



City and County of San Francisco

Meeting Minutes

Rules Committee

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

Members: Aaron Peskin, Rafael Mandelman, Connie Chan

Clerk: Victor Young (415) 554-7723

Monday, February 7, 2022

9:00 AM

Rescheduled Meeting

Present: 3 - Aaron Peskin, Rafael Mandelman, and Connie Chan

The Rules Committee met in rescheduled session through videoconferencing, and provided public comment through teleconferencing, on Monday, February 7, 2022, with Chair Aaron Peskin presiding.

Chair Peskin called the meeting to order at 9:00 a.m.

Remote Access to Information and Participation

On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely (via Microsoft Teams) and will allow remote public comment via teleconference. Visit the SFGovTV website at (www.sfgovtv.org) to stream the live meetings, or to watch meetings on demand. Members of the public are encouraged to participate remotely via detailed instructions on participating via teleconference available at: <https://sfbos.org/remote-meeting-call>.

Members of the public may participate by phone or may submit their comments by email to: victor.young@sfgov.org; all comments received will be made a part of the official record. Regularly scheduled Rules Committee Meetings begin at 10:00 a.m. every Monday of each month. Committee agendas and their associated documents are available at <https://sfbos.org/committees>.

ROLL CALL AND ANNOUNCEMENTS

On the call of the roll, Chair Peskin and Member Chan were noted present. Vice Chair Mandelman was noted not present. A quorum was present.

COMMUNICATIONS

*Victor Young, Rules Committee Clerk, instructed members of the public, when general public comment is called, to contribute live comments for up to two minutes by dialing the provided telephone number. When connected, they will receive another prompt to dial * 3 to be added to the queue to speak. Make sure to call from a quiet location, speak clearly and slowly, and turn down your television or radio. Written comments may be submitted through email (victor.young@sfgov.org) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.*

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

211285 [Charter Amendment - Split Appointment Authority for Boards and Commissions; Powers and Duties of the City Administrator]**Sponsors: Chan; Ronen, Peskin and Preston**

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco to 1) split the power to make appointments to the following bodies between the Mayor and the Board of Supervisors: Airport Commission, Arts Commission, Asian Art Commission, Civil Service Commission, Commission on the Environment, Commission on the Status of Women, Disability and Aging Services Commission, Fire Commission, Health Commission, Historic Preservation Commission, Human Rights Commission, Human Services Commission, Juvenile Probation Commission, Library Commission, Municipal Transportation Agency Board of Directors, Public Utilities Commission, Recreation and Park Commission, and War Memorial and Performing Arts Center Board of Trustees; subject Mayoral appointments to those bodies and to the Building Inspection Commission and the Small Business Commission to approval by the Board of Supervisors; provide that the appropriate appointing authority (Mayor or Board of Supervisors, as applicable) may initiate removal of commissioners; and specify that the terms of members of the Asian Art Commission, Building Inspection Commission, Civil Service Commission, and Fine Arts Museums Board of Trustees shall be for four years; and 2) specify the types of functions that the City Administrator may oversee; require that any agencies under the City Administrator be designated by ordinance; authorize the City Administrator to review City programs and services, and employment practices, and to make recommendations to the Mayor, Board of Supervisors, and departments based on those reviews; prohibit the Mayor from placing functions under the City Administrator without authorization by ordinance; and authorize the City Administrator to recommend removal of any department head to the Mayor or a commission, and require the Mayor or commission to act on the recommendation within 30 days; at an election to be held on June 7, 2022.

12/14/21; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/13/2022.

12/22/21; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; Office of the Controller for financial analysis report; and Mayor's Office, Office of the City Attorney, Department of Elections, Ethics Commission, and the City Administrator for reports and/or comments, pursuant to Rules of Order 2.22.4.

12/28/21; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2).

01/26/22; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Eileen Boken; Speaker; Patrick Monnette- Shaw; Richard Rothman; Renna Curran; Catherine Howard; Anastasia Anapolis; Jerry Dratler; Linda Shafer; Ms. Felborne; Erica Sleg; Bruce Wolfe; David Pilpel; spoke in support of the matter. Paulina Fair; Speaker; Bob Akinson; Speaker; spoke in opposition of the matter. Francisco Dacosta; spoke neither in support nor opposition on the matter.

01/26/22; CONTINUED AS AMENDED.

01/27/22; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; Office of the Controller for financial analysis report; and Mayor's Office, Office of the City Attorney, Department of Elections, Ethics Commission, and the City Administrator for reports and/or comments, pursuant to Rules of Order 2.22.4.

