



City and County of San Francisco

Meeting Minutes

Rules Committee

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

Members: Ahsha Safai, Sandra Lee Fewer, Norman Yee

Clerk: Alisa Somera (415) 554-7711

Wednesday, January 17, 2018

2:00 PM

City Hall, Committee Room 263

Rescheduled Meeting

Present: 3 - Ahsha Safai, Sandra Lee Fewer, and Norman Yee

The Rules Committee met in rescheduled session on Wednesday, January 17, 2018, with Chair Ahsha Safai presiding.

ROLL CALL AND ANNOUNCEMENTS

Chair Safai called the meeting to order at 2:08 p.m. On the call of the roll, Chair Safai, Vice Chair Fewer, and Member Yee were noted present. There was a quorum.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

171138 [Administrative Code - Indigenous Peoples Day]

Sponsor: Cohen

Ordinance amending the Administrative Code to declare the second Monday in October to be Indigenous Peoples Day.

10/24/17; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 11/23/2017.

11/03/17; REFERRED TO DEPARTMENT. Referred to Office of the City Administrator for informational purposes.

11/06/17; RESPONSE RECEIVED. 11/6/2017 - The Youth Commission voted unanimously to support the proposed legislation.

Heard in Committee. Speakers: Supervisor Malia Cohen (Board of Supervisors); presented information and answered questions raised throughout the discussion. Benny Leonard; Tony Ortiz; Maria Mestrick; spoke in support of the proposed legislation.

Member Yee moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 1, Line 20, through Page 2, Line 2, by adding ‘Indigenous nations have lived upon this land since time immemorial. The City and County of San Francisco recognizes that the original inhabitants of the area now known as San Francisco were the Muwekma Ohlone tribe. Despite the near decimation of the tribe due to European migration, descendants of the tribe continue to live in the Bay Area. The City recognizes the campaign of the Muwekma Ohlone to become federally recognized. In 2002, the Board of Supervisors passed Resolution 489-02 urging the federal government to formally recognize the tribe. The City values the progress our society has accomplished through Native American technology, thought, and culture.’; on Page 2, Lines 14-16, by adding ‘The San Francisco Human Rights Commission adopted and published a report titled “Discrimination by Omission,” written by a Native American Taskforce in 2007, that called for the City to recognize Indigenous Peoples Day.’; on Page 3, Lines 6-8, by adding ‘Nothing in this Section shall prohibit the City from providing funds or support to events that commemorate or celebrate the holiday using the name Columbus Day or other descriptors.’; and making other clarifying and conforming changes. The motion carried by the following vote:

Ayes: 3 - Safai, Fewer, Yee

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

Ayes: 3 - Safai, Fewer, Yee

171304 [Charter Amendment - Cannabis Commission]**Sponsor: Fewer**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to create the Cannabis Commission to oversee the Department of Cannabis; at an election to be held on June 5, 2018.

12/12/17; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/11/2018.

12/20/17; 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, Office of the City Administrator, Office of Cannabis, Police Department, Sheriff's Department, Youth Commission, Office of the District Attorney, and Office of the Public Defender for reports and/or comments, pursuant to Rules of Order 2.22.4.

01/03/18; RESPONSE RECEIVED. 1/2/2018 - The Youth Commission voted 10-2 in support of the Charter Amendment.

01/12/18; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment. Any proposed physical project will require environmental review.

01/16/18; RESPONSE RECEIVED. The City Controller provided a financial analysis on the proposed Charter Amendment, pursuant to Municipal Elections Code Section 302(a)(2).

Heard in Committee. Speakers: None.

Vice Chair Fewer moved that this Charter Amendment be TABLED. The motion carried by the following vote:

Ayes: 3 - Safai, Fewer, Yee

171305 [Charter Amendment - Noncitizen Voting in School Board Elections]**Sponsor: Fewer**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to establish, as a condition for noncitizens voting in an election for members of the Board of Education, that the Board of Supervisors adopt an implementing ordinance for that election at least 270 days before that election; at an election to be held on June 5, 2018.

12/12/17; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/11/2018.

12/20/17; 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, Office of the City Administrator, San Francisco Unified School District, Board of Education, and Youth Commission for reports and/or comments, pursuant to Rules of Order 2.22.4.

01/08/18; RESPONSE RECEIVED. 1/2/2018 - The Youth Commission voted 11-1 to support the Charter Amendment.

01/12/18; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment. Any proposed physical project will require environmental review.

