

Board of Supervisors



City Hall
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Tel. No. 554-5184
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Legislation Introduced at Roll Call

Tuesday, March 31, 2015

Introduced by a Supervisor or the Mayor

Pursuant to Charter Section 2.105, an Ordinance or Resolution may be introduced before the Board of Supervisors by a Member of the Board, a Committee of the Board, or the Mayor and shall be referred to and reported upon by an appropriate Committee of the Board.

Ordinances

141266 [Planning Code - Off-Street Parking Exceptions]

Sponsor: Breed

Ordinance amending the Planning Code to permit certain exceptions from off-street parking and loading requirements for lots that front on a curbside transit lane or bikeway, for lots in Residential Mixed Districts, and in order to bring buildings into greater conformity with yard, setback, and other building requirements; to include parking in excess of what is principally permitted and located above ground in the floor-area ratio calculation with an exception for pipeline projects in the Van Ness Special Use District; modifying other floor-area ratio provisions; affirming the Planning Department's California Environmental Quality Act determination; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. SUBSTITUTED AND ASSIGNED to Land Use and Transportation Committee.

150332 [Administrative Code - Reauthorizing the San Francisco Sentencing Commission]

Sponsor: Cohen

Ordinance amending the Administrative Code to reauthorize the San Francisco Sentencing Commission and revise its sunset date. ASSIGNED UNDER 30 DAY RULE to Rules Committee.

Resolutions

150333 [Accept and Expend Grant - CalHome Program - \$925,000]

Sponsor: Mayor

Resolution authorizing the Mayor's Office of Housing and Community Development to accept and expend the CalHome Program grant from the California Department of Housing and Community Development to expend program income from associated loan repayments to assist low-income first-time homebuyers and low-income homeowners in a total amount of \$925,000 for the period following Board approval through September 24, 2017. RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

- 150334 [Accept and Expend Grant - Edward Byrne Memorial Justice Assistance Grant Program - \$1,045,625]**
Sponsor: Breed
 Resolution retroactively authorizing the Department of Children, Youth, and Their Families to accept and expend a grant from the U.S. Department of Justice, Bureau of Justice Assistance, passed through the State of California, Board of State and Community Corrections, through the Edward Byrne Memorial Justice Assistance Grant Program, for a multidisciplinary partnership to reduce recidivism for disconnected transitional-age youth and providing a framework for preventing the school-to-prison pipeline in the amount of \$1,045,625 for the period of March 1, 2015, through December 31, 2015. RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.
- 150335 [North of Market/Tenderloin Community Benefit District - Annual Reports for FYs 2010-2013]**
Sponsor: Kim
 Resolution receiving and approving annual reports for the North of Market/Tenderloin Community Benefit District for FYs 2010-2013, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's Management Agreement with the City, Section 3.4. RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.
- 150336 [Multifamily Housing Revenue Note - 588 Mission Bay Boulevard North (aka Mission Bay South Block 7 West) - Not to Exceed \$61,427,368]**
Sponsor: Kim
 Resolution authorizing the issuance and delivery of a multifamily housing revenue note in an aggregate principal amount not to exceed \$61,427,368 for the purpose of providing financing for the acquisition and construction of a 200-unit multifamily rental housing project located in the City at 588 Mission Bay Boulevard North (aka Mission Bay South Block 7 West); approving the form of and authorizing the execution of a funding loan agreement providing the terms and conditions of the note and authorizing the execution and delivery thereof; approving the form of and authorizing the execution of a regulatory agreement and declaration of restrictive covenants; approving the forms of and authorizing the execution of certain loan documents; authorizing the collection of certain fees; ratifying and approving any action heretofore taken in connection with the note and the project, as defined herein; granting general authority to City officials to take actions necessary to implement this Resolution, as defined herein; and related matters, as defined herein. RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.
- 150337 [Denouncing Indiana State Senate Bill 101 (Kruse, Schneider, and Steele) - Discrimination Against Lesbian, Gay, Bisexual, and Transgender Community]**
Sponsors: Wiener, Campos, Cohen, Farrell, Avalos, Kim, Christensen, Tang, Breed, Mar and Yee
 Resolution denouncing Indiana State Senate Bill 101, co-authored by Senators Kruse, Schneider, and Steele, a law that permits discrimination against the lesbian, gay, bisexual, and transgender community under the guise of religious freedom. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Request for Hearing

150338 [Hearing - Driver's License Citations, Suspensions, and Related Collection Practices for Court-Ordered Debt]

Sponsor: Avalos

Hearing to review City practices related to driver's license suspensions, citations that can lead to driver's license suspensions, and collection practices for court-ordered debt; and requesting various departments and agencies to report. RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

Introduced at the Request of a Department

Pursuant to Rules of Order of the Board of Supervisors Section 2.7.1, Department Heads may submit proposed legislation to the Clerk of the Board, in which case titles of the legislation will be printed at the rear of the next available agenda of the Board and introduced by the President.

