



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 14, 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 14, 2022, with Chair Aaron Peskin presiding.

Chair Peskin called the meeting to order at 9:02 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, Vice Chair Mandelman, and Member Chan were noted present. A quorum was present.

COMMUNICATION

*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

The meeting was recessed at 9:03 a.m. and reconved at 10:20 a.m.

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.

02/07/22; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. 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.

02/07/22; CONTINUED AS AMENDED.

02/07/22; RESPONSE RECEIVED.

02/07/22; RESPONSE RECEIVED.

02/07/22; 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: Peg Stevenson (Controller's Office); Supervisor Gordon Mar (Board of Supervisors); provided an overview and responded to questions raised throughout the discussion. Speaker; spoke in support of the matter. David Pilpel; Francisco Da Costa; 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 5, Lines 17-18 and 21-22, to replace '90 days' with 'six months'; on Page 6, Lines 10-11, to insert '(C) The Agency may issue guidance authorizing additional circumstances in which the offset provisions of this subsection (a)(3) may be used'; Page 9, Lines 18-19, to replace 'not required the disclosure of health information for use of Public Health Emergency Leave, except as needed' with ' require a doctor's note or other documentation'; Page 9, Lines 22-23, to insert 'An Employer may not otherwise require the disclosure of health information for use of Public Health Emergency Leave' and Page 18, Line 2, to insert 'with respect to Air Quality Emergencies without limitation, and'. The motion carried by the following vote:

Ayes: 3 - Peskin, Mandelman, Chan

Chair Peskin moved that this Motion be CONTINUED TO CALL OF THE CHAIR AS AMENDED. The motion carried by the following vote:

Ayes: 3 - Peskin, Mandelman, Chan

Chair Peskin requested that File Nos. 220052, 220053, 220111, and 220112 be called and heard together.

**220052 [Initiative Ordinance - Health Code - Refuse Collection and Disposal Ordinance]
Sponsors: Mayor; Peskin, Mandelman, Ronen, Walton, Chan, Safai, Melgar, Stefani, Preston, Haney and Mar**

Motion ordering submitted to the voters at an election to be held on June 7, 2022, an Ordinance amending the Refuse Collection and Disposal Ordinance (“the Refuse Ordinance”) to restructure the refuse rate-setting process to replace hearings before the Department of Public Works with a requirement that the Controller, as Refuse Rate Administrator, regularly monitor the rates and appear before the Refuse Rate Board to recommend rate adjustments; establish an appointed Ratepayer Representative to replace the Controller on the Refuse Rate Board; authorize the Refuse Rate Board to set commercial rates; authorize the Board of Supervisors on recommendation of the Refuse Rate Administrator, Refuse Rate Board, and Mayor to amend the Refuse Ordinance by supermajority vote; and fully codifying the Refuse Ordinance in the Health Code.

01/11/22; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/10/2022.

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, Public Works and Ethics Commission for reports and/or comments, pursuant to Rules of Order 2.22.4.

02/07/22; RESPONSE RECEIVED.

Heard in Committee. Speakers: Natasha Mihal and Peg Stevenson (Controller's Office); provided an overview and responded to questions raised throughout the discussion. John Bushard (Local 250); spoke in support of the matter. David Pilpel; spoke in opposition of the matter. Francisco Da Costa; Speaker; spoke neither in support nor opposition on the matter.

Chair Peskin moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 3 - Peskin, Mandelman, Chan

Motion ordering submitted to the voters at an election to be held on June 7, 2022, an Ordinance amending the Refuse Collection and Disposal Ordinance (“the Refuse Ordinance”) to restructure the refuse rate-setting process to replace hearings before the Department of Public Works with a requirement that the Controller, as Refuse Rate Administrator, regularly monitor the rates and appear before the Refuse Rate Board to recommend rate adjustments; establish an appointed Ratepayer Representative to replace the Controller on the Refuse Rate Board; authorize the Refuse Rate Board to set commercial rates; require applicants for refuse collection permits to demonstrate their ability to avoid disruptions in service; clarify existing law regarding refuse collection permits; authorize the Board of Supervisors on recommendation of the Refuse Rate Administrator, Refuse Rate Board, and Mayor to amend the Refuse Ordinance by eight-vote supermajority; and fully codifying the Refuse Ordinance in the Health Code.

