



City and County of San Francisco
Meeting Minutes - Final
Rules Committee

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

Members: Jane Kim, Mark Farrell, John Avalos

Clerk: Linda Wong (415) 554-7719

Thursday, January 17, 2013

1:30 PM

City Hall, Committee Room 263

Regular Meeting

President David Chiu appointed Supervisor Norman Yee to serve on the Rules Committee for January 17, 2013, in place of Supervisor John Avalos.

Present: 3 - Jane Kim, Mark Farrell, and Norman Yee

Excused: 1 - John Avalos

MEETING CONVENED

The meeting convened at 1:40 p.m.

REGULAR AGENDA

130028 [Appointment, Eastern Neighborhoods Citizens Advisory Committee - Walker Bass]

Hearing to consider appointing one member, term ending October 19, 2013, to the Eastern Neighborhood Citizens Advisory Committee. (Clerk of the Board)

Vacant seat 4, succeeding Jared Doumani, term expired, must be nominated by District 10 Supervisor and confirmed by the full Board, for the unexpired portion of a two-year term ending October 19, 2013.

01/08/13; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speaker: Walker Bass; spoke on his qualifications.

Appointment of Walker Bass, seat 4, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Walker Bass, term ending October 19, 2013, to the Eastern Neighborhood Citizens Advisory Committee. (Clerk of the Board)

Walker Bass, seat 4, succeeding Jared Doumani, term expired, must be nominated by District 10 Supervisor and confirmed by the full Board, for the unexpired portion of a two-year term ending October 19, 2013.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Yee

Excused: 1 - Avalos

130014 [Appointment, Bicycle Advisory Committee - Casey Allen]

Hearing to consider appointing one member, term ending November 19, 2014, to the Bicycle Advisory Committee. (Clerk of the Board)

Vacant seat 11, succeeding Casey Allen, term expired, must be a nominee of District 11 Supervisor. The member shall serve the unexpired portion of a two-year term ending November 19, 2014, or for the tenure of the supervisor who nominated the member, whichever is shorter in duration.

01/08/13; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speaker: Elbert Hill (Bicycle Advisory Committee); spoke in support of the applicant.

Appointment of Casey Allen, seat 11, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Casey Allen, term ending November 19, 2014, to the Bicycle Advisory Committee. (Clerk of the Board)

Casey Allen, seat 11, succeeding himself, term expired, must be a nominee of District 11 Supervisor. The member shall serve the unexpired portion of a two-year term ending November 19, 2014, or for the tenure of the supervisor who nominated the member, whichever is shorter in duration.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Yee

Excused: 1 - Avalos

130006 [Appointments, Assessment Appeals Board No. 1 - Joseph Tham, Mark Watts, Scott Spertzel, and Donna Crowder]

Hearing to consider appointing four members, terms ending September 7, 2015, to the Assessment Appeals Board No. 1. (Clerk of the Board)

Vacant seat 2, succeeding Alec Lambie, term expired, for the unexpired portion of a three-year term ending September 7, 2015. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board. *Pursuant to Section 1623 the three year term will end on the first Monday in September.

Vacant seat 5, succeeding Lawrence Lee, term expired, for the unexpired portion of a three-year term ending September 7, 2015. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board. *Pursuant to Section 1623 the three year term will end on the first Monday in September.

Vacant seat 6 (Alternate), succeeding Mark Watts, term expired, for the unexpired portion of a three-year term ending September 7, 2015. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board. *Pursuant to Section 1623 the three year term will end on the first Monday in September.

Vacant seat 8 (Alternate), succeeding Scott Spertzel, term expired, for the unexpired portion of a three-year term ending September 7, 2015. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board. *Pursuant to Section 1623 the three year term will end on the first Monday in September.

01/08/13; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Joseph Tham; Mark Watts; Scott Spertzel; Donna Crowder; spoke on their qualifications. Walter Paulson; Dawn Duran (Assessment Appeals Board); spoke neither in support nor opposition to the hearing matter.

Appointment of Joseph Tham, seat 2, recommended.

Appointment of Mark Watts, seat 5, recommended.

Appointment of Scott Spertzel, seat 6, recommended.

Appointment of Donna Crowder, seat 8, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Joseph Tham, Mark Watts, Scott Spertzel, and Donna Crowder, terms ending September 7, 2015, to the Assessment Appeals Board No. 1. (Clerk of the Board)

Joseph Tham, seat 2, succeeding Alec Lambie, term expired, for the unexpired portion of a three-year term ending September 7, 2015. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board. *Pursuant to Section 1623 the three year term will end on the first Monday in September.

Mark Watts, seat 5, succeeding Lawrence Lee, term expired, for the unexpired portion of a three-year term ending September 7, 2015. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board. *Pursuant to Section 1623 the three year term will end on the first Monday in September.

