



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, David Campos

Clerk: Linda Wong (415) 554-7719

Thursday, March 29, 2012

1:30 PM

City Hall, Committee Room 263

Special Meeting

President David Chiu appointed Supervisor Scott Wiener to serve on the Rules Committee for the meeting of March 29, 2012, in place of Supervisor David Campos.

Present: 3 - Jane Kim, Mark Farrell, and Scott Wiener

Excused: 1 - David Campos

MEETING CONVENED

The meeting convened at 1:40 p.m.

REGULAR AGENDA

120172 [Appointments, Workforce Investment Community Advisory Committee - Doug Parrish, Liz Jackson-Simpson, Winnie Yu, and Sheryl Davis]

Hearing to consider appointing four members, terms ending February 19, 2013 and February 19, 2014, to the Workforce Investment Community Advisory Committee. (Clerk of the Board)

Vacant seat 1, succeeding Sheryl Davis, term expired, must be a staff and/or a Board member of 501(c)3 organizations. Preferably, Committee Members should be providing workforce development services or serving low-income residents and others with barriers to employment, for the unexpired portion of a two-year term ending February 19, 2014.

Vacant seat 2, succeeding Cameron McHenry, term expired, must be a staff and/or a Board member of 501(c)3 organizations. Preferably, Committee Members should be providing workforce development services or serving low-income residents and others with barriers to employment, for the unexpired portion of a two-year term ending February 19, 2014.

Vacant seat 3, succeeding Tracy Brown, term expired, must be a staff and/or a Board member of 501(c)3 organizations. Preferably, Committee Members should be providing workforce development services or serving low-income residents and others with barriers to employment, for the unexpired portion of a two-year term ending February 19, 2013.

Vacant seat 4, succeeding Jamie Brewster, term expired, must be a staff and/or a Board member of 501(c)3 organizations. Preferably, Committee Members should be providing workforce development services or serving low-income residents and others with barriers to employment, for the unexpired portion of a two-year term ending February 19, 2014.

02/22/12; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Dion-Jay Brookter; Liz Jackson-Simpson; Matthew Poland; Winnie Yu; Doug Parrish; Erris Edgerly; Monique B. Allen; Sheryl Davis; Kai Wilson Forsley; spoke on their qualifications. Walter Paulson; spoke neither in support nor opposition of the applicants. Ace Washington; spoke in support of applicants Sheryl Davis and Erris Edgerly. Daniel Landary; Male Speaker; Robert Smith; spoke in support of applicant Erris Edgerly. Kriztina B. Palone (OEWD); presented information concerning the matter.

Appointment of Liz Jackson-Simpson, seat 1, recommended.

Appointment of Winnie Yu, seat 2, recommended.

Appointment of Doug Parrish, seat 3, recommended.

Appointment of Sheryl Davis, seat 4, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Doug Parrish, term ending February 19, 2013, Liz Jackson-Simpson, Winnie Yu, and Sheryl Davis, terms ending February 19, 2014, to the Workforce Investment Community Advisory Committee. (Clerk of the Board)

Liz Jackson-Simpson, seat 1, succeeding Sheryl Davis, term expired, must be a staff and/or a Board member of 501(c)3 organizations. Preferably, Committee Members should be providing workforce development services or serving low-income residents and others with barriers to employment, for the unexpired portion of a two-year term ending February 19, 2014.

Winnie Yu, seat 2, succeeding Cameron McHenry, term expired, must be a staff and/or a Board member of 501(c)3 organizations. Preferably, Committee Members should be providing workforce development services or serving low-income residents and others with barriers to employment, for the unexpired portion of a two-year term ending February 19, 2014.

Doug Parrish, seat 3, succeeding Tracy Brown, term expired, must be a staff and/or a Board member of 501(c)3 organizations. Preferably, Committee Members should be providing workforce development services or serving low-income residents and others with barriers to employment, for the unexpired portion of a two-year term ending February 19, 2013.

Sheryl Davis, seat 4, succeeding Jamie Brewster, term expired, must be a staff and/or a Board member of 501(c)3 organizations. Preferably, Committee Members should be providing workforce development services or serving low-income residents and others with barriers to employment, for the unexpired portion of a two-year term ending February 19, 2014.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Wiener

Excused: 1 - Campos

120011 [Appointment, Children and Families First Commission - Anda Kuo]

Hearing to consider appointing one member, term ending April 29, 2014, to the Children and Families First Commission. (Clerk of the Board)

Vacant seat 5, succeeding Veronica Chavez, resigned, shall represent one or more of the following: children services, public health services; behavioral health services, social services, and tobacco and other substance abuse prevention and treatment services; recipients of project services included in the county strategic plan; educators specializing in early childhood development; representatives of a local child care resource or referral agency, the Child Care Planning and Advisory Council, or another local child care coordinating group; representatives of a local organization for prevention, or early intervention for families at risk; representatives of community-based organizations that have the goal of promoting and nurturing early childhood development; representatives of local school districts; and representatives of local medical, pediatric, or obstetric associations, or societies, for the unexpired portion of a four-year term ending April 29, 2014.

