Located at 1600 and 1670 Owens Street, San Francisco and Acquire Related Design and Construction Plans]**

**Sponsor:** Mayor

Ordinance approving City's execution of option agreement for purchase of (i) real property located at 1600 Owens Street, San Francisco, California for purpose of construction of new laboratory building for use by the City's Office of the Chief Medical Examiner and the Forensic Science Division, (ii) tenancy-in-common interest in the land and existing parking structure located at 1670 Owens Street San Francisco, California, (iii) rights to use existing permitted base building design and construction documents in connection with City's proposed construction of new laboratory building at 1600 Owens Street, and (iv) acquisition of rights and assumption of obligations under certain existing design and development contracts related to such proposed laboratory building construction; exempting acquisition by City of existing permitted base building design and construction documents and related design or construction contracts from Chapter 6 of City's Administrative Code; adopting findings under the California Environmental Quality Act and findings pursuant to the City Planning Code Section 101.1; and ratifying previous actions taken in connection therewith. RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 091461 [Payroll Expense Tax; Exclusion for Certain Employers Under the Health Care Security Ordinance]**  
**Sponsors:** Mayor; Duffy  
Ordinance amending the San Francisco Business and Tax Regulations Code, Payroll Expense Tax Ordinance, by adding Section 906.3 to defray the cost of compliance with the Health Care Security Ordinance for certain employers by making them eligible for the exclusion of up to \$133,333 per year in taxable payroll from the calculation of the payroll expense tax. RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 091464 [Early implementation of Two-Year Budget and Five-Year Financial Plan Requirements]**  
**Sponsors:** Mayor; Chiu  
Ordinance designating the Port, the Airport, and the Public Utilities Commission for early implementation of the two-year budget requirement under Charter Section 9.100 and the five-year financial plan requirement under Charter Section 9.119. RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 091465 [Appropriating \$1,743,767 of Library Capital Improvements Fund Balance for the Branch Library Improvement Program in the San Francisco Public Library for FY 2009-2010]**  
**Sponsor:** Mayor  
Ordinance appropriating \$1,743,767 of Library Capital Improvements Fund Balance, which consists of interest earnings from General Obligation Bond proceeds sold for the Branch Library Improvement Program and rent income from the Visitacion Valley Public Library, to fund capital projects at the Bayview and Visitacion Valley Library locations as part of the Branch Library Improvement Program in the San Francisco Public Library for Fiscal Year 2009-2010. RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 091251 [Development Fee Collection Procedure; Administrative Fee]**  
**Sponsor:** Mayor  
Ordinance amending the San Francisco Building Code by adding Section 107A.13 to establish a procedure for the Department of Building Inspection (DBI) to collect development impact and in lieu fees, to provide that the fees are payable prior to issuance of the first building permit or other document authorizing construction of the project, with an option for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge on the amount owed that would be deposited into the same fund that receives the development fees, to require that any in-kind public benefits required in lieu of payment of development fees are implemented prior to issuance of the first certificate of occupancy for the project, to require DBI to generate a Project Development Fee Report prior to issuance of the building or site permit for the project listing all fees due with the opportunity for an appeal of technical errors to the Board of Appeals, to establish a Development Fee Collection Unit within DBI and a fee for administering the program; adopting findings, including environmental findings. ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.

**091275 [Development Impact and In-Lieu Fees]**

**Sponsor:** Mayor

Ordinance amending the San Francisco Planning Code by creating Article 4 for development impact fees and development impact requirements that authorize the payment of in-lieu fees; by adding Section 402 to provide that all Planning Code development impact and in-lieu fees will be collected by the Department of Building Inspection prior to issuance of the first building permit or other document authorizing construction of the project, with an option for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge on the amount owed that would be deposited into the same fund that receives the fees; by requiring that any in-kind public improvements required in lieu of payment of development fees are implemented prior to issuance of the first certificate of occupancy for the project; by moving Planning Code Sections 139, a portion of 249.33, 313-313.15, 314-314.8, 315-315.9, 318-318.9, 319-319.7, 326-326.8, 327-327.6, and 331-331.6 and Chapter 38 of the San Francisco Administrative Code (Transit Impact Development Fee) to Article 4 and renumbering and amending the sections; adding introductory sections for standard definitions, payment and collection procedures, conditions of approval, dispute resolution and appeal procedures, waivers, reductions, and refunds, notice, lien procedures, annual Citywide development fee reports and fee adjustments, and development fee evaluations every five years; by providing for an appeal of technical fee calculation issues to the Board of Appeals rather than the Planning Commission; requiring the Controller to issue an annual Citywide Development Fee Report; deleting duplicative code provisions and using consistent definitions, language and organization throughout; adopting findings, including Section 302 and environmental findings; providing that the ordinance's operative date is March 15, 2010; and instructing the publisher to put a note at the original location of the renumbered sections stating that the text of those sections has been moved and providing the new section number. ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.

