



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, March 7, 2013

1:30 PM

City Hall, Committee Room 263

Regular Meeting

Present: 3 - Norman Yee, London Breed, and Malia Cohen

MEETING CONVENED

The meeting convened at 1:43 p.m.

REGULAR AGENDA

130209 [Appointment, Historic Preservation Commission - Jonathan Pearlman]

Motion approving/rejecting the Mayor's nomination for appointment of Jonathan Pearlman to the Historic Preservation Commission, Seat No. 3, for a term ending December 31, 2016. (Clerk of the Board)

(Section 4.135 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 - February 26, 2013.)

03/01/13; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Jonathan Pearlman; spoke on his qualifications. Henry Karnilowicz; Rodriguez Sanchez; Walter Paulson; Alan Aurick; spoke in support of the Mayor's nomination. Joseph Butler; Steward Morton; spoke in opposition to the Mayor's nomination. Mike Buhler; spoke neither in support nor opposition to the Mayor's nomination. Andrew Shen (City Attorney's Office); answered questions raised throughout the hearing.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 3 - Yee, Breed, Cohen

Motion approving the Mayor's nomination for appointment of Jonathan Pearlman to the Historic Preservation Commission, Seat No. 3, for a term ending December 31, 2016. (Clerk of the Board)
(Section 4.135 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 - February 26, 2013.)

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

Ayes: 3 - Yee, Breed, Cohen

130210 [Appointment, Historic Preservation Commission - Ellen Johnck]

Motion approving/rejecting the Mayor's nomination for appointment of Ellen Johnck to the Historic Preservation Commission, Seat No. 5, for a term ending December 31, 2016. (Clerk of the Board) (Section 4.135 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 - February 26, 2013.)

03/01/13; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Ellen Johnck; spoke on her qualifications. DeeDee Workman; Walter Paulson; Jim Haas; spoke in support of the Mayor's nomination.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 3 - Yee, Breed, Cohen

Motion approving the Mayor's nomination for appointment of Ellen Johnck to the Historic Preservation Commission, Seat No. 5, for a term ending December 31, 2016. (Clerk of the Board) (Section 4.135 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 - February 26, 2013.)

RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

Ayes: 3 - Yee, Breed, Cohen

130115 [Appointment, Port Commission - Mel Murphy]

Motion confirming the Mayor's appointment of Mel Murphy, term ending May 1, 2016, to the Port Commission. (Mayor)

02/01/13; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Mel Murphy; spoke on his qualifications. Tom Hsieh; Walter Paulson; Alex Rodriguez; Denise Ledbetter; Debra Nieman; Bob Noelke; Henry Kamilowicz; Simon Kwan; John McArdle; Frank Lee; Male Speaker; Dermot Philpott; Carmel Kavanagh; Padraic Ryan; Gail Malone; Susan Fox; John Keogan; Miguel Augeles; Angus McCarthy; Hector Navarro; Mr. O'Brian; Male Speaker; John Gilden; Male Speaker; spoke in support of the Mayor's appointment. Douglas Yep; spoke neither in support nor opposition to the appointment.

RECOMMENDED by the following vote:

Ayes: 3 - Yee, Breed, Cohen

130212 [Appointment, Bicycle Advisory Committee]

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

Vacant seat 3, succeeding Marc Brandt, term expired, must be a nominee of District 3 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.

03/01/13; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speaker: Marc Brandt; spoke on his qualifications. Appointment of Marc Brandt, seat 3, recommended.

PREPARED IN COMMITTEE AS A MOTION

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

Marc Brandt, seat 3, succeeding himself, term expired, must be a nominee of District 3 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 - Yee, Breed, Cohen

130211 [Appointment, Association of Bay Area Government Executive Board - Supervisor Malia Cohen]

Motion amending Board of Supervisors Motion No. M13-031 to appoint Supervisor Malia Cohen to the Association of Bay Area Governments Executive Board, for a term ending June 30, 2013. (Clerk of the Board)

03/01/13; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: None.