PROPOSED ORDINANCES

150287 [Settlement of Lawsuit - Gordon Clark - \$99,500]

Ordinance authorizing settlement of the lawsuit filed against the City and County of San Francisco for \$99,500; the lawsuit was filed on May 18, 2012, in United States District Court, Northern District of California, Case No. 12-02584 JCS; currently entitled Gordon Clark v. City and County of San Francisco. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

150288 [Settlement of Lawsuit - Jose Garcia - \$50,000 and Waiver of \$16,509]

Ordinance authorizing settlement of the lawsuit filed by Jose Garcia against the City and County of San Francisco for \$50,000; the lawsuit was filed on March 16, 2012, in United States District Court for the Northern District of California, Case No. 12-CV-2443; entitled Jose Garcia v. City and County of San Francisco, et al.; other material terms of said settlement are waiver of the \$16,509 San Francisco General Hospital lien. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

150289 [Settlement of Lawsuit - Kimberley Tuyay - \$125,000]

Ordinance authorizing settlement of the lawsuit filed by Kimberley Tuyay against the City and County of San Francisco for \$125,000; the lawsuit was filed on March 24, 2014, in California Superior Court, San Francisco Branch, Case No. CGC-14-538197; entitled Kimberley Tuyay v. City and County of San Francisco, Department of Emergency Management, et al., later removed to the United States District Court for the Northern District of California, Case No. C 14-01981 NC. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

150290 [Settlement of Lawsuit - Helen Nguy - \$225,000]

Ordinance authorizing settlement of the lawsuit filed by Helen Nguy against the City and County of San Francisco for \$225,000; the lawsuit was filed on April 10, 2013, in San Francisco Superior Court, Case No. CGC-13-530519; entitled Helen Nguy v. CCSF, et al. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

PROPOSED RESOLUTIONS

150291 [Lease Extension - Robert J. Cort Marital Trust - 760 Harrison Street - \$304,200 in Initial Year]

Resolution authorizing the extension of an existing Lease between the City and County of San Francisco, as Tenant, and the Robert J. Cort Marital Trust, as Landlord, for clinic space located at 760 Harrison Street, consisting of approximately 13,000 square feet for use by the Department of Public Health; continuing the original lease at \$25,350 monthly through June 30, 2017, for \$304,200 rent in the initial year, plus an additional five-year period at \$42,488 monthly through June 30, 2022, with 2% annual increases commencing July 1, 2018, and three five-year options to extend. (Real Estate Department). RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

150292 [Agreement Amendment - URS Corporation - Engineering Services - New Irvington Tunnel Project - Not to Exceed \$15,873,561]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Amendment No. 5 to Agreement No. CS-820, New Irvington Tunnel Project, Engineering Services, with URS Corporation, in order to allow URS Corporation to continue as design engineer of record for the construction of the tunnel, increasing the agreement amount by \$1,000,000 for a total amount not to exceed \$15,873,561 with no change to the contract duration, pursuant to Charter, Section 9.118. (Public Utilities Commission). RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

Clerk to Act - March 31, 2015

Board Meeting Minutes for February 24, 2015 approved.

Request Granted

From: Supervisor Avalos

To: Treasurer & Tax Collector

Requesting/Inquiring: Requesting the Treasurer & Tax Collector to provide information related to the collection of court-ordered debt, including the following:

- In the past, what role has Bureau of Delinquent Revenue (BDR) played with regard to collection of court-ordered debt?
 - What was the relationship between the court collections unit and BDR?
 - How was this relationship formalized?
 - What duties were within the purview of BDR versus the court?
 - What were BDR's protocols and/or processes for its collection activities?
- At what point did BDR cease collecting court-ordered debt? What was the reason for this change?