01/31/22; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Eileen Boken (Coalition of SF Neighborhoods); Catherine Howard; Teresa Flanderick; Brandy Markman; David Pilpel; Julie; Anastasia Yovanopolous; Erica Spike; spoke in support of the matter. Speaker; Speaker; Veronica Bear; Sunny Kennedy; Speaker; Speaker; Speaker; spoke in opposition of the matter. Jordan Davis; Speaker; Speaker; spoke neither in support nor opposition on the matter.

01/31/22; CONTINUED AS AMENDED.

02/03/22; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; Office of the Controller for financial analysis report; and Mayor's Office, Office of the City Attorney, Department of Elections, Ethics Commission, and the City Administrator for reports and/or comments, pursuant to Rules of Order 2.22.4.

Heard in Committee. Speakers: Catherine Howard; Linda Shafer; David Pilpel; spoke in support

of the matter. *Jordan Davis; Eileen Boken (Coalition of San Francisco Neighborhoods); Marie Gabriel; spoke in opposition of the matter.*

Member Chan moved that this Charter Amendment be TABLED. The motion carried by the following vote:

Ayes: 2 - Peskin, Chan
Absent: 1 - Mandelman

211286 [Charter Amendment - Building Inspection Commission]

Sponsors: Melgar; Peskin, Ronen and Mandelman

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco to revise the duties, composition, and method of appointment for members of the Building Inspection Commission; and affirming the Planning Department's determination under the California Environmental Quality Act; at an election to be held on June 7, 2022.

12/14/21; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/13/2022.

12/22/21; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; Office of the Controller for financial analysis report; and Mayor's Office, Office of the City Attorney, Department of Elections, Ethics Commission, and the Department of Building Inspection/Commission for reports and/or comments, pursuant to Rules of Order 2.22.4.

12/28/21; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2).

01/26/22; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Supervisor Myrna Melgar (Board of Supervisors); provided an overview and responded to questions raised throughout the discussion. Jerry Dratler; Anastasia Anapolis; Eileen Boken; Ted Folborn (Haight Ashbury Neighborhood Council); David Pilpel; spoke in support of the matter. Francisco DaCosta; spoke neither in support nor opposition on the matter.

01/26/22; CONTINUED AS AMENDED.

01/27/22; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; Office of the Controller for financial analysis report; and Mayor's Office, Office of the City Attorney, Department of Elections, Ethics Commission, and the Department of Building Inspection/Commission for reports and/or comments, pursuant to Rules of Order 2.22.4.

01/31/22; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Peg Stevenson (Office of the Controller); Supervisor Myrna Melgar (Board of Supervisors); provided an overview and responded to questions raised throughout the discussion. Anastasia Yovanopolous; David Pilpel; spoke in support of the matter. Jordan Davis; Speaker; spoke in opposition of the matter. Eileen Boken (Coalition of SF Neighborhoods); spoke neither in support nor opposition on the matter.

01/31/22; CONTINUED AS AMENDED.

02/03/22; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; Office of the Controller for financial analysis report; and Mayor's Office, Office of the City Attorney, Department of Elections, Ethics Commission, and the Department of Building Inspection/Commission for reports and/or comments, pursuant to Rules of Order 2.22.4.

Heard in Committee. Speakers: Supervisor Myrna Melgar (Board of Supervisors); provided an overview and responded to questions raised throughout the discussion. Eileen Boken (Coalition for San Francisco Neighborhoods); David Pilpel; spoke in support of the matter. Jordan Davis; Veronica Beard; spoke in opposition of the matter.

Member Chan moved that this Charter Amendment be RECOMMENDED AS COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 2 - Peskin, Chan
Absent: 1 - Mandelman

Supervisor Mandelman was noted present at 9:32 a.m.

211287 [Charter Amendment -Timelines for Recall Process; Filling Vacancies in Elected Offices]**Sponsors: Peskin; Walton, Ronen and Preston**

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco to extend the ban on the initiation of recall petitions from six to twelve months after the official has assumed office; prohibit the submission of a recall petition to the Department of Elections, if the subsequent recall election would be required to be held within twelve months of a regularly scheduled election for the office held by the official sought to be recalled; and provide that any interim officer appointed to fill a vacancy created by a recall election, held on or after June 7, 2022, may not be a candidate in the subsequent vacancy election; at an election to be held on June 7, 2022.

12/14/21; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/13/2022.

12/22/21; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; Office of the Controller for financial analysis report; and Mayor's Office, Office of the City Attorney, Department of Elections, Ethics Commission, and SFUSD and the City College of San Francisco for reports and/or comments, pursuant to Rules of Order 2.22.4. Referred to the Youth Commission for review for reports and/or comments.

12/28/21; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2).

