



City and County of San Francisco
Meeting Minutes
Rules Committee

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

Members: Jane Kim, Mark Farrell, David Campos

Clerk: Linda Wong (415) 554-7719

Thursday, July 19, 2012

1:30 PM

City Hall, Committee Room 263

Regular Meeting

Present: 3 - Jane Kim, Mark Farrell, and David Campos

MEETING CONVENED

The meeting convened at 1:37 p.m.

REGULAR AGENDA

120722 [Appointment, San Francisco Sentencing Commission - Theshia Naidoo]

Hearing to consider appointing one member, term to be determined, to the San Francisco Sentencing Commission. (Clerk of the Board)

Vacant seat 1, new appointment, must be a sentencing expert, for a term to be determined.

06/26/12; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Theshia Naidoo; Allen Hopper; spoke on their qualifications. Mr. Hyde; Eva; spoke in support of applicant Theshia Naidoo.

Appointment of Theshia Naidoo, seat 1, recommended, residency requirement waived.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Theshia Naidoo, term to be determined, to the San Francisco Sentencing Commission, residency requirement waived. (Clerk of the Board)

Theshia Naidoo, seat 1 (residency requirement waived), new appointment, must be a sentencing expert, for a term to be determined.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Campos

120744 [Appointment, Board of Appeals - Ann Lazarus]**Sponsor: Mayor**

Motion approving/rejecting the Mayor's appointment of Ann Lazarus to the Board of Appeals for the term ending July 1, 2014.

(Section 4.106 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - June 25, 2012)

06/25/12; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Ann Lazarus; spoke on her qualifications. Diane Oshima; Peter Daly; spoke in support of the Mayor's appointment.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Motion approving the Mayor's appointment of Ann Lazarus to the Board of Appeals for the term ending July 1, 2014.

(Section 4.106 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - June 25, 2012)

RECOMMENDED AS AMENDED AS A COMMITTEE REPORT by the following vote:

Ayes: 3 - Kim, Farrell, Campos

120745 [Appointment, Board of Appeals - Frank Fung]**Sponsor: Mayor**

Motion approving/rejecting the Mayor's appointment of Frank Fung to the Board of Appeals for the term ending July 1, 2016.

(Section 4.106 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - June 25, 2012)

06/25/12; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speaker: Frank Fung; spoke on his qualifications.

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

Motion approving the Mayor's appointment of Frank Fung to the Board of Appeals for the term ending July 1, 2016.

(Section 4.106 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - June 25, 2012)

RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - Kim, Farrell, Campos

120746 [Appointment, Board of Appeals - Kevin Cheng]**Sponsor: Mayor**

Motion approving/rejecting the Mayor's appointment of Kevin Cheng to the Board of Appeals for the term ending July 1, 2016.

(Section 4.106 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - June 25, 2012)

06/25/12; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speaker: Alec Bash; spoke in support of the Mayor's withdrawn of his appointment of Kevin Cheng to the Board of Appeals.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Kim, Farrell, Campos

120743 [Confirming Appointment, Port Commission - William Adams]**Sponsor: Mayor**

Motion confirming the appointment of William Adams to the Port Commission, term ending May 1, 2014.

06/25/12; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: William Adams; spoke on his qualifications. Peter Daly; Tim Paulson; Teresa Cox; Ed Ferris; spoke in support of the Mayor's appointment.

RECOMMENDED by the following vote:

Ayes: 3 - Kim, Farrell, Campos

120668 [Health Code - Reauthorizing Food Security Task Force]**Sponsor: Mar**

Ordinance amending the San Francisco Health Code by adding Sections 470.1 and 470.2 to: 1) to reauthorize the Food Security Task Force, which had expired on January 30, 2012; 2) create sunset provisions for the Food Security Task Force expiring on July 1, 2015, subject to extension; 3) identify the agencies and organizations from which members are appointed; and 4) set the number of members, and making findings, including environmental findings.

06/12/12; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 7/12/2012.