From: Supervisor Avalos

To: Controller

Requesting/Inquiring: Requesting the Controller to provide information related to the collection of court-ordered debt, including the following:

- Per contract, how much does the City pay AllianceOne for its contract for collection services?
 - What is the total cost of the contract?
 - How is that total calculated?
 - How much revenue has the City received from AllianceOne?
 - How much total revenue does AllianceOne keep from collections?
 - What triggers debt to be transferred from AllianceOne to the Franchise Tax Board?
- How much money is budgeted to agencies/departments related to the administrative costs of suspending driver's licenses and related to collecting court fines/fees?
- Which entities have primary authority for collection of court-ordered debt? How has that authority been delegated among entities/agencies?
- Allocation of court-ordered debt
 - Of all of the court-ordered debt monies collected in San Francisco, how is the money allocated among the court, the County, and the State?
 - Are particular fines dedicated to certain entities?
 - Please provide an accounting of the types of fines collected, the entity receiving the revenue, and the amounts collected in 2014.

From: Supervisor Avalos

To: District Attorney

Requesting/Inquiring: Requesting the District Attorney to provide information related to traffic court and citation offenses, including the following:

- On how many matters does the District Attorney's office appear in traffic court each month?
- What are the categories of citation offenses that are prosecuted by the District Attorney's office? How does your office define non-moving or "quality of life" citations?
- Please provide a breakdown of the total number of matters in each of these categories prosecuted each month.
- How many staff members are assigned to traffic court?
- What is the cost of prosecuting these matters?

From: Supervisor Avalos

To: Police

Requesting/Inquiring: Requesting the Police Department to provide information related to citation offenses, including the following:

- Citation Statistics
 - How many people are stopped each month?
 - Please provide demographic breakdown (race, age, gender) and breakdown by zip code.
 - How many citations are issued each month?
 - Please provide demographic breakdown (race, age, gender) and breakdown by zip code.
 - Please provide breakdown of the types of offenses for which citations are issued.
 - What percentage of these citations is in each district?
 - What is the breakdown of types of citations?
- Court statistics
 - How many citations are filed with the Superior Court each month?
 - For how many/what percentage of these tickets does an officer appear in court on these tickets?
 - For how many/what percentage of these tickets does an officer file a Traffic Court Response (TCR) forms on these tickets?

From: Supervisor Avalos

To: Sheriff

Requesting/Inquiring: Requesting the Sheriff's Department to provide information related to citation offenses, including the following:

- Citation Statistics
 - How many people are stopped each month?
 - Please provide demographic breakdown (race, age, gender) and breakdown by zip code.
 - How many citations are issued each month?

- Please provide demographic breakdown (race, age, gender) and breakdown by zip code.
 - Please provide breakdown of the types of offenses for which citations are issued.
 - What percentage of these citations is in each district?
 - What is the breakdown of types of citations?
- Court statistics
 - How many citations are filed with the Superior Court each month?
 - For how many/what percentage of these tickets does an officer appear in court on these tickets?
 - For how many/what percentage of these tickets does an officer file a Traffic Court Response (TCR) forms on these tickets?

From: Supervisor Avalos

To: Municipal Transportation Agency

Requesting/Inquiring: Requesting the Municipal Transportation Agency to provide information related to citation offenses and fare enforcement, including the following:

- Citation statistics:
 - How many people are stopped each month?
 - Please provide demographic breakdown (race, age, gender) and breakdown by zip code.
 - How many people are cited each month?
 - Please provide demographic breakdown (race, age, gender) and breakdown by zip code.
 - Please provide breakdown of the types of offenses for which citations are issued.
- Muni fare enforcement
 - How many fare enforcement officers are employed by MTA? What is the annual cost of their salaries?
 - What are the most common bus and train lines for enforcement? How are enforcement priorities decided? What are the most common locations? (i.e. Specific stations/neighborhoods)
- How many citations are challenged each month? What is the outcome of these challenges?
- How many people request community service on their tickets? How many people complete community service on their tickets?
- How many people appeal an MTA ticket to Superior Court each month?
- How many people have outstanding debt related to citations?
- What is the average and range of outstanding debt?
- How many of those with outstanding debt are repeat offenders? What is the average number of tickets for a repeat offender?