01/26/22; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Anne Pearson (Office of the City Attorney); provided an overview and responded to questions raised throughout the discussion. Jerry Dratler; George Wooding (SF Land Use Coalition); Eileen Boken (SF Neighborhood Coalition); Anastayia Anopolis; Speaker; Reanne Curran; Tess Wellborne; Jullian; Catherine Howard; Patrick Monette-Shaw; Erica Flag (D Forward); Ms. Flanderick; Bruce Wolfe; spoke in support of the matter. Speaker; Steven Voss; Speaker; David Pilpel; Drew Men; spoke in opposition of the matter.

01/26/22; CONTINUED AS AMENDED.

01/27/22; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; Office of the Controller for financial analysis report; and Mayor's Office, Office of the City Attorney, Department of Elections, Ethics Commission, and SFUSD and the City College of San Francisco for reports and/or comments, pursuant to Rules of Order 2.22.4. Referred to the Youth Commission for review for reports and/or comments.

01/31/22; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Peg Stevenson (Office of the Controller); provided an overview and responded to questions raised throughout the discussion. Eileen Boken, Theresa Flandrick, and Anastasia Yovanopolous Coalition for San Francisco Neighborhoods); Julie; Brandi; Catherine Howard; Laurie Liderman; Erica Flag; Speaker; Speaker; Speaker; spoke in support of the matter. Michelle; Jordan Davis; Speaker; Simon Timothy; Samantha (D2 Unite); David Pilpel; Veronica Bear; Drew Min; Speaker; spoke in opposition of the matter. Francisco DaCosta; Speaker; spoke neither in support nor opposition on the matter.

01/31/22; CONTINUED AS AMENDED.

02/03/22; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; Office of the Controller for financial analysis report; and Mayor's Office, Office of the City Attorney, Department of Elections, Ethics Commission, and SFUSD and the City College of San Francisco for reports and/or comments, pursuant to Rules of Order 2.22.4.

Heard in Committee. Speakers: Eileen Boken (Coalition of San Francisco Neighborhoods); spoke in support of the matter. Jordan Davis; Michelle; Veronica Beard; David Pilpel; spoke in opposition of the matter.

Supervisor Chan requested withdrawal of co-sponsorship.

Chair Peskin moved that this Charter Amendment be RECOMMENDED AS COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Peskin, Mandelman, Chan

Chair Peskin request that File Nos. 211231 and 220077 be called and heard together.

211231 [Appointment, Treasury Oversight Committee - Nancy Hom]

Motion approving/rejecting the Treasurer's nomination of Nancy Hom, for a term ending June 17, 2022, to the Treasury Oversight Committee. (Clerk of the Board)

11/23/21; RECEIVED FROM DEPARTMENT.

12/07/21; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Nancy Hom; Jan Mazyck; spoke on their qualifications and answered questions raised throughout the discussion. David Pilpel; spoke in support of the appointment of Nancy Hom.

Chair Peskin moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by striking the word 'rejecting' throughout the legislation and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Peskin, Mandelman, Chan

Motion approving the Treasurer's nomination of Nancy Hom, for a term ending June 17, 2022, to the Treasury Oversight Committee. (Clerk of the Board)

RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - Peskin, Mandelman, Chan

220077 [Appointment, Treasury Oversight Committee - Jan Mazyck]

Motion approving/rejecting the Treasurer's nomination of Jan Mazyck, for a term ending June 17, 2022, to the Treasury Oversight Committee. (Clerk of the Board)

01/20/22; RECEIVED FROM DEPARTMENT.

02/01/22; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Nancy Hom; Jan Mazyck; spoke on their qualifications and answered questions raised throughout the discussion. David Pilpel; spoke in support of the appointment of Nancy Hom.

Chair Peskin moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by striking the word 'rejecting' throughout the legislation and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Peskin, Mandelman, Chan

Motion approving the Treasurer's nomination of Jan Mazyck, for a term ending June 17, 2022, to the Treasury Oversight Committee. (Clerk of the Board)

RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - Peskin, Mandelman, Chan

220022 [Initiative Ordinance - Police Code - Public Health Emergency Leave]**Sponsors: Mar; Ronen, Preston and Chan**

Motion ordering submitted to the voters at an election to be held on June 7, 2022, an Ordinance to amend the Police Code to require employers to provide public health emergency leave during a public health emergency.

01/04/22; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/3/2022.

01/21/22; REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review; Office of the Controller for financial analysis report; and Mayor's Office, Office of the City Attorney, Department of Elections, and Ethics Commission for reports and/or comments, pursuant to Rules of Order 2.22.4.