Heard in Committee. Speakers: Paula Jones (DPH); presented information concerning the hearing matter. Gail Presley; Victor Lim (Board of Supervisors); spoke in support of the matter.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Campos

120626 [Hearing - Transfer of Local Business Enterprise Program]**Sponsor: Campos**

Hearing on proposed transfer of the Local Business Enterprise Program from Human Rights Commission to Office of the City Administrator or the Office of Economic Workforce Development.

06/05/12; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Supervisor David Campos (Board of Supervisors); Linda Young (Office of City Administrator); Theresa Sparks, Executive Director (HRC); Catharine Barnes (Office of the City Attorney); presented information concerning the hearing matter and answered questions from the Committee.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Kim, Farrell, Campos

LITIGATION

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 - Kim, Farrell, Campos

120656 [Settlement of Lawsuit - John and Virginia Lai - \$275,000]

Ordinance authorizing settlement of the lawsuit by John and Virginia Lai against the City and County of San Francisco for \$275,000; the lawsuit was filed on December 27, 2010, in San Francisco Superior Court, Case No. CGC-10-506691; entitled John and Virginia Lai, et al. v. City and County of San Francisco, et al. (City Attorney)

06/05/12; RECEIVED FROM DEPARTMENT.

06/19/12; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Kim, Farrell, Campos

120657 [Settlement of Lawsuit - Michael Horan - \$250,000]

Ordinance authorizing settlement of the lawsuit filed by Michael Horan against the City and County of San Francisco for \$250,000; the lawsuit was originally filed on September 25, 2009, in San Francisco Superior Court, Case No. CGC-09-492910, removed to United States District Court, Northern District, Case No. CV-10-01383; entitled Michael Horan v. City and County of San Francisco, et al. (City Attorney)

06/05/12; RECEIVED FROM DEPARTMENT.

06/19/12; RECEIVED AND ASSIGNED to Rules Committee.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Kim, Farrell, Campos

120659 [Settlement of Lawsuit - Gerardo Gonzales Delgado - \$250,000]

Ordinance authorizing settlement of the lawsuit filed by Gerardo Gonzales Delgado against the City and County of San Francisco for \$250,000; the lawsuit was filed on August 2, 2010, in San Francisco Superior, Case No. CGC-10-502105; entitled Gerardo Gonzales Delgado v. City and County of San Francisco, et al. (City Attorney)

06/05/12; RECEIVED FROM DEPARTMENT.

06/19/12; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Kim, Farrell, Campos

120684 [Settlement of Claim - Kimberly Wilson - \$35,000]

Resolution approving a settlement of the unlitigated claim filed by Kimberly Wilson against the City and County of San Francisco for \$35,000; claim was filed on April 11, 2011. (City Attorney)

06/05/12; RECEIVED FROM DEPARTMENT.

06/19/12; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Kim, Farrell, Campos

120748 [Settlement of Lawsuit - Maura Molyan and Anne Raskin - \$762,000]

Ordinance authorizing the settlement of a lawsuit filed by Maura Moylan and Anne Raskin against the City County of San Francisco, Janice Madsen, Kym Dougherty and Heather Grives for \$762,000; the lawsuit was filed on October 14, 2010, in United States District Court for the Northern District of California, Case No. C10-04700, entitled Maura Moylan and Anne Raskin v. City and County of San Francisco, Janice Madsen, Kym Dougherty and Heather Grives. (City Attorney)

07/09/12; RECEIVED FROM DEPARTMENT.

07/17/12; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Kim, Farrell, Campos

120749 [Settlement of Lawsuit - Candie Mattson - \$100,000]

Ordinance authorizing the settlement of a lawsuit filed by Candie Mattson against the City and County of San Francisco, Parks & Recreation Department and Dennis Kern for \$100,000 reinstatement of sick leave in the amount of 100 hours, and reinstatement of vacation in the amount of 100 hours; the lawsuit was filed on June 14, 2010, in San Francisco Superior Court, Case NO. 10-50073, entitled Candie Mattson v. City and County of San Francisco, Parks & Recreation Department and Dennis Kern.

07/09/12; RECEIVED FROM DEPARTMENT.

07/17/12; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Kim, Farrell, Campos

Deputy City Attorney Cheryl Adams 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.

ADJOURNMENT

The meeting adjourned at 4:08 p.m.