From: Supervisor Avalos

To: Adult Probation

Requesting/Inquiring: Requesting the Adult Probation Department to provide information related to citation offenses, including the following:

- What authority, if any, does the Department have over the collection of court-ordered debt?
- What requirement, if any, does the Department place on its supervised population with regard to payment of court-ordered debt? Are these requirements case-by-case or is there a departmental policy with regard to payment of court-ordered debt?
- When, if ever, does APD seek a reduction of court-ordered debt on behalf of its supervised population when an individual is unable to pay? Is there a departmental policy with regard to reducing or alleviating payments for people on probation who are unable to pay?
- “When an individual is seeking criminal records remedies, commonly known as “expungement,” does the APD typically take a position on each petition?
 - Does APD ever oppose the granting of an expungement remedy based on outstanding court-ordered debt owed by the individual?
 - In what circumstances would APD oppose based on court-ordered debt?
 - When, if ever, does APD support expungement notwithstanding court-ordered debt?

From: Supervisor Avalos

To: Public Defender

Requesting/Inquiring: Requesting the Public Defender to provide information related to traffic court offenses, including the following:

- Warrants on traffic court tickets
 - How many clients does your office represent each month following an arrest on a failure to appear warrant originating in traffic court?
 - What is the cost to your office of appearing on these cases?
 - Does your office typically seek dismissal of the underlying citation based on time served?
 - What is the typical outcome on these tickets? Has this changed in recent years?
- Driving on a suspended license
 - How many clients does your office represent each month following an arrest for driving on suspended licenses?
 - What is the cost to your office of appearing on these cases?
 - If known, what percentage of your clients has suspended licenses for failure to appear or pay on a traffic court citation?

From: Supervisor Avalos

To: Superior Court

Requesting/Inquiring: Requesting the Superior Court to provide information related to traffic court offenses and debt collection services, including the following:

- Traffic court
 - How many citations are filed with traffic court each month? Please provide the following breakdown, if available:
 - Citing agency

- Violation cited
- Level of violation - infraction, misdemeanor
- Demographic of defendant - race, sex, gender
- Moving vs. non-moving (“quality of life”)
- How many citations are rejected for inadequate information each month?
- How many failures to appear or pay violations are noticed by the court each month?
 - For how many/what percentage of these failures to appear or pay does the court utilize VC 40509.5 to notify the DMV for license suspension on every failure to appear or pay? Is the court required to notify the DMV of a failure to appear or pay or is this notice discretionary?
 - For how many/what percentage of these failures to appear or pay does the court impose a \$300 civil assessment? Does the court ever impose less than the \$300 maximum? In what circumstances?
- How many warrants are issued for failures to appear each month?
 - How many/what percentage of traffic court warrants fall into each category?
 - For how many of the citations for which a defendant fails to appear does the court adjudicate in absentia under Vehicle Code 40903 each month?
 - In what circumstances does the court adjudicate a citation under VC 40903?
 - In what circumstances, if any, does the court suspend a fine on a ticket adjudicated under VC 40903?
- Adjudication of tickets
 - For how many citations does the court receive a Traffic Court Response (TCR) form from the arresting agency each month?
 - For how many citations does the citing officer appear at arraignment each month?
 - How many citations are adjudicated at arraignment each month?
 - How many citations are set for trial each month?
 - For how many citations that are set for trial each month does the citing officer appear?
 - For how many citations that are set for trial each month does the citing officer file a Traffic Court Response (TCR) form?
 - Of the citations that are set for trial each month, what are the outcomes (failure to appear, dismissal, finding of guilt, etc.)?
- Traffic Court costs
 - What are the days/hours of operation of the traffic court window and the traffic courtrooms?
 - What percentage of the court’s budget is allocated to traffic court?
 - Please provide a breakdown of cost allocations
 - How many court personnel, including judges, clerks, and others, were assigned to traffic court over the last five years?
 - How did the termination of the court’s collection relationship with the Bureau of Delinquent Revenue impact the court’s costs associated with collections, if at all?

- How has the contract with AllianceOne impact the court's costs associated with collections, if at all?
- Collection Practices
 - What was the court's past collection relationship with the Bureau of Delinquent Revenue?
 - How was collection duties allocated?
 - Why did that relationship end?
 - What is the court's current relationship with AllianceOne?
 - Please provide current contract
 - Please describe allocation of duties and systems protocols between two agencies
 - Please provide total annual cost and cost arrangement of contracted services with AllianceOne
 - Please provide total annual revenue collected by AllianceOne
 - When is court-ordered debt referred for collection by AllianceOne?
 - Once debt is referred to AllianceOne, what authority does the court retain over the debt?

In Memoriam

None