Heard in Committee. Speakers: Supervisor Gordon Mar (Board of Supervisors); Anne Pearson (Office of the City Attorney); provided an overview and responded to questions raised throughout the discussion. Jordan Davis; spoke in support of the matter. Laurie Thomas (Golden Gate Restaurant Association); spoke neither in support nor opposition on the matter.

Chair Peskin moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 2, Lines 4-10, to replace 'Air Quality Index in San Francisco, as measured by the Bay Area Air Quality Management District is 151 or more; or (b) with respect to an Employee who is a member of a Vulnerable Population or who works primarily outdoors, a day when the Air Quality Index in San Francisco, as measured by the Bay Area Air Quality Management District, is 101 or more' with 'issues a Spare the Air Alert'; on Page 4, Lines 6-7, to replace '30 days after' with 'October 1, 2022 or'; on Page 4, Lines 7-8, to insert 'if the effective date occurs after October 1, 2022'; replace 'initial partial year' with 'remainder of 2022' through the legislation; on Page 6, Lines 11-24, to insert '(3) Offset provisions. A) During 2022, (i) if an Employer voluntarily extended additional paid leave or paid time off that Employees may use for the reasons described in Section 3300P.4 and that paid leave or paid time off remains in effect on or after the Operative Date of this Article 33P, or (ii) if State COVID-19 supplemental paid sick leave requirements are extended beyond September 30, 2022, an Employer may reduce the allocation of Public Health Emergency Leave under subsection (a)(1) or (a)(2) for every hour an Employee takes such paid leave or paid time off after the Operative Date. (B) During 2023 and subsequent years, if an Employer is required by federal, state, or City law to provide paid leave or paid time off to address a public health threat, which Employees may use for the reasons described in Section 3300P.4, an Employer may reduce the allocation of Public Health Emergency Leave under subsection (a)(1) or (a)(2) for every hour of such paid leave or paid time off the Employer is required to provide; on Page 8, Lines 19-20, to strike 'With respect to an Employee who is a member Vulnerable Population, this includes any applicable recommendations for Vulnerable Population'; on Page 9, Lines 7-8 and Lines 18-19, to insert 'is a member of a Vulnerable Population, primarily works outdoors'; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Peskin, Mandelman, Chan

Chair Peskin moved that this Motion be CONTINUED AS AMENDED to the February 14, 2022, Rules Committee meeting. The motion carried by the following vote:

Ayes: 3 - Peskin, Mandelman, Chan

211096 [Administrative Code - Tenant Organizing]**Sponsors: Peskin; Chan, Ronen, Preston and Walton**

Ordinance amending the Administrative Code to require residential landlords to allow tenant organizing activities to occur in common areas of the building; require certain residential landlords to recognize duly-established tenant associations, confer in good faith with said associations, and attend some of their meetings upon request; and provide that a landlord's failure to allow organizing activities or comply with their obligations as to tenant associations may support a petition for a rent reduction.

10/19/21; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 11/18/2021.

10/27/21; REFERRED TO DEPARTMENT. Referred to the Rent Board for informational purposes.

Heard in Committee. Speakers: Molly Goldberg; Nicholas Montero (Local 3299); Donna McKinley Roland; Danica; Debbie Newess (ZTA); Speaker; spoke in support of the matter. Jordan Davis; spoke in opposition of the matter.

Chair Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 1, Line 23, to replace 'good' with 'effective'; on Page 1, Line 24, to insert 'about these tenancies'; on Page 2, Line 1, to replace 'Ordinace' with 'Chapter 49A'; on Page 2, Line 2, to replace 'communicative channel' with 'channels for effective communication'; on Page 2, Lines 7 and 8, to insert 'and employees' and 'and resident managers'; on Page 2, Lines 15-17, to insert 'A person's participation or failure to partiipate in Organizing Actvities shall have no affect on whether that person qualifies as a tenant'; on Page 3, Lines 1-3, to delete 'distribute literature to other buiding teanants, including literature distributed on behalf of a tenants' association or other tenants organization, where the literature reltes to issues of common interest or concer to the building's tenancies; on Page 3, Line 11, to strike 'and volume'; on Page 3, Lines 12-13, to strike 'such literature distribution, including a limitation of distribution under this Chapter to no more than once per calendar Quarter'; on Page 4, Lines 9 and 12, to insert 'either themselves or through their reprresentative'; and adding other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Peskin, Mandelman, Chan

Chair Peskin moved that this Ordinance be RECOMMENDED AS AMENDED. The motion carried by the following vote:

Ayes: 3 - Peskin, Mandelman, Chan

ADJOURNMENT

There being no further business, the Rules Committee adjourned at the hour of 10:26 a.m.

N.B. The Minutes of this meeting set forth all actions taken by the Rules Committee on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.