Chair Peskin moved that this Motion be CONTINUED TO CALL OF THE CHAIR AS AMENDED. The motion carried by the following vote:

Ayes: 3 - Peskin, Mandelman, Chan

220053 [Initiative Ordinance - Health Code - Refuse Collection and Disposal Ordinance]**Sponsors: Peskin; Chan, Ronen, Walton and Safai**

Motion ordering submitted to the voters at an election to be held on June 7, 2022, an Ordinance amending the Refuse Collection and Disposal Ordinance (“the Refuse Ordinance”) to restructure the refuse rate-setting process to replace hearings before the Department of Public Works with a requirement that the Controller, as Refuse Rate Administrator, regularly monitor the rates and appear before the Refuse Rate Board to recommend rate adjustments; establish an appointed Ratepayer Representative to replace the Controller on the Refuse Rate Board; authorize the Refuse Rate Board to set commercial rates; require a competitive process for all existing and future route permits; authorize the Board of Supervisors on recommendation of the Refuse Rate Administrator, Refuse Rate Board, and Mayor to amend the Refuse Ordinance by supermajority vote; and fully codifying the Refuse Ordinance in the Health Code.

01/11/22; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/10/2022.

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, Public Works, and Ethics Commission for reports and/or comments, pursuant to Rules of Order 2.22.4.

02/07/22; RESPONSE RECEIVED.

Heard in Committee. Speakers: Natasha Mihal and Peg Stevenson (Controller's Office); provided an overview and responded to questions raised throughout the discussion. John Bushard (Local 250); spoke in support of the matter. David Pilpel; spoke in opposition of the matter. Francisco Da Costa; Speaker; spoke neither in support nor opposition on the matter.

Chair Peskin moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 3 - Peskin, Mandelman, Chan

Motion ordering submitted to the voters at an election to be held on June 7, 2022, an Ordinance amending the Refuse Collection and Disposal Ordinance (“the Refuse Ordinance”) to restructure the refuse rate-setting process to replace hearings before the Department of Public Works with a requirement that the Controller, as Refuse Rate Administrator, regularly monitor the rates and appear before the Refuse Rate Board to recommend rate adjustments; establish an appointed Ratepayer Representative to replace the Controller on the Refuse Rate Board; authorize the Refuse Rate Board to set commercial rates; require a competitive process for all existing and future refuse collection permits; authorize the Board of Supervisors on recommendation of the Refuse Rate Administrator, Refuse Rate Board, and Mayor to amend the Refuse Ordinance by eight-vote supermajority; and fully codifying the Refuse Ordinance in the Health Code.

Chair Peskin moved that this Motion be CONTINUED TO CALL OF THE CHAIR AS AMENDED. The motion carried by the following vote:

Ayes: 3 - Peskin, Mandelman, Chan

220111 [Hearing - Initiative Ordinance - Health Code - Refuse Collection and Disposal Ordinance]**Sponsors: Peskin; Chan, Ronen, Walton and Mandelman**

Hearing to consider the proposed Initiative Ordinance submitted by four or more Supervisors to the voters for the June 7, 2022 Election, entitled "Ordinance amending the Refuse Collection and Disposal Ordinance ("the Refuse Ordinance") to restructure the refuse rate-setting process to replace hearings before the Department of Public Works with a requirement that the Controller, as Refuse Rate Administrator, regularly monitor the rates and appear before the Refuse Rate Board to recommend rate adjustments; establish an appointed Ratepayer Representative to replace the Controller on the Refuse Rate Board; authorize the Refuse Rate Board to set commercial rates; require a competitive process for all existing and future route permits; authorize the Board of Supervisors on recommendation of the Refuse Rate Administrator, Refuse Rate Board, and Mayor to amend the Refuse Ordinance by supermajority vote; and fully codifying the Refuse Ordinance in the Health Code."

01/25/22; RECEIVED AND ASSIGNED to Rules Committee.

01/28/22; 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, Public Works and Ethics Commission for reports and/or comments, pursuant to Rules of Order 2.22.4.