**Resolutions**

**091428 [Proclaiming December 18, 2009, International Migrants Day]**

**Sponsors:** Avalos; Campos and Mar

Resolution proclaiming December 18, 2009, International Migrants Day. ADOPTED 12/15/09

**091437 [Contract with Owners' Association for Administration/Management of Greater Union Square Business Improvement District]**

**Sponsor:** Chiu

Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the property-based business improvement district known as the "Greater Union Square Business Improvement District," pursuant to Section 36651 of the California Streets and Highways Code. RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**091439 [Paratransit Broker Agreement - Not to Exceed \$118,599,710]**

**Sponsor:** Dufty

Resolution approving a Paratransit Broker Agreement with Veolia Transportation, Inc., in an amount not to exceed \$118,599,710, for a five-year term ending June 30, 2015, with an optional five-year extension. RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 091440 [Accept and Expend Grant - Second Chance Act Prisoner Reentry Initiative - \$600,000]**  
**Sponsor:** Dufty  
 Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant from the Bureau of Justice Assistance in the amount of \$600,000 to provide direct services for adult state prisoners and parolees; for the period of October 1, 2009, through September 30, 2010. RECEIVED AND ASSIGNED to Public Safety Committee.
- 091442 [Contract to Transfer Airport Police Service, Assets and Liabilities from California Public Employees' Retirement System to San Francisco Employees' Retirement System]**  
**Sponsor:** Elsbernd  
 Resolution approving contract to transfer airport police service and associated assets and liabilities from the California Employees' Retirement System to the San Francisco Employees' Retirement System. RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 091448 [Resolution Determining Necessity to Incur Bonded Indebtedness - \$150,000,000]**  
 Revised as of 12/30/09  
**Sponsors:** Mayor; Mar and Dufty  
 Resolution determining necessity to incur bonded indebtedness in a maximum principal amount of \$150,000,000 within the boundaries of Special Tax District No. 2009-1 (San Francisco Sustainable Financing) and determining other matters in connection therewith. REFERRED TO BOARD SITTING AS A COMMITTEE OF THE WHOLE.
- 091449 [Resolution of Formation of Special Tax District No. 2009-1 San Francisco Sustainable Financing]**  
 Revised as of 12/30/09  
**Sponsors:** Mayor; Mar and Dufty  
 Resolution of formation to establish Special Tax District No. 2009-1 (San Francisco Sustainable Financing), establish boundaries of said special tax district, to describe the facilities to be financed, to establish an appropriations limit and to provide for other matters related thereto. REFERRED TO BOARD SITTING AS COMMITTEE OF THE WHOLE.
- 091451 [Resolution Authorizing Sale of Special Tax Bonds in an Amount not to Exceed \$10,000,000]**  
**Sponsors:** Mayor; Mar and Dufty  
 Resolution authorizing the issuance and sale of special tax bonds in an aggregate principal amount not to exceed \$10,000,000, and approving the form of a Fiscal Agent Agreement, a Purchase Contract and a Security Agreement and authorizing and approving other related actions in connection therewith. RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 091452 [Approving Administrative Terms and Conditions for San Francisco Sustainable Financing Program]**  
**Sponsors:** Mayor; Mar and Dufty  
 Resolution approving administrative terms and conditions for the San Francisco Sustainable Financing Program; identifying the San Francisco Department of the Environment or its City agency designee as the Program Administrator for the City; setting reporting requirements; authorizing the execution of an administrative services agreement; and related matters. RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 091457 [Earthquake Safety and Emergency Response General Obligation Bonds - \$652,070,000]**  
**Sponsors:** Mayor; Chiu, Avalos, Campos, Dufty and Mirkarimi  
 Resolution determining and declaring that the public interest and necessity demand the rehabilitation of Neighborhood Fire Stations, the Auxiliary Water Supply System and the construction of a Public Safety Building and a Forensic Sciences Center and the payment of related costs necessary or convenient for the foregoing purposes; finding that the estimated cost of \$652,070,000 for such improvements is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require incurring bonded indebtedness; finding that a portion of the proposed bond is not a project under the California Environmental Quality Act ("CEQA") and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 for the remaining portion of the proposed bond; finding that the proposed bond is in conformity with the priority policies of Planning Code Section 101.1(b) and with the General Plan consistency requirement of Charter Section 4.105 and Administrative Code Section 2A.53; and waiving the time limits set forth in Administrative Code Section 2.34. RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 091462 [Opposing the Stupak-Ellsworth-Pitts Amendment to restrict reproductive choice]**  
**Sponsor:** Alioto-Pier  
 Resolution opposing the Stupak-Ellsworth-Pitts Amendment that limits reproductive choice, urging the United States Senate to pass healthcare reform that preserves access to reproductive health services, urging conferees to remove the amendment, and commending members of the California congressional delegation who opposed the amendment. RECEIVED AND ASSIGNED to Board of Supervisors ADOPTION FAILED 12/15/09.
- 091463 [Calling on Congress to Pass Meaningful Healthcare Reform that Promotes a Holistic Approach to Women's Health, including Access to Reproductive Choice for all and a Robust Public Option]**  
**Sponsor:** Daly  
 Resolution calling on Congress to pass meaningful healthcare reform that promotes a holistic approach to women's health with access to reproductive choice for all and a robust public option; opposing the Stupak-Ellsworth-Pitts Amendment and an amendment proposed by Senator Ben Nelson that would limit reproductive choice; supporting a strong public option like that proposed by Senator John D. Rockefeller or Representative Raul Grijalva; urging the United States Senate to pass meaningful healthcare reform that ensures access to health services, including reproductive health; urging the US Senate to continue opposing the inclusion of anti-choice language in health care reform; encouraging conferees to remove the Stupak amendment and include a robust public option; and commending members of the California congressional delegation who supported a robust public option and opposed the restrictions on reproductive choice. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## **Motions**