01/16/18; RESPONSE RECEIVED. The City Controller provided a financial analysis on the proposed Charter Amendment, pursuant to Municipal Elections Code Section 302(a)(2).

Heard in Committee. Speakers: Wilson Chu (Chinese American Democratic Club); Marlene Tran (Visitacion Valley Asian Alliance); Victor Seeto (Chinese American Democratic Club); Lotus Yee Fong; Mekana Molina; spoke in opposition to the proposed Charter Amendment.

Member Yee moved that this Charter Amendment be CONTINUED to the Rules Committee meeting of January 24, 2018. The motion carried by the following vote:

Ayes: 3 - Safai, Fewer, Yee

171306 [Charter Amendment - Appointed Board Members and Commissioners Seeking Elective Office]**Sponsors: Peskin; Kim, Safai and Yee**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to provide that appointed members of boards and commissions under the Charter forfeit their offices upon filing a declaration of candidacy for state or local elective office; at an election to be held on June 5, 2018.

12/12/17; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/11/2018.

12/20/17; 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, Office of the City Administrator, and all other City Department Heads for reports and/or comments, pursuant to Rules of Order 2.22.4.

01/12/18; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment. Any proposed physical project will require environmental review.

01/16/18; RESPONSE RECEIVED. The City Controller provided a financial analysis on the proposed Charter Amendment, pursuant to Municipal Elections Code Section 302(a)(2).

Heard in Committee. Speaker: Supervisor Aaron Peskin (Board of Supervisors); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Safai, Fewer, Yee

171307 [Charter Amendment - Retirement Board]**Sponsor: Peskin**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to reduce the Mayoral appointments to the Retirement Board from three to two members and to require that the City Attorney appoint one member; to require that the appointments of the Mayor and City Attorney be subject to a hearing and Board of Supervisors' approval within 60 days, but that if not acted upon become effective on the 61st day; to require that the term of any member appointed by the Mayor between December 1, 2014, and January 1, 2018, expire on September 1, 2018, with the City Attorney appointing a member to fill such a vacancy; and to require that the Retirement Board disclose certain investment information on a biannual basis; at an election to be held on June 5, 2018.

12/12/17; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/11/2018.

12/20/17; 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, Office of the City Administrator, Retirement Board, and Department of Human Resources for reports and/or comments, pursuant to Rules of Order 2.22.4.

01/12/18; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment. Any proposed physical project will require environmental review.

01/16/18; RESPONSE RECEIVED. The City Controller provided a financial analysis on the proposed Charter Amendment, pursuant to Municipal Elections Code Section 302(a)(2).

01/16/18; RESPONSE RECEIVED. The San Francisco Employees' Retirement System provided a response on the proposed Charter Amendment.

Heard in Committee. Speakers: Supervisor Aaron Peskin (Board of Supervisors); presented information and answered questions raised throughout the discussion. Richard Rothman; spoke neither in support nor against the proposed Charter Amendment.

Vice Chair Fewer moved that this Charter Amendment be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Safai, Fewer, Yee

171308 [Charter Amendment - Revenue Bonds for Public Utilities Commission Power Facilities]**Sponsors: Peskin; Tang**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to authorize the Public Utilities Commission to issue revenue bonds for power facilities when approved by ordinance receiving a two-thirds vote of the Board of Supervisors; at an election to be held on June 5, 2018.

12/12/17; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/11/2018.

12/20/17; 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, Office of the City Administrator, Public Utilities Commission, Port of San Francisco, and San Francisco International Airport for reports and/or comments, pursuant to Rules of Order 2.22.4.

01/12/18; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment. Any proposed physical project will require environmental review.

01/16/18; RESPONSE RECEIVED. The City Controller provided a financial analysis on the proposed Charter Amendment, pursuant to Municipal Elections Code Section 302(a)(2).

Supervisor Safai requested to be added as a co-sponsor.

Heard in Committee. Speakers: Supervisor Aaron Peskin (Board of Supervisors); Barbara Hale, Assistant General Manager - Power (Public Utilities Commission); Supervisor Katy Tang (Board of Supervisors); Jon Givner (Office of the City Attorney); presented information and answered questions raised throughout the discussion.