RECOMMENDED by the following vote:

Ayes: 2 - Yee, Breed

Excused: 1 - Cohen

120899 [Municipal Elections Code - Miscellaneous Amendments]

Sponsor: Kim

Ordinance amending the Municipal Elections Code, Sections 100, 110, 200, 205, 220, 230, 260, 335, 500, and 590, and adding Section 810, to: incorporate state law provisions governing Community College and Board of Education candidates; change deadlines for withdrawal of candidacy and candidate qualification statements; change the public inspection period for candidate materials; change requirements for petition circulator badges; delete the requirement that a disclaimer appear before Board of Supervisors' arguments in the Voter Information Pamphlet; incorporate state law provisions governing signatures in lieu of filing fees; reinstate candidate filing fee provisions; and make other technical amendments.

09/11/12; ASSIGNED UNDER 30 DAY RULE to Rules Committee.

09/22/12; REFERRED TO DEPARTMENT. Referred to Department of Elections for comment and recommendation.

02/07/13; CONTINUED. Heard in Committee. Speakers: None.

02/21/13; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Supervisor Jane Kim (Board of Supervisors); John Arntz, Director (Department of Elections); Andrew Shen (City Attorney's Office); presented information concerning the matter and answered questions raised throughout the hearing. Aja Monet; Douglas Yep; spoke neither in support nor opposition to the matter.

02/21/13; CONTINUED AS AMENDED.

Heard in Committee. Speakers: Andrew Shen (City Attorney's Office); John Arntz, Director (Department of Elections); presented information concerning the matter and answered questions raised throughout the hearing.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - Yee, Breed, Cohen

121156 [Appointment, Reentry Council - Robert Bowden]

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

Robert Bowden, 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.

01/17/13; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speaker: Walter Paulson; spoke neither in support nor opposition to the hearing matter.

Heard in Committee. Speakers: Jessica Flintoft (Reentry Council); Andrew Shen (City Attorney's Office); presented information concerning the matter and answered questions raised throughout the hearing. Bradley Reiss; Dennis Kinkle; Michael Santos; Robert Bowden; Stephen Fields; spoke on their qualifications. Sailey Walthen; spoke in support of applicant Dennis Kinkle. Appointment of Robert Bowden, seat 4, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Robert Bowden, term ending July 17, 2013, to the Reentry Council. (Clerk of the Board)

(Supervisor Cohen dissented in Committee.)

Robert Bowden, 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.)

RECOMMENDED by the following vote:

Ayes: 2 - Yee, Breed

Noes: 1 - Cohen

LITIGATION

Speakers: Dr. Derek Kerr; Maria Rivero; Rita O'Flynn; spoke in support of File No. 130111.

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

130111 [Settlement of Lawsuit - Derek Kerr, M.D. - \$750,000]

Ordinance authorizing settlement of the lawsuit filed by Derek Kerr, M.D., against the City and County of San Francisco for \$750,000; the lawsuit was filed on November 16, 2010, in United States District Court of California, Case No. C-10-5733 CW; entitled Derek Kerr, M.D. v. City and County of San Francisco, et al. (City Attorney)

02/01/13; RECEIVED FROM DEPARTMENT.

02/12/13; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Breed, Cohen

130112 [Settlement of Lawsuit - Rissa Kossen, et al. - \$27,500]

Ordinance authorizing settlement of the lawsuit filed by Rissa Kossen and Cameron Kossen against the City and County of San Francisco for \$27,500; the lawsuit was filed on December 1, 2011, in San Francisco County Superior Court, Case No. CGC-11-517538; entitled Rissa Kossen and Cameron Kossen, et al. v. City and County of San Francisco, et al.; other material terms of said settlement is full payment of San Francisco General Hospital's lien. (City Attorney)

02/01/13; RECEIVED FROM DEPARTMENT.

02/12/13; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Breed, Cohen

130113 [Settlement of Lawsuit - Ana Guevara - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by Ana Guevara against the City and County of San Francisco for \$75,000; the lawsuit was filed on October 13, 2011, in San Francisco Superior Court, Case No. CGC-11-515089; entitled Ana Guevara v. City and County of San Francisco, et al. (City Attorney)

02/01/13; RECEIVED FROM DEPARTMENT.

