



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: Norman Yee, London Breed, Malia Cohen

Clerk: Linda Wong (415) 554-7719

Thursday, July 18, 2013

1:30 PM

City Hall, Committee Room 263

Regular Meeting

Present: 4 - Norman Yee, London Breed, Malia Cohen, and David Chiu

MEETING CONVENED

The meeting convened at 1:44 p.m.

REGULAR AGENDA

130738 [Appointment, Entertainment Commission - Naomi Akers]

Hearing to consider appointing one member, term ending July 1, 2017, to the Entertainment Commission. (Clerk of the Board)

Vacant seat 3, succeeding Naomi Akers, term expired, must represent the interests of the public health community, for the unexpired portion of a four-year term ending July 1, 2017.

07/12/13; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Naomi Akers; spoke on her qualifications. Berry Toranto; Stephen Cassonardo; spoke in support of applicant Naomi Akers. Appointment of Naomi Akers, seat 3, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Naomi Akers, term ending July 1, 2017, to the Entertainment Commission. (Clerk of the Board)

Naomi Akers, seat 3, succeeding herself, term expired, must represent the interests of the public health community, for the unexpired portion of a four-year term ending July 1, 2017.

RECOMMENDED by the following vote:

Ayes: 3 - Yee, Breed, Cohen

130642 [Appointments, Commission of Animal Control and Welfare - Zachary Marks, Russell Tenofsky, Sally Stephens, and Jennifer Jameson]

Hearing to consider appointing four members, terms ending April 30, 2015, to the Commission of Animal Control and Welfare. (Clerk of the Board)

Vacant seat 3, succeeding Philip Gerrie, term expired, must be a member representing the general public having interest and experience in animal matters, for the unexpired portion of a two-year term ending April 30, 2015.

Vacant seat 4, succeeding Pam Hemphill, term expired, must be a member representing the general public having interest and experience in animal matters, for the unexpired portion of a two-year term ending April 30, 2015.

Vacant seat 5, succeeding Sally Stephen, term expired, must be a member representing the general public having interest and experience in animal matters, for the unexpired portion of a two-year term ending April 30, 2015.

Vacant seat 6, succeeding Ryan Young, term expired, must be a member representing the general public having interest and experience in animal matters, for the unexpired portion of a two-year term ending April 30, 2015.

06/14/13; RECEIVED AND ASSIGNED to Rules Committee.

06/20/13; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: None.

Heard in Committee. Speakers: James Yorck; Jennifer Jameson; Russell Tenofsky; Zachary Marks; Sally Stephens; spoke on their qualifications. Walter Paulson; spoke neither in support nor opposition to the matter. Jon Givner (City Attorney's Office); answered questions raised throughout the hearing.

Appointment of Zachary Marks, seat 3, recommended.

Appointment of Russell Tenofsky, seat 4, recommended.

Appointment of Sally Stephens, seat 5, recommended.

Appointment of Jennifer Jameson, seat 6, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Zachary Marks, Russell Tenofsky, Sally Stephens, and Jennifer Jameson, terms ending April 30, 2015, to the Commission of Animal Control and Welfare. (Clerk of the Board)

Zachary Marks, seat 3, succeeding Philip Gerrie, term expired, must be a member representing the general public having interest and experience in animal matters, for the unexpired portion of a two-year term ending April 30, 2015.

Russell Tenofsky, seat 4, succeeding Pam Hemphill, term expired, must be a member representing the general public having interest and experience in animal matters, for the unexpired portion of a two-year term ending April 30, 2015.

Sally Stephens, seat 5, succeeding herself, term expired, must be a member representing the general public having interest and experience in animal matters, for the unexpired portion of a two-year term ending April 30, 2015.

Jennifer Jameson, seat 6, succeeding Ryan Young, term expired, must be a member representing the general public having interest and experience in animal matters, for the unexpired portion of a two-year term ending April 30, 2015.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Breed, Cohen

130622 [Initiative Ordinance - Administrative Code - San Francisco Family Friendly Workplace Ordinance]**Sponsors: Chiu; Cohen, Mar and Campos**

Motion ordering submitted to the voters an ordinance amending the Administrative Code to: allow San Francisco-based employees to request flexible or predictable working arrangements to assist with caregiving responsibilities, subject to the employer's right to deny a request based on business reasons; prohibit adverse employment actions based on caregiver status; prohibit interference with rights or retaliation against employees for exercising rights under the Ordinance; require employers to post a notice informing employees of their rights under the Ordinance; require employers to maintain records regarding compliance with the Ordinance; authorize enforcement by the Office of Labor Standards Enforcement, including the imposition of remedies and penalties for a violation, and an appeal process for an employer to an independent hearing officer; authorize waiver of the provisions of the Ordinance in a collective bargaining agreement; and making environmental findings, to the voters of the City and County of San Francisco at an election to be held on November 5, 2013.