Member Yee, seconded by Vice Chair Fewer, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 14, by adding 'including the Fire Department and Airport', Lines 16-18, by adding 'New facilities will enable the PUC to provide clean, affordable energy to new neighborhood developments such as Treasure Island, Hunters Point Shipyard, Pier 70, and Mission Rock.', Line 23, by striking 'Currently' and 'reduces', and striking 'carbon footprint by 387 million pounds per year. This service'; on Page 2, Lines 1-14, by adding 'Currently, the PUC's greenhouse-gas-free electricity reduces the City's carbon footprint by approximately 387 million pounds per year. (e) The City's use of this clean electricity also reduces emissions of particulate matter 2.5 and nitrogen oxide, as compared to the electricity the City would otherwise receive. These chemicals, emitted primarily from motor vehicles, power plants, and refineries, significantly harm air quality and human health. (f) The new facilities financed with the bonds authorized by this Charter amendment will increase the use of the PUC's clean power and further reduce harmful emissions. These new facilities will also increase sustainability by incorporating technologies like energy storage and electric vehicle charging stations. (g) The new facilities financed with these bonds will support reliable electric service, earthquake resilience, and disaster recovery by including, by way of illustration but not limitation, grid and grid-connected technologies, like electronic control systems and distributed energy resources, and emerging "smart grid" innovations.', Line 23, by striking 'These new power facilities can enhance reliability and safety and increase sustainability by incorporating technologies like energy storage and electric vehicle charging.', and Line 24, by striking 'measure' and adding Charter amendment'; and Page 3, Lines 16-19, by adding 'The Public Utilities Commission shall endeavor to finance new power facilities that increase delivery of clean energy, enhance reliability and safety, and increase sustainability by incorporating technologies like energy storage and electric vehicle charging, as well as other technologies that become available. In no event shall the Public Utilities Commission finance construction of a power plant that generates electricity using fossil fuels or nuclear energy.' The motion carried by the following vote:

Ayes: 3 - Safai, Fewer, Yee

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco to authorize the Public Utilities Commission to issue revenue bonds for power facilities when approved by ordinance receiving a two-thirds vote of the Board of Supervisors; at an election to be held on June 5, 2018.

Member Yee moved that this Charter Amendment be CONTINUED AS AMENDED to the Rules Committee meeting of January 24, 2018. The motion carried by the following vote:

Ayes: 3 - Safai, Fewer, Yee

171309 [Charter Amendment - Jurisdiction Within City Government Over Parking and Traffic Matters]

Sponsors: Safai; Peskin

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to eliminate the San Francisco Municipal Transportation Agency's jurisdiction over parking and traffic regulations; to grant the legislative authority over parking and traffic to the Board of Supervisors; to create a new Livable Streets Commission and Department to manage parking and traffic; and affirming the Planning Department's determination under the California Environmental Quality Act; at an election to be held on June 5, 2018.

12/12/17; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/11/2018.

12/20/17; 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, Office of the City Administrator, Municipal Transportation Agency, Public Works, Police Department, and Sheriff's Department for reports and/or comments, pursuant to Rules of Order 2.22.4.

01/12/18; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment. Any proposed physical project will require environmental review.

01/16/18; RESPONSE RECEIVED. The City Controller provided a financial analysis on the proposed Charter Amendment, pursuant to Municipal Elections Code Section 302(a)(2).

Heard in Committee. Speakers: Supervisor Aaron Peskin (Board of Supervisors); presented information and answered questions raised throughout the discussion. Herbert Wiener; Speaker; Carl Holland; Richard Purdue; Eileen Logan; spoke in support of the proposed Charter Amendment. Speaker; spoke in opposition to the proposed Charter Amendment. Richard Rothman; Charles Rathbone; Speaker; spoke neither in support nor against the proposed Charter Amendment.

Member Yee moved that this Charter Amendment be CONTINUED to the Rules Committee meeting of January 24, 2018. The motion carried by the following vote:

Ayes: 3 - Safai, Fewer, Yee

171310 [Charter Amendment - Budget Set-Asides and Baselines]**Sponsors: Tang; Peskin**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to provide that whenever the City's projected budget deficit for the upcoming fiscal year exceeds \$200 million, the City is not required to increase funding for the Municipal Transportation Fund; the Park, Recreation and Open Space Fund; the Children and Youth Fund; the Library Preservation Fund; the Housing Trust Fund; the Public Education Enrichment Fund; the Dignity Fund; the Street Tree Maintenance Fund; the Controller's Audit Fund; the Asian Art Museum; the California Academy of Sciences; the Fine Arts Museums; the War Memorial and Performing Arts Center; the Library; the Recreation and Park Commission; or community cultural centers; to provide that money in these funds in future years that remain unspent or uncommitted at the end of the fiscal year will be returned to the City's General Fund; and to eliminate the requirement that the City provide funding to maintain a symphony orchestra; at an election to be held on June 5, 2018.