02/12/13; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Breed, Cohen

130135 [Settlement of Lawsuit - Shawn and Sarah Myers - \$200,000]

Ordinance authorizing settlement of the lawsuit filed by Shawn and Sarah Myers against the City and County of San Francisco for \$200,000; the lawsuit was filed on February 27, 2008, in United States District Court, Case No. 08-cv-1163; entitled Shawn Myers, et al., v. City and County of San Francisco, et al. (City Attorney)

02/11/13; RECEIVED FROM DEPARTMENT.

02/26/13; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Breed, Cohen

130136 [Settlement of Lawsuit - Veronica Hinkley Reck - \$70,000]

Ordinance authorizing settlement of the lawsuit filed by Veronica Hinkley Reck against the City and County of San Francisco for \$70,000; the lawsuit was filed on July 27, 2011, in Alameda Superior Court, Case No. RG-11-587571; entitled Veronica Hinkley Reck, et al. v. City and County of San Francisco, et al. (City Attorney)

02/11/13; RECEIVED FROM DEPARTMENT.

02/26/13; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Breed, Cohen

130137 [Settlement of Unlitigated Claim - SF Works - \$110,000]

Resolution approving the settlement of the unlitigated claim filed by the City and County of San Francisco against SF Works for \$110,000. (City Attorney)

02/11/13; RECEIVED FROM DEPARTMENT.

02/26/13; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Breed, Cohen

130164 [Settlement of Lawsuit - Mary Allen, et al. - \$40,000]

Ordinance authorizing settlement of the lawsuit filed by Mary Allen against the City and County of San Francisco for \$40,000; the lawsuit was filed on October 22, 2010, in San Francisco Superior Court, Case No. CGC-10-504814; entitled Mary Allen, et al. v. City and County of San Francisco, et al.; other material terms of said settlement are dismissal with prejudice and a waiver of any and all monetary sanctions. (City Attorney)

02/20/13; RECEIVED FROM DEPARTMENT.

03/05/13; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Breed, Cohen

130165 [Settlement of Lawsuits - Greenwich Associates LLC and Octavia Associates LLC - \$360,632.36]

Ordinance authorizing settlement of the lawsuits filed by Greenwich Associates LLC and Octavia Associates LLC against the City and County of San Francisco for \$360,632.36; the lawsuits were filed on September 26, 2012, in San Francisco County Superior Court, Case Nos. CGC-12-524729 and CGC-12-524730; entitled Greenwich Associates LLC v. City and County of San Francisco, et al. and Octavia Associates LLC v. City and County of San Francisco, et al. (City Attorney)

02/20/13; RECEIVED FROM DEPARTMENT.

03/05/13; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Breed, Cohen

130166 [Settlement of Lawsuit - Regina Potascher - \$87,500]

Ordinance authorizing settlement of the lawsuit filed by Regina Potascher, by her conservator Kim Schwarcz against the City and County of San Francisco for \$87,500; the lawsuit was filed on November 14, 2011, in San Francisco Superior Court, Case No. CGC-11-515780; entitled Regina Potascher, by her conservator Kim Schwarcz, et al. v. City and County of San Francisco, et al. (City Attorney)

02/20/13; RECEIVED FROM DEPARTMENT.

03/05/13; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Breed, Cohen

130167 [Settlement of Lawsuit - Jane Martin, et al. - \$1,748,840.74]

Ordinance authorizing settlement of remaining claims in the lawsuit filed by various plaintiffs against the City and County of San Francisco for \$1,748,840.74; the lawsuit was filed on January 31, 2005, in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al., v. City and County of San Francisco, et al. (City Attorney)

02/25/13; RECEIVED FROM DEPARTMENT.

03/05/13; RECEIVED AND ASSIGNED to Rules Committee.

CONTINUED TO CALL OF THE CHAIR 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 5:09 p.m.