06/11/13; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 7/11/2013.

06/18/13; REFERRED TO DEPARTMENT. Referred to the Controller's Office for financial analysis and Planning Department of Environmental Review.

07/10/13; RESPONSE RECEIVED.

07/11/13; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Supervisor David Chiu (Board of Supervisors); Ted Egan, Chief Economist (Office of Economic Analysis); Dr. Emily Murase, Executive Director (Department of Status of Women); Regina Dick-Endrizzi, Executive Director (Office of Small Business); Dr. Curtis Chan (Department of Public Health); Linda Simon (Department of Human Resources); Donna Levin (Office of Labor Standards Enforcement); presented information concerning the matter and answered questions raised throughout the hearing. Paul R.; Leah Pimentel; Henny Kelly; Jane Bernard Poners; Thea Selby; Maria Lasurrie; Todd David (SF Parent PAC); Julia Parish; Jessica Napier; Patrick Valentino; Janet Clyde; Elizabeth Laferricue; Raffi Bezdikian; Nancy Rock; Andrew Russo; spoke in support of the matter. Rob Black; Jim Lazarus; Scott Hauge; spoke neither in support nor opposition to the matter. Ron Smith; spoke in opposition to the matter.

07/11/13; CONTINUED AS AMENDED.

Heard in Committee. Speakers: Supervisor David Chiu (Board of Supervisors); Dr. Curtis Chan (Department of Public Health); presented information concerning the matter and answered questions raised throughout the hearing. Edward Al-Ghani; Jenny Cassidy; Andrew Russo; Jane Bernard-Powers; Ron Smith; Minouche Kandel (Department on the Status of Women); Pat Valentino; Julia Parrish; Todd David; Leal Pimentel; Nancy Rock; spoke in support of the matter. Jonathan Lyons; spoke neither in support nor in opposition to the matter.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE by the following vote:

Ayes: 3 - Yee, Breed, Cohen

CONTINUED AS AMENDED to July 23, 2013, by the following vote:

Ayes: 3 - Yee, Breed, Cohen

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: 3 - Yee, Breed, Cohen

Supervisor Yee Excused from Voting

Supervisor Breed moved that Supervisor Yee be excused from voting on File No. 130336. The motion carried by the following vote:

Ayes: 2 - Breed, Cohen

Excused: 1 - Yee

Supervisor Yee was noted absent at 3:34 p.m.; and noted present at 3:36 p.m.

130336 [Settlement of Lawsuit - Rosemary Bosque - \$49,505.70]

Ordinance authorizing settlement of the lawsuit filed by Rosemary Bosque against the City and County of San Francisco for \$49,505.70; the lawsuit was filed on May 14, 2010 in San Francisco Superior Court, Case No. CGC-10-499909, entitled Bosque v. City and County of San Francisco. (City Attorney's Office)

04/12/13; RECEIVED FROM DEPARTMENT.

04/23/13; RECEIVED AND ASSIGNED to Rules Committee.

06/06/13; CONTINUED TO CALL OF THE CHAIR.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Breed, Cohen

Excused: 1 - Yee

Supervisors Breed and Cohen Excused from Voting

Supervisor Yee moved that Supervisors Breed and Cohen be excused from voting on File No. 130449. The motion carried by the following vote:

Ayes: 2 - Yee, Chiu

Excused: 2 - Breed, Cohen

Supervisors Breed and Cohen were noted absent at 3:37 p.m.; and noted present at 3:40 p.m.

Pursuant to Rules of Order, Section 3.2, President David Chiu served as a committee member due to lack of quorum.

130449 [Settlement of Lawsuit - Jesse J. Byrd - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by Jesse J. Byrd, Malik Britt, and Rashad Conley against the City and County of San Francisco for \$75,000; the lawsuit was filed on April 8, 2011, in U.S. District Court, Northern District of California, Case No. C11-1742-DMR; entitled Jesse J. Byrd, et al., v. City and County of San Francisco, et al. (City Attorney's Office)

05/13/13; RECEIVED FROM DEPARTMENT.

06/04/13; RECEIVED AND ASSIGNED to Rules Committee.