01/10/12; RECEIVED AND ASSIGNED to Rules Committee.

01/19/12; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: None.

Heard in Committee. Speakers: None.

Appointment of Anda Kuo, seat 5, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Anda Kuo, term ending April 29, 2014, to the Children and Families First Commission. (Clerk of the Board)

Anda Kuo, seat 5, succeeding Veronica Chavez, resigned, shall represent one or more of the following: children services, public health services; behavioral health services, social services, and tobacco and other substance abuse prevention and treatment services; recipients of project services included in the county strategic plan; educators specializing in early childhood development; representatives of a local child care resource or referral agency, the Child Care Planning and Advisory Council, or another local child care coordinating group; representatives of a local organization for prevention, or early intervention for families at risk; representatives of community-based organizations that have the goal of promoting and nurturing early childhood development; representatives of local school districts; and representatives of local medical, pediatric, or obstetric associations, or societies, for the unexpired portion of a four-year term ending April 29, 2014.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Wiener

Excused: 1 - Campos

120215 [Appointments, In-Home Supportive Services Public Authority - Kenzi Robi, Gustavo Serina, and Luis Calderon]

Hearing to consider appointing three members, terms ending March 1, 2015, to the In-Home Supportive Services Public Authority. (Clerk of the Board)

Vacant seat 5, succeeding Kenzi Robi, term expired, must be a consumer at-large between the ages of 18 and 60, for the unexpired portion of a three-year term ending March 1, 2015.

Vacant seat 7, succeeding Gustavo Serina, term expired, must be a member of the Commission on the Aging, recommended to the Board by the Commission, for the unexpired portion of a three-year term ending March 1, 2015.

Vacant seat 11, succeeding Luis Calderon, term expired, must be a consumer between the ages of 18 and 60, authorized to represent organizations that advocate for younger people with disabilities, for the unexpired portion of a three-year term ending March 1, 2015.

03/06/12; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Kenzi Robi; Gustavo Serina; Luis Calderon; spoke on their qualifications. Patrick Hoctel (In-Home Supportive Services Public Authority); spoke in support of the applicants. Walter Paulson; spoke neither in support nor opposition of the applicants.

Appointment of Kenzi Robi, seat 5, recommended.

Appointment of Gustavo Serina, seat 7, recommended.

Appointment of Luis Calderon, seat 11, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Kenzi Robi, Gustavo Serina, and Luis Calderon, terms ending March 1, 2015, to the In-Home Supportive Services Public Authority. (Clerk of the Board)

Kenzi Robi, seat 5, succeeding himself, term expired, must be a consumer at-large between the ages of 18 and 60, for the unexpired portion of a three-year term ending March 1, 2015.

Gustavo Serina, seat 7, succeeding himself, term expired, must be a member of the Commission on the Aging, recommended to the Board by the Commission, for the unexpired portion of a three-year term ending March 1, 2015.

Luis Calderon, seat 11, succeeding himself, term expired, must be a consumer between the ages of 18 and 60, authorized to represent organizations that advocate for younger people with disabilities, for the unexpired portion of a three-year term ending March 1, 2015.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Wiener

Excused: 1 - Campos

120218 [Appointments, Sweatfree Procurement Advisory Group - Jason Oringer, and Julienne Fisher]

Hearing to consider appointing two members, terms ending December 17, 2013, to the Sweatfree Procurement Advisory Group. (Clerk of the Board)

Vacant seat 1, succeeding Jason Oringer, term expired, must have significant experience representing employees in labor matters, for the unexpired portion of a two-year term ending December 17, 2013.

Vacant seat 4, succeeding Julienne Fisher, term expired, must be a member of the public, for the unexpired portion of a two-year term ending December 17, 2013.

03/06/12; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Jason Oringer; spoke on his qualifications. Walter Paulson; spoke neither in support nor opposition of the applicants.

Appointment of Jason Oringer, seat 1, recommended.

Appointment of Julienne Fisher, seat 4, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Jason Oringer and Julienne Fisher, terms ending December 17, 2013, to the Sweatfree Procurement Advisory Group. (Clerk of the Board)

Jason Oringer, seat 1, succeeding himself, term expired, must have significant experience representing employees in labor matters, for the unexpired portion of a two-year term ending December 17, 2013.