02/10/22; RESPONSE RECEIVED.

Heard in Committee. Speakers: Natasha Mihal and Peg Stevenson (Controller's Office); provided an overview and responded to questions raised throughout the discussion. John Bushard (Local 250); spoke in support of the matter. David Pilpel; spoke in opposition of the matter. Francisco Da Costa; Speaker; spoke neither in support nor opposition on the matter.

Chair Peskin moved that this Hearing be FILED. The motion carried by the following vote:

Ayes: 3 - Peskin, Mandelman, Chan

220112 [Hearing - Initiative Ordinance - Health Code - Refuse Collection and Disposal Ordinance]**Sponsors: Peskin; Chan, Ronen, Walton and Mandelman**

Hearing to consider the proposed Initiative Ordinance submitted by four or more Supervisors to the voters for the June 7, 2022 Election, entitled "Ordinance amending the Refuse Collection and Disposal Ordinance ("the Refuse Ordinance") to restructure the refuse rate-setting process to replace hearings before the Department of Public Works with a requirement that the Controller, as Refuse Rate Administrator, regularly monitor the rates and appear before the Refuse Rate Board to recommend rate adjustments; establish an appointed Ratepayer Representative to replace the Controller on the Refuse Rate Board; authorize the Refuse Rate Board to set commercial rates; authorize the Board of Supervisors on recommendation of the Refuse Rate Administrator, Refuse Rate Board, and Mayor to amend the Refuse Ordinance by supermajority vote; and fully codifying the Refuse Ordinance in the Health Code."

01/25/22; RECEIVED AND ASSIGNED to Rules Committee.

01/28/22; 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, Public Works. and Ethics Commission for reports and/or comments, pursuant to Rules of Order 2.22.4.

02/10/22; RESPONSE RECEIVED.

Heard in Committee. Speakers: Natasha Mihal and Peg Stevenson (Controller's Office); provided an overview and responded to questions raised throughout the discussion. John Bushard (Local 250); spoke in support of the matter. David Pilpel; spoke in opposition of the matter. Francisco Da Costa; Speaker; spoke neither in support nor opposition on the matter.

Chair Peskin moved that this Hearing be FILED. The motion carried by the following vote:

Ayes: 3 - Peskin, Mandelman, Chan

220063 [Hearing - Initiative Ordinance - Administrative Code - Victims and Witness Rights]**Sponsors: Stefani; Haney, Mandelman and Safai**

Hearing to consider the proposed Initiative Ordinance submitted by four or more Supervisors to the voters for the June 7, 2022, Election, entitled "Ordinance amending the Administrative code to establish the Office of Victim and Witness Rights, and to establish a right to counsel for domestic violence victims in civil proceedings related to limiting the economic, familial, and other harms resulting from domestic violence, and a pilot program to provide civil counsel in such domestic violence-related proceedings through legal services and pro bono attorneys."

01/14/22; RECEIVED.

01/14/22; RECEIVED AND ASSIGNED to Rules Committee.

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.

02/10/22; RESPONSE RECEIVED.

Heard in Committee. Speakers: Andrew Mullan (Office of Supervisor Catherine Stefani); Peg Stevenson (Controller's Office); provided an overview and responded to questions raised throughout the discussion.

Chair Peskin moved that this Hearing be FILED. The motion carried by the following vote:

Ayes: 3 - Peskin, Mandelman, Chan

Chair Peskin requested that File Nos. 220064 and 220109 be called and heard together.

220064 [Hearing - Initiative Ordinance - Administrative Code - Surveillance Technology]

Sponsor: Mayor

Hearing to consider the proposed Initiative Ordinance submitted by the Mayor to the voters for the June 7, 2022, Election, entitled "Ordinance amending the Administrative Code to authorize the Police Department to acquire and use surveillance technology with respect to certain criminal events, as defined, and criminal activity that is concentrated in certain geographically distinct areas."

01/18/22; RECEIVED.

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, Police Dept. and Ethics Commission for reports and/or comments, pursuant to Rules of Order 2.22.4.

01/25/22; RECEIVED AND ASSIGNED to Rules Committee.

02/10/22; RESPONSE RECEIVED.