Scott Spertzel, seat 6 (Alternate), succeeding Mark Watts, term expired, for the unexpired portion of a three-year term ending September 7, 2015. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board. *Pursuant to Section 1623 the three year term will end on the first Monday in September.

Donna Crowder, seat 8 (Alternate), succeeding Scott Spertzel, term expired, for the unexpired portion of a three-year term ending September 7, 2015. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraisers; or he or she is a current member of an assessment appeals board. *Pursuant to Section 1623 the three year term will end on the first Monday in September.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Yee

Excused: 1 - Avalos

130013 [Appointments, Assessment Appeals Board No. 2 - Louisa Mendoza, Daniel Hershkowitz, Joyce Lewis, and Diana Daniel]

Hearing to consider appointing four members, terms ending September 7, 2015, to the Assessment Appeals Board No. 2. (Clerk of the Board)

Vacant seat 1, succeeding Louisa Mendoza, term expired, for the unexpired portion of a three-year term ending September 7, 2015. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraiser; or he or she is a current member of an assessment appeals board. *Pursuant to Section 1623 the three year term will end on the first Monday in September.

Vacant seat 5, succeeding John McGary, term expired, for the unexpired portion of a three-year term ending September 7, 2015. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraiser; or he or she is a current member of an assessment appeals board. *Pursuant to Section 1623 the three year term will end on the first Monday in September.

Vacant seat 6 (Alternate), succeeding Dona Crowder, term expired, for the unexpired portion of a three-year term ending September 7, 2015. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraiser; or he or she is a current member of an assessment appeals board. *Pursuant to Section 1623 the three year term will end on the first Monday in September.

Vacant seat 7 (Alternate), succeeding Joyce Lewis, term expired, for the unexpired portion of a three-year term ending September 7, 2015. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraiser; or he or she is a current member of an assessment appeals board. *Pursuant to Section 1623 the three year term will end on the first Monday in September.

01/08/13; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Joyce Lewis; Louis Mendoza; Kristine Nelson; Daniel Hershkowitz; Diana Daniel; spoke on their qualifications. Dawn Duran (Assessment Appeals Board); answered questions regarding the hearing matter. Female Speaker; Joseph Tham; spoke in support of various applicants. Walter Paulson; spoke neither in support nor opposition to the hearing matter.

Appointment of Louisa Mendoza, seat 1, recommended.

Appointment of Daniel Hershkowitz, seat 5, recommended.

Appointment of Joyce Lewis, seat 6, recommended.

Appointment of Diana Daniel, seat 7, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Louisa Mendoza, Daniel Hershkowitz, Joyce Lewis, and Diana Daniel, terms ending September 7, 2015, to the Assessment Appeals Board No. 2. (Clerk of the Board)

Louisa Mendoza seat 1, succeeding herself, term expired, for the unexpired portion of a three-year term ending September 7, 2015. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraiser; or he or she is a current member of an assessment appeals board. *Pursuant to Section 1623 the three year term will end on the first Monday in September.

Daniel Hershkowitz, seat 5, succeeding John McGary, term expired, for the unexpired portion of a three-year term ending September 7, 2015. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraiser; or he or she is a current member of an assessment appeals board. *Pursuant to Section 1623 the three year term will end on the first Monday in September.

Joyce Lewis, seat 6 (Alternate), succeeding Dona Crowder, term expired, for the unexpired portion of a three-year term ending September 7, 2015. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraiser; or he or she is a current member of an assessment appeals board. *Pursuant to Section 1623 the three year term will end on the first Monday in September.

Diana Daniel, seat 7 (Alternate), succeeding Joyce Lewis, term expired, for the unexpired portion of a three-year term ending September 7, 2015. Must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: Must have a minimum of five years professional experience in the State of California as one of the following: Certified Public Accountant (CPA) or Public Accountant (PA); licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization, or Property Appraiser certified by the Office of Real Estate Appraiser; or he or she is a current member of an assessment appeals board. *Pursuant to Section 1623 the three year term will end on the first Monday in September.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Yee

Excused: 1 - Avalos

121156 [Appointment, Reentry Council]

Hearing to consider appointing one member, term ending July 17, 2013, to the Reentry Council. (Clerk of the Board)

Vacant seat 4, succeeding Ronnie Muniz, resigned, for the unexpired portion of a two-year term ending July 17, 2013. Member must be a former inmate in the San Francisco County Jail, a California Department of Corrections and Rehabilitation facility, and/or a United States Bureau of Prison facility. The member must also have served multiple terms of incarceration. (Pursuant to San Francisco Administrative Code Section 5.1, all members of the Council shall be exempt from the Charter requirement that they be electors of the City and County of San Francisco.)

10/15/12; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speaker: Walter Paulson; spoke neither in support nor opposition to the hearing matter.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 2 - Kim, Yee

Excused: 1 - Avalos

Absent: 1 - Farrell

LITIGATION

Public Comment: None.