12/12/17; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/11/2018.

12/20/17; 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, Office of the City Administrator, Municipal Transportation Agency, Department of Recreation and Parks, Department of Children, Youth and Their Families, Public Library, Mayor's Office of Housing and Community Development, San Francisco Unified School District, Department of Aging and Adult Services, Public Works, and Arts Commission for reports and/or comments, pursuant to Rules of Order 2.22.4.

12/29/17; REFERRED TO DEPARTMENT. Referred to Youth Commission for comment and recommendation, pursuant to Charter, Section 4.124.

01/03/18; RESPONSE RECEIVED. 1/2/2018 - The Youth Commission voted 10-2 to support the Charter Amendment.

01/12/18; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment. Any proposed physical project will require environmental review.

01/16/18; RESPONSE RECEIVED. The City Controller provided a financial analysis on the proposed Charter Amendment, pursuant to Municipal Elections Code Section 302(a)(2).

Heard in Committee. Speakers: Supervisor Katy Tang and Supervisor Aaron Peskin (Board of Supervisors); Leah LaCroix, Acting Executive Director (Youth Commission); Peg Stevenson (Office of the City Controller); Jon Givner (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Francis Moran; Ernesto Scully; Sandy Mory; Margaret Bear; Patrick Bran; Reese Isbell and Marie Ciepiela (Friends of the San Francisco Public Library); Michelle Messano; Jodie Schwartz; Tracy Mercado; Mena Marmano; Craig Moore; Fernando Marti; Debbie Lerman; Jacelyn Jones; Annabelle Kenwood; Kian Sorenson; Honey Mahogany; Kyle; Lena Walley; Martha Ryan; Speaker; Molly Brown; Jessica Layman; Speaker; Jennifer Friedenbach; Todd David; Bahlam Vigil; spoke in opposition to the proposed Charter Amendment.

Member Yee, seconded by Vice Chair Fewer, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 10-11, by striking ‘the Asian Art Museum, the California Academy of Sciences, the Fine Arts Museums, the War Memorial and Performing Arts Center’ and adding ‘or additional funds set aside for’, Line 12, by adding ‘and’ and striking ‘or community cultural centers’; on Page 5, Lines 20-24, on Page 7, Line 24, through Page 8, Line 2, on Page 9, Lines 3-6, on Page 13, Lines 16-20, on Page 16, Lines 17-21, on Page 18, Lines 5-6, on Page 21, Lines 9-13, on Page 24, Lines 14-18, on Page 26, Lines 7-10, and on Page 28, Lines 11-14, by adding ‘In calculating the amount of funds that revert, the Controller shall exclude continuing appropriations for active capital and other one-time projects. The Controller shall calculate the reversion based on the proportion of total revenues in the Municipal Transportation Fund that has been allocated to the Fund under this [corresponding section]’; on Page 7, Line 10, by adding ‘subsections (5) and (6)’; Line 21, by striking ‘to these departments’ and adding ‘subsections (5) and (6)’; and on Page 15, Lines 18-21, by striking ‘Beginning in fiscal year 2018-2019, for any fiscal year, any monies that the City is required to deposit in the Fund during that fiscal year under this subsection (h) of Section 16.108, and that are not expended or encumbered by the end of the fiscal year, shall revert to the City’s General or to any other fund to which reversion is legally required.’ The motion carried by the following vote:

Ayes: 3 - Safai, Fewer, Yee

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco to provide that whenever the City’s projected budget deficit for the upcoming fiscal year exceeds \$200 million, the City is not required to increase funding for the Municipal Transportation Fund, the Park, Recreation and Open Space Fund, the Children and Youth Fund, the Library Preservation Fund, the Housing Trust Fund, the Public Education Enrichment Fund, the Dignity Fund, the Street Tree Maintenance Fund, the Controller’s Audit Fund, or additional funds set aside for the Library, and the Recreation and Park Commission; to provide that money in these funds in future years that remain unspent or uncommitted at the end of the fiscal year will be returned to the City’s General Fund; and to eliminate the requirement that the City provide funding to maintain a symphony orchestra; at an election to be held on June 5, 2018.

Member Yee, seconded by Vice Chair Fewer, moved that this Charter Amendment be CONTINUED AS AMENDED to the Rules Committee meeting of January 24, 2018. The motion carried by the following vote:

Ayes: 3 - Safai, Fewer, Yee

ADJOURNMENT

There being no further business, the Rules Committee adjourned at the hour of 5:02 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.