06/06/13; CONTINUED TO CALL OF THE CHAIR.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Yee, Chiu

Excused: 2 - Breed, Cohen

130507 [Settlement of Lawsuit - Local Search Association - \$85,000]

Ordinance authorizing settlement of the lawsuit filed by Local Search Association against the City and County of San Francisco for \$85,000; the lawsuit was filed on June 7, 2011, in the U.S. District Court for the Northern District of California, Case No. CV-11-2776 SBA; entitled Local Search Association v. City and County of San Francisco, et al.; other material terms of said settlement are that the parties shall stipulate to entry of a consent judgment against the City and County of San Francisco. (City Attorney's Office)

05/23/13; RECEIVED FROM DEPARTMENT.

06/04/13; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT

Ayes: 3 - Yee, Breed, Cohen

130529 [Settlement of Lawsuit - Paulette Adams-Irving - \$350,000]

Ordinance authorizing settlement of the lawsuit filed by Paulette Adams-Irving against the City and County of San Francisco for \$350,000.00; the lawsuit was filed on March 15, 2011, in San Francisco Superior Court, Case No. CGC 11-509216; entitled Paulette Adams-Irving v. City and County of San Francisco, et al. (City Attorney's Office)

05/30/13; RECEIVED FROM DEPARTMENT.

06/11/13; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Yee, Breed, Cohen

130530 [Settlement of Lawsuit - Maria Camacho - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Maria Camacho against the City and County of San Francisco for \$50,000; the lawsuit was filed on March 7, 2012, in San Francisco Superior Court, Case No. CGC 12-517261; entitled Maria Camacho, et al., v. City and County of San Francisco, et al. (City Attorney's Office)

05/30/13; RECEIVED FROM DEPARTMENT.

06/11/13; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Yee, Breed, Cohen

130531 [Settlement of Claim - Travelers Insurance Company and Connie Curran - \$42,876.54]

Resolution approving the proposed settlement of claim filed by Travelers Insurance Company and Connie Curran against the City and County of San Francisco for \$42,876.54; claim was filed on November 15, 2011, bearing Claim No. 12-01124. (City Attorney's Office)

05/30/13; RECEIVED FROM DEPARTMENT.

06/11/13; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Yee, Breed, Cohen

130567 [Settlement of Unlitigated Claims - 300 Spear Realty Venture LLC]

Resolution approving the settlement of the unlitigated claim in favor of 300 Spear Realty Venture LLC against the City and County of San Francisco; and the unlitigated claim in favor of the City and County of San Francisco against 300 Spear Realty Venture LLC. (City Attorney's Office)

07/08/13; RECEIVED FROM DEPARTMENT.

07/16/13; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Yee, Breed, Cohen

130634 [Settlement of Administrative Enforcement Action - \$51,000]

Resolution approving the settlement of the unlitigated administrative enforcement action filed by the San Francisco Bay Regional Water Quality Control Board against San Francisco imposing a penalty of \$51,000. (Public Utilities Commission)

06/21/13; RECEIVED FROM DEPARTMENT.

07/09/13; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Yee, Breed, Cohen

130643 [Settlement of Lawsuit - Maria D'Agostino - \$135,000]

Ordinance authorizing settlement of the lawsuit filed by Maria D'Agostino against the City and County of San Francisco for \$135,000; the lawsuit was filed on June 15, 2012, in San Francisco Superior Court, Case No. CGC-12-521615; entitled Maria D'Agostino, et al., v. City and County of San Francisco, et al. (City Attorney's Office)

06/10/13; RECEIVED FROM DEPARTMENT.

06/18/13; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Yee, Breed, Cohen

130644 [Settlement of Lawsuit - Wei Vivian Cui - \$30,000]

Ordinance authorizing settlement of the lawsuit filed by Wei Vivian Cui against the City and County of San Francisco for \$30,000; the lawsuit was filed on November 3, 2011, in San Francisco County Superior Court, Case No. CGC-11-515654; entitled Wei Vivian Cui v. City and County of San Francisco, et al. (City Attorney's Office)

06/10/13; RECEIVED FROM DEPARTMENT.

06/18/13; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Yee, Breed, Cohen

130705 [Settlement of Unlitigated Claims - Donald Wiggam - \$125,000]

Resolution approving the settlement of the unlitigated claims filed by Donald Wiggam against the City and County of San Francisco for \$125,000; claims were filed on October 22, 2011, August 9, 2012, and March 26, 2013. (City Attorney's Office)

07/08/13; RECEIVED FROM DEPARTMENT.

07/16/13; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Yee, Breed, Cohen

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 - Yee, Breed, Cohen

ADJOURNMENT

The meeting adjourned at 3:53 p.m.