Conference with City Attorney

[Convene in Closed Session - Existing Litigation - City as Plaintiff and/or Defendant]

Motion that the Rules Committee of the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing lawsuits and claims in which proposed settlements are being considered by the Committee. Administrative Code Section 67.10(d) permit this closed session. Discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the pending lawsuits and claims listed below.

Unanimous vote to convene in closed session by the following vote:

Ayes: 2 - Kim, Yee

Excused: 1 - Avalos

Absent: 1 - Farrell

121226 [Settlement of Lawsuit - Sandra Ramos - \$60,000]

Ordinance authorizing settlement of the lawsuit filed by Sandra Ramos against the City and County of San Francisco for \$60,000; the lawsuit was filed on October 12, 2011, in the United States District Court for the Northern District of California, Case No. C-11-5033 WHA, entitled Sandra Ramos v. City and County of San Francisco; other material terms of said settlement are reimbursement to Plaintiff of up to \$2,500 for services of an organizational consultant. (City Attorney)

12/27/12; RECEIVED FROM DEPARTMENT.

01/08/13; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Yee

Excused: 1 - Avalos

121227 [Settlement of Lawsuit - Health Net - City to Receive \$800,000 and Future Payments]

Ordinance authorizing settlement of the lawsuit filed by the San Francisco City Attorney's Office, acting on behalf of the People of the State of California, against (among other Defendants) Health Net of California, Inc., for the payment by Health Net of \$800,000 for under reimbursing San Francisco General Hospital for emergency medical care provided to Health Net's insureds prior to January 1, 2012, and for the payment of an additional amount, to be determined, for such claims rising between January 1, 2012, and June 30, 2014; the lawsuit was filed on May 24, 2011, in the San Francisco Superior Court, Case No. 11-511181; entitled People of the State of California v. Health Net, et al.; other material terms of said settlement are that Health Net and San Francisco will enter into a prompt payment agreement under which Health Net agrees to pay San Francisco General Hospital certain specified rates for treatment provided to its insureds for emergency medical services rendered from January 1, 2012, through at least June 30, 2014. (City Attorney)

12/27/12; RECEIVED FROM DEPARTMENT.

01/08/13; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Yee

Excused: 1 - Avalos

121228 [Settlement of Lawsuit - Brendan Cadam - \$42,500]

Ordinance authorizing settlement of the lawsuit filed by Brendan Cadam against the City and County of San Francisco for \$42,500; the lawsuit was filed on July 3, 2012, in San Francisco Superior Court, Case No. CGC-12-522047; entitled Brendan Cadam, et al. v. City and County of San Francisco, et al. (City Attorney)

12/27/12; RECEIVED FROM DEPARTMENT.

01/08/13; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Yee

Excused: 1 - Avalos

121229 [Settlement of Lawsuit - Maya Vlanin - \$95,000]

Ordinance authorizing settlement of the lawsuit filed by Maya Vlanin against the City and County of San Francisco for \$95,000; the lawsuit was filed on June 29, 2010, in San Francisco Superior Court, Case No. CGC-10-501138; entitled Maya Vlanin v. City and County of San Francisco, et al. (City Attorney)

12/27/12; RECEIVED FROM DEPARTMENT.

01/08/13; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Yee

Excused: 1 - Avalos

121161 [Settlement of Claim - Crystal Cheung - \$110,000]

Resolution approving the proposed settlement of claim by Crystal Cheung against the City and County of San Francisco for \$110,000; the claim was filed on January 24, 2012, bearing Claim No. 12-01653. (City Attorney)

12/27/12; RECEIVED FROM DEPARTMENT.

01/08/13; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Yee

Excused: 1 - Avalos

121190 [Settlement of Lawsuit - Bryan Vestal - \$420,000]

Ordinance authorizing settlement of the lawsuit filed by Bryan Vestal against the City and County of San Francisco for \$420,000; the lawsuit was filed on February 3, 2011, in San Francisco Superior Court, Case No. CGC-11-507921; entitled Bryan Vestal v. City and County of San Francisco, et al.; another material term of said settlement is the waiver of the San Francisco General Hospital medical lien in the amount of \$110,098.30. (City Attorney)

12/27/12; RECEIVED FROM DEPARTMENT.

01/08/13; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Yee

Excused: 1 - Avalos

Deputy City Attorney Jon Givner reported that the Rules Committee has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding settlements in the lawsuits or claims listed above.

[Elect Not to Disclose]

Motion that the Committee finds that it is in the best interest of the public that the Committee elect at this time not to disclose its closed session deliberations listed above.

Unanimous vote not to disclose by the following vote:

Ayes: 3 - Kim, Farrell, Yee

Excused: 1 - Avalos

ADJOURNMENT

The meeting adjourned at 2:51 p.m.