Julienne Fisher, seat 4, succeeding herself, term expired, must be a member of the public, for the unexpired portion of a two-year term ending December 17, 2013.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Wiener

Excused: 1 - Campos

111082 [Campaign and Governmental Conduct and Municipal Elections Codes - Amending Public Financing Program]**Sponsors: Kim; Campos, Mar and Avalos**

Ordinance amending the Campaign and Governmental Conduct Code and the Municipal Elections Code to modify funding of the City's public financing program, to increase expenditure ceilings for supervisorial candidates, to delay the date on which public funds may be disbursed, to change the qualification requirements for participating candidates, and to advance the date by which all local candidates must file their nomination papers.

10/04/11; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 11/3/2011.

10/12/11; REFERRED TO DEPARTMENT. Referred to the Ethics Commission for informational purposes.

01/24/12; SUBSTITUTED AND ASSIGNED to Budget and Finance Committee.

01/31/12; REFERRED TO DEPARTMENT. Referred to Ethics for review and recommendation.

02/09/12; TRANSFERRED to Rules Committee.

02/23/12; AMENDED. File Nos. 111082 and 120020 were heard together.

Heard in Committee. Supervisors Jane Kim and David Campos (Board of Supervisors); presented information concerning the matters. John St. Croix (Ethics Commission); Andrew Shen (City Attorney's Office); Peg Stevenson (Controller's Office); presented information concerning the matters and answered questions raised throughout the hearing. Douglas Yep; David Gary; Chris O'Donnick; John Palmer; Greg Gillet; Male Speaker; Steven Hills; spoke in support of the matters. David Pilpel spoke neither in support nor opposition to the matters.

02/23/12; REFERRED WITHOUT RECOMMENDATION AS COMMITTEE REPORT AS AMENDED.

02/28/12; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Supervisor Chu moved to divide the question relating to 'fiscal year starting balance' located on Page 3, Lines 3-5, and Page 4, Lines 2-8. The divided question PASSED by the following vote:

Ayes: 8 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Olague, Wiener

Noes: 3 - Chu, Elsbernd, Farrell

02/28/12; RE-REFERRED AS AMENDED to Rules Committee.

03/06/12; REFERRED TO DEPARTMENT. Referred to Ethics Commission for review and recommendation.

03/13/12; SUBSTITUTED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: John St. Croix (Ethics Commission); presented information concerning the matter. Steven Hill; spoke in support of the matter. Walter Paulson; David Pipel; spoke neither in support nor opposition of the matter. Andrew Shen (City Attorney's Office); presented information concerning the matter and answered questions raised throughout the hearing.

REFERRED WITHOUT RECOMMENDATION AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Kim, Farrell, Wiener

Excused: 1 - 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.

Speakers: None.

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

Ayes: 3 - Kim, Farrell, Wiener

Excused: 1 - Campos

120134 [Settlement of Lawsuit - Timothy Hoyt - \$80,000]

Ordinance authorizing settlement of the lawsuit filed by Timothy Hoyt against the City and County of San Francisco for \$80,000; the lawsuit was filed on April 26, 2010, in U.S. District Court, Case No. CV 10-01778 RS; entitled Timothy Hoyt v. the City and County of San Francisco, et al. (City Attorney)

02/01/12; RECEIVED FROM DEPARTMENT.

02/14/12; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Wiener

Excused: 1 - Campos

120238 [Settlement of Lawsuit - Fonseca v. Fong, et al. - \$73,000]

Ordinance authorizing settlement of the lawsuit filed by Charles Fonseca against the City and County of San Francisco for \$73,000 in attorney's fees and costs; the lawsuit was filed on May 4, 2007, in San Francisco Superior Court, Case No. CPF-07-507227; entitled Fonseca v. Heather Fong, et al. (City Attorney)

03/09/12; RECEIVED FROM DEPARTMENT.

03/20/12; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Wiener

Excused: 1 - Campos

120239 [Settlement of Lawsuit - Preston, et al. v. CCSF, et al. - \$100,000]

Ordinance authorizing settlement of the lawsuit filed by Bonnie Preston against the City and County of San Francisco for \$100,000; the lawsuit was filed on June 16, 2010, in San Francisco Superior Court, Case No. CGC-10-499015; entitled Bonnie Preston, et al. v. City and County of San Francisco, et al. (City Attorney)

03/09/12; RECEIVED FROM DEPARTMENT.

03/20/12; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Wiener

Excused: 1 - Campos

120161 [Settlement of Claim - Sally Bowman - \$70,000]

Resolution approving the settlement of the unlitigated claim filed by Sally Bowman against the City and County of San Francisco for \$70,000; claim was filed on May 24, 2011. (City Attorney)

02/17/12; RECEIVED FROM DEPARTMENT.

02/28/12; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Wiener

Excused: 1 - Campos

120162 [Settlement of Unlitigated Claim - James Murray - \$43,500]

Resolution approving the settlement of the unlitigated claim filed by James Murray against the City and County of San Francisco for \$43,500; claim was filed on April 06, 2011. (City Attorney)

02/17/12; RECEIVED FROM DEPARTMENT.