Heard in Committee. Speakers: Peg Stevenson (Controller's Office); Andres Power (Mayor's Office); Chief William Scott (Police Department); provided an overview and responded to questions raised throughout the discussion. Wesley Savers (Glide); Alexie Folders; Tim Kingston; Sirius Persain; Connie Jermill; Camilla Exon; Matt Kegall; Speaker; Ashly Morris; Christina Cardornia; AJ White; Tracy Colinberg (Oakland Privacy); Speaker; Speaker; Brian Hoffer (Secured Justice); Mr. Logic; Mr. Prolib; Emily Cadopi; Monica Hemachi; Amilla; Speaker; spoke in opposition of the matter. Peter Warfield (Library Users Association); spoke on various concerns relating to the hearing matter.

Chair Peskin moved that this Hearing be FILED. The motion carried by the following vote:

Ayes: 3 - Peskin, Mandelman, Chan

220109 [Hearing - Initiative Ordinance - Administrative Code - Acquisition and Use of Surveillance Technology]**Sponsors: Peskin; Preston, Chan, Ronen and Walton**

Hearing to consider the proposed Initiative Ordinance submitted by four or more Supervisors to the voters for the June 7, 2022 Election, entitled "Ordinance amending the Administrative Code to adopt, with minor changes, as a voter-approved measure, the ordinance which currently requires that City departments acquiring Surveillance Technology, or entering into agreements to receive information from non-City owned Surveillance Technology, submit a Board of Supervisors approved Surveillance Technology Policy Ordinance, based on a policy or policies developed by the Committee on Information Technology (COIT), and a Surveillance Impact Report to the Board in connection with any request to appropriate funds for the purchase of such technology or to accept and expend grant funds for such purpose, or otherwise to procure Surveillance Technology equipment or services; require each City department that owns and operates existing surveillance technology equipment or services to submit to the Board a proposed Surveillance Technology Policy Ordinance governing the use of the surveillance technology; require the Controller, as City Services Auditor, to audit annually the use of surveillance technology equipment or services and the conformity of such use with an approved Surveillance Technology Policy Ordinance and provide an audit report to the Board of Supervisors; and to permit amendment of the ordinance by the Board of Supervisors if consistent with the purposes of the ordinance."

01/25/22; RECEIVED AND ASSIGNED to Rules Committee.

01/28/22; 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.

02/10/22; RESPONSE RECEIVED.

Heard in Committee. Speakers: Peg Stevenson (Controller's Office); Andres Power (Mayor's Office); Chief William Scott (Police Department); provided an overview and responded to questions raised throughout the discussion. Wesley Savers (Glide); Alexie Folders; Tim Kingston; Sirius Persain; Connie Jermill; Camilla Exon; Matt Kegall; Speaker; Ashly Morris; Christina Cardornia; AJ White; Tracy Colinberg (Oakland Privacy); Speaker; Speaker; Brian Hoffer (Secured Justice); Mr. Logic; Mr. Prolib; Emily Cadopi; Monica Hemachi; Amilla; Speaker; spoke in opposition of the matter. Peter Warfield (Library Users Association); spoke on various concerns relating to the hearing matter.

Chair Peskin moved that this Hearing be FILED. The motion carried by the following vote:

Ayes: 3 - Peskin, Mandelman, Chan

220110 [Hearing - Initiative Ordinance - Campaign and Governmental Conduct Code - Behested Payments]**Sponsors: Peskin; Preston, Chan, Mar and Walton**

Hearing to consider the proposed Initiative Ordinance submitted by four or more Supervisors to the voters for the June 7, 2022 Election, entitled "Ordinance amending the Campaign and Governmental Code to expand the prohibition on the solicitation of behested payments to include City contractors seeking the Board of Supervisors' approval and to require approval by the Ethics Commission and super-majority approval the Board of Supervisors for future amendments to local behested payment restrictions."

01/25/22; RECEIVED AND ASSIGNED to Rules Committee.

01/28/22; 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.

02/10/22; RESPONSE RECEIVED.

Heard in Committee. Speakers: None.

Chair Peskin moved that this Hearing be FILED. 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 12:27 p.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.