- 091466 [2010 Board of Supervisors Regular Meeting Schedule]**  
 Motion revising the 2010 Board of Supervisors regular meeting schedule by canceling the Board meetings of January 19, February 16, June 1, July 6, October 12, and November 30; and by further canceling all Board and Committee meetings during the summer and winter breaks from August 11 through September 3, 2010 and December 15 through December 31, 2010. (Clerk of the Board). REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.



## **Charter Amendments**

**091429 [Establishing Film Commission, its Membership, Qualifications, and Powers]**

**Sponsor:** Alioto-Pier

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by adding Section 5.107 to establish a Film Commission, establish its membership and qualifications, establish duties, and provide for the issuance of film permits. ASSIGNED UNDER 30 DAY RULE to Rules Committee.

**091430 [Allowing the Board of Supervisors to Designate Certain Appropriations as Mandates to Expend the Money Appropriated]**

**Sponsor:** Avalos

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Sections 9.103 and 9.104 to: 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; require the relevant City departments to report to the Board on their plans for expenditure of the money appropriated; and, 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. ASSIGNED UNDER 30 DAY RULE to Rules Committee.

**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. ASSIGNED UNDER 30 DAY RULE to Rules Committee.

**091432 [Zero Tolerance for Firefighters Drinking on Duty]**

**Sponsor:** Daly

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by adding Section 16.126 to make it unlawful for any uniformed member of the Fire Department to consume an alcoholic beverage while on duty, and making violation grounds for dismissal and a misdemeanor. ASSIGNED UNDER 30 DAY RULE to Rules Committee.

**091433 [Reducing Employer Retirement Benefit Costs]**

**Sponsor:** Elsbernd

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Sections A8.409-5, A8.506, A8.506-2, A8.506-3, A8.510, A8.590-4 and A8.590-5, 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: prohibit the City and County from paying any required employee contributions to the San Francisco Employees' Retirement System or the California Public Employees' Retirement System; require the difference between the City and County's contribution to SFERS set by the Retirement Board each year and the employer normal cost rate to be deposited into either the Retiree Health Care Trust Fund, Retirement System Trust Fund, or both, the allocation to be determined jointly by the Controller, Treasurer and Retirement System Executive Director; establish an employee contribution rate of nine percent for all employees hired after June 8, 2010 who become members of the California Public Employees' Retirement System; require all contracts with CalPERS for persons hired after June 8, 2010 to include a three-year formula for the calculation of final compensation to the fullest extent possible; create a new retirement plan for miscellaneous officers and employees hired after June 8, 2010 that modifies the average final compensation calculation from a one-year formula to a three-year formula; and create new retirement plans for safety members hired after June 8, 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. ASSIGNED UNDER 30 DAY RULE to Rules Committee.

**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. ASSIGNED UNDER 30 DAY RULE to Rules Committee.

**PROPOSED ORDINANCE**

**091387 [Settlement of Lawsuit - San Franciscans for Livable Neighborhoods - \$141,692.50]**

Ordinance authorizing settlement of the lawsuit filed by San Franciscans for Livable Neighborhoods against the City and County of San Francisco for \$141,692.50 for attorneys' fees; the lawsuit was filed on November 30, 2004, in San Francisco Superior Court, Case No. 504-780; entitled San Franciscans for Livable Neighborhoods v. City and County of San Francisco, et al.; other material terms of said settlement are that payment is to be made in two equal installments, one in calendar year 2010, one in calendar year 2011. RECEIVED AND ASSIGNED to Rules Committee.