02/28/12; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Wiener

Excused: 1 - Campos

120163 [Settlement of Lawsuit - Patricia Banks - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Patricia Banks against the City and County of San Francisco for \$50,000; the lawsuit was filed on August 5, 2009, in San Francisco Superior Court, Case No. CGC-09-491089; entitled Patricia Banks, et al. v. City and County of San Francisco, et al. (City Attorney)

02/17/12; RECEIVED FROM DEPARTMENT.

02/28/12; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Wiener

Excused: 1 - Campos

120164 [Settlement of Lawsuit - Pacific States Environmental Contractors, Inc. - \$425,000]

Ordinance authorizing settlement of the lawsuit filed by Pacific States Environmental Contractors, Inc., against the City and County of San Francisco for \$425,000; the lawsuit was filed on November 20, 2009, in San Mateo County Superior Court and subsequently transferred to San Francisco County Superior Court, Case No. CGC-10-501403, entitled Pacific States Environmental Contractors, Inc. v. City and County of San Francisco, et al.; other material terms of the settlement are: 1) mutual releases except for latent defects, 2) dismissal of the complaint with prejudice, and 3) each side to bear its own attorneys fees and costs. (City Attorney)

02/17/12; RECEIVED FROM DEPARTMENT.

02/28/12; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Wiener

Excused: 1 - Campos

120181 [Settlement of Lawsuit - Christine Peterson - \$34,000]

Ordinance authorizing settlement of the lawsuit filed by Christine Peterson against the City and County of San Francisco for \$34,000; the lawsuit was filed on November 25, 2009, in San Francisco Superior Court, Case No. CGC-09-494798 (Consolidated with Case No. CGC-10-500217); entitled Christine Peterson, et al. v. City and County of San Francisco, et al. (City Attorney)

02/29/12; RECEIVED FROM DEPARTMENT.

03/13/12; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Wiener

Excused: 1 - Campos

120182 [Settlement of Lawsuit - Wilma Espinosa - \$275,000]

Ordinance authorizing settlement of the lawsuit filed by Wilma Espinosa against the City and County of San Francisco for \$275,000; the lawsuit was filed on March 9, 2011, in San Francisco Superior Court, Case No. CGC-11-508999; entitled Wilma Espinosa, et al. v. City and County of San Francisco et al. (City Attorney)

03/05/12; RECEIVED FROM DEPARTMENT.

03/13/12; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Wiener

Excused: 1 - Campos

120187 [Settlement of Lawsuit - Airis v. CCSF, et al. - \$7,500,000]

Ordinance authorizing settlement of the lawsuit filed by Airis SFO, LLC, Airis Holdings, LLC, and Duane Morris LLP ("Airis") against the City and County of San Francisco (the "City") for \$7,500,000; the lawsuit was filed on July 15, 2005, in San Mateo Superior Court, Case No. 448274, entitled Airis SFO, LLC, et al. v. City and County of San Francisco, et al.; other material terms include a full and final release by Airis of all claims for attorneys' fees, costs, and post judgment interest. (City Attorney)

02/27/12; RECEIVED FROM DEPARTMENT.

03/06/12; RECEIVED AND ASSIGNED to Rules Committee.

Speakers: Danny Chou, Warren Metlitzky (City Attorney's Office); presented information concerning the matter and answered questions raised throughout the hearing. Other persons in attendance: Sheryl Bregman (City Attorney's Office); Cathy Widener; John Martin (S.F. Airport).

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Wiener

Excused: 1 - Campos

120258 [Settlement of Lawsuit - Bigeleisen v. CCSF - \$30,000]

Ordinance authorizing settlement of the lawsuit filed by David Bigeleisen against the City and County of San Francisco for \$30,000; the lawsuit was filed on February 3, 2011, in San Francisco Superior Court, Case No. CGC-11-507900; entitled David Bigeleisen, v. City and County of San Francisco, et al.; other material terms of said settlement are material terms. (City Attorney)

03/16/12; RECEIVED FROM DEPARTMENT.

03/21/12; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Wiener

Excused: 1 - Campos

120259 [Settlement of Lawsuit - Donna Murray v. CCSF - \$245,000]

Ordinance authorizing settlement of the lawsuit filed by Donna Murray against the City and County of San Francisco for \$245,000; the lawsuit was filed on September 22, 2010, in San Francisco Superior Court, Case No. CGC-10-503853; entitled Donna Murray v. City and County of San Francisco, et al. (City Attorney)

03/16/12; RECEIVED FROM DEPARTMENT.

03/27/12; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Wiener

Excused: 1 - 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.

[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, Wiener

Excused: 1 - Campos

ADJOURNMENT

The meeting adjourned at 3:27 p.m.