**PROPOSED RESOLUTIONS**

## **Clerk to Act – December 15, 2009**

### **Requests Granted**

From: Supervisor Chiu

To: City Attorney

Requesting/Inquiring: Requesting the City Attorney to draft legislation removing unused, low-revenue, and unnecessary fees on Small Businesses assessed by the Department of Public Works, Department of Public Health, Police Department, and Entertainment Commission.

From: Supervisor Mirkarimi

To: City Attorney

Requesting/Inquiring: Supervisor Mirkarimi request the City Attorney to determine potential violations sponsored by Pacific Gas and Electric (PG&E) against San Francisco's Community Choice Aggregation (Clean Power SF) program as enabled by the California Public Utilities Commission Decision No. 05-12-041 (December 15, 2005), which states:

“We are also aware of the particular responsibility of the utilities that is imposed by Section 366.2©(9), which requires the utility to cooperate fully with any community choice aggregators that investigate, pursue, or implement community choice aggregation programs.’ The failure of a utility to cooperate in good faith with a CCA could cause the CCA or utility bundled customers to incur unnecessary costs and create unnecessary customer confusion. In our role to regulate the utilities that are the subject of this subsection, if we find that a utility has failed to comply with Section 366.2©(9) or relevant Commission order, we retain the authority to impose substantial penalties on the utility and cooperate in any law suit that seeks material damages.”

Supervisor Mirkarimi requests that the City Attorney brief the San Francisco Public Utilities Commission and Board of Supervisors.

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from newsstands at the following locations:

#### **San Francisco Bay Guardian**

Southeast corner of Fillmore & Post

Southwest corner of Divisadero & Sutter

9<sup>th</sup> Avenue & Judah (near bus stops)

7<sup>th</sup> Avenue & Irving (near bus stops)

Northwest corner of Hayes & Fillmore

Southeast corner of Fillmore & Haight

San Francisco Chronicle

Northwest corner of Fillmore & Hayes

Southeast corner of Haight & Fillmore

Irving & 9<sup>th</sup> Avenue

Irving & 7<sup>th</sup> Avenue

Southwest corner of Haight & Clayton

Southeast corner of Haight & Masonic

Examiner

Northwest corner of Fillmore & Hayes

Southeast corner of Haight & Fillmore

SF Daily

Northwest corner of Hayes & Gough

City Star

Northwest corner of Hayes & Gough

Southeast corner of Fillmore & Haight

SF Weekly

Southeast corner of Masonic & Haight

Southeast corner of Haight & Fillmore

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following locations:

Garbage Cans

Northeast corner Buena Vista West & Haight

Northwest corner Fillmore & Haight

Mailboxes

On Geary between Fillmore & Steiner, south side of street

Northwest corner Octavia & Haight

Southeast corner of Masonic & Fulton

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works to report on the status of repairing potholes and sidewalk issues at the following location:  
Intersection Webster & Grove, North side of street.

From: Supervisor Mirkarimi

To: Director, Department of Public Works  
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the following private property locations:

754 Fell  
399 Haight, on the Webster side  
901 Haight  
533 Haight  
442 Haight  
400 Fillmore  
300 Buchanan  
485 Scott  
350 Laguna  
355 Laguna  
1301 Haight  
1567 Haight

From: Supervisor Mirkarimi  
To: Director, Department of Public Works  
Requesting/Inquiring; Requesting the Department of Public Works to report on the status of removing graffiti from utility poles at the following locations;

Wood Pole

Northeast corner Fillmore & Germania

Metal Pole

Northwest corner Post & Pierce  
Southeast Scott & Eddy  
Southeast corner Clayton & Haight

From: Supervisor Mirkarimi  
To: Director, Department of Public Works  
Requesting/Inquiring: Requesting the Department of Public Works to report on the status of removing graffiti from the public property at the following locations:

Utility Boxes

Northeast corner Linden & Buchanan  
Northeast corner 7<sup>th</sup> Avenue & Irving

Bush Shelter

Southeast corner Geary & O'Farrell  
Southwest corner Buchanan & Haight  
Southeast corner Buena Vista East & Haight  
Fillmore & Haight (all 4 bus stops, graffiti & grime)

Emergency Boxes

Northeast corner of Golden Gate & Scott

**In Memoriams**

Edith Jimenez – Supervisor Dufty

Joe Lynn – Entire Board

Kamau Seitu – Supervisor Mirkarimi

Shelly Yoakum – Supervisor Mirkarimi

Holly Horton – Supervisor Maxwell

Javad Jahi – Supervisor Mar

Jung Haw Wong Yee – Supervisor Chiu

Anne Marie Staas – Supervisor Alioto-Pier

Antoinette Alioto Scarpulla – Supervisor Alioto-Pier

Dolores Marie Kelly – Supervisor Dufty