



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, September 6, 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 1:40 p.m.

REGULAR AGENDA

120879 [Reappointment, Peninsula Corridor Joint Powers Board - Supervisor Malia Cohen]

Motion reappointing Supervisor Malia Cohen, term ending June 30, 2014, to the Peninsula Corridor Joint Powers Board. (Clerk of the Board)

08/29/12; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speaker: Walter Paulson; spoke in support of the appointment.

RECOMMENDED by the following vote:

Ayes: 3 - Kim, Farrell, Campos

120871 [Reappointment, Board of Appeals - Arcelia Hurtado]

Motion approving/rejecting the President of the Board of Supervisors, Supervisor David Chiu's nomination of Arcelia Hurtado to the Board of Appeals, for the term ending July 1, 2016. (Clerk of the Board)

(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 - August 29, 2012)

08/29/12; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speaker: Arcelia Hurtado; spoke on her qualifications.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Motion approving the President of the Board of Supervisors, Supervisor David Chiu's nomination of Arcelia Hurtado to the Board of Appeals, for the term ending July 1, 2016. (Clerk of the Board) (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 - August 29, 2012)

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

Ayes: 3 - Kim, Farrell, Campos

120847 [Appointment, Sunshine Ordinance Task Force - Bruce Wolfe]

Hearing to consider appointing one member, term ending April 27, 2013, to the Sunshine Ordinance Task Force. (Clerk of the Board)

Vacant seat 11, succeeding Jackson West, resigned, must be a member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government, for the unexpired portion of a two-year term ending April 27, 2013.

08/21/12; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Jon Givner (City Attorney's Office); answered questions raised throughout the hearing. Bruce Wolfe; Francine Simon; Kai (Wilson) Forsley; spoke on their qualifications. Richard Knee; Peter Warfield; Eric Brooks; Patrick Monette Shaw; Bob; spoke in support of applicant Bruce Wolfe. DeAnn Matthews; spoke in support of applicant Kai (Wilson) Forsley. Walter Paulson; Ray Hartz; Paul Currier; Rita O'Flynn; Charles Pitt; Supervisor Scott Wiener (Board of Supervisors); spoke neither in support nor opposition to the applicants.

Appointment of Bruce Wolfe, seat 11, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Bruce Wolfe, term ending April 27, 2013, to the Sunshine Ordinance Task Force. (Clerk of the Board)
(Supervisor Farrell dissented in Committee.)

Bruce Wolfe, seat 11, succeeding Jackson West, resigned, must be a member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government, for the unexpired portion of a two-year term ending April 27, 2013.

RECOMMENDED by the following vote:

Ayes: 2 - Kim, Campos

Noes: 1 - Farrell

120870 [Appointments, Lesbian, Gay, Bisexual and Transgender (LGBT) Seniors Task Force]

Hearing to consider appointing 15 members, for indefinite terms, to the Lesbian, Gay, Bisexual and Transgender (LGBT) Seniors Task Force. (Clerk of the Board)

Vacant seat 1, new appointment, must be an LGBT senior, aging adult or person with expertise or experience working on issues affecting LGBT seniors, for an indefinite term.

Vacant seat 2, new appointment, must be an LGBT senior, aging adult or person with expertise or experience working on issues affecting LGBT seniors, for an indefinite term.

Vacant seat 3, new appointment, must be an LGBT senior, aging adult or person with expertise or experience working on issues affecting LGBT seniors, for an indefinite term.

Vacant seat 4, new appointment, must be an LGBT senior, aging adult or person with expertise or experience working on issues affecting LGBT seniors, for an indefinite term.

Vacant seat 5, new appointment, must be an LGBT senior, aging adult or person with expertise or experience working on issues affecting LGBT seniors, for an indefinite term.

Vacant seat 6, new appointment, must be an LGBT senior, aging adult or person with expertise or experience working on issues affecting LGBT seniors, for an indefinite term.

Vacant seat 7, new appointment, must be an LGBT senior, aging adult or person with expertise or experience working on issues affecting LGBT seniors, for an indefinite term.

Vacant seat 8, new appointment, must be an LGBT senior, aging adult or person with expertise or experience working on issues affecting LGBT seniors, for an indefinite term.

Vacant seat 9, new appointment, must be an LGBT senior, aging adult or person with expertise or experience working on issues affecting LGBT seniors, for an indefinite term.

Vacant seat 10, new appointment, must be an LGBT senior, aging adult or person with expertise or experience working on issues affecting LGBT seniors, for an indefinite term.

Vacant seat 11, new appointment, must be an LGBT senior, aging adult or person with expertise or experience working on issues affecting LGBT seniors, for an indefinite term.

Vacant seat 12, new appointment, must be an LGBT senior, aging adult or person with expertise or experience working on issues affecting LGBT seniors, for an indefinite term.

Vacant seat 13, new appointment, must be an LGBT senior, aging adult or person with expertise or experience working on issues affecting LGBT seniors, for an indefinite term.

Vacant seat 14, new appointment, must be an LGBT senior, aging adult or person with expertise or experience working on issues affecting LGBT seniors, for an indefinite term.

Vacant seat 15, new appointment, must be an LGBT senior, aging adult or person with expertise or experience working on issues affecting LGBT seniors, for an indefinite term.

08/28/12; RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Aaron Parness; Alex Kinney; Alyssa Nickell, Ph. D.; Ashley McCumber; Connell Persico; Daniel Redman; Emerald O'Leary; Felicia Elizondo; Helene Wenzel; James Illig; Jazzie Collins; Jerome Cuffey; Jorge Rodriguez; Kathleen Hentges; Kaushik Roy; Kim Schoen; Larry Saxxon; Lawrence Michael Costa; Marcy Adelman, Ph. D.; Marilyn Hayward; Mark Burns; Michael Smith; Michelle Alcedo; Nikos Diaman; Perry Lang; Rick Crane; Scott Haitsuka; Stuart Smith; Tommi Mecca; Veronika Fimbres; William "Bill" Ambrunn; William Kirkpatrick; William Lipsky; spoke on their qualifications. Miguel Bustos; Marty; Male Speaker; James Cancelli; Jessica (Senior Disability Action); Burtado Casamir; spoke in support of various applicants. Ray Hartz; Peter Warfield; spoke neither in support nor opposition to the applicants.

Appointment of Ashley McCumber, seat 1, recommended.

Appointment of Daniel Redman, seat 2, recommended.

Appointment of Felicia Elizondo, seat 3, recommended.

Appointment of Jazzie Collins, seat 4, recommended.

Appointment of Jorge Rodriguez, seat 5, recommended.

Appointment of Kaushik Roy, seat 6, recommended.

Appointment of Larry Saxxon, seat 7, recommended.

Appointment of Lawrence Michael Costa, seat 8, recommended.

Appointment of Marcy Adelman, seat 9, recommended.

Appointment of Michelle Alcedo, seat 10, recommended.

Appointment of Perry Lang, seat 11, recommended.

Appointment of Scott Haitsuka, seat 12, recommended.
Appointment of Stuart Smith, seat 13, recommended.
Appointment of Tommi Mecca, seat 14, recommended.
Appointment of William "Bill" Ambrunn, seat 15, recommended.

PREPARED IN COMMITTEE AS A MOTION

Motion appointing Ashley McCumber, Daniel Redman, Felicia Elizondo, Jazzie Collins, Jorge Rodriguez, Kaushik Roy, Larry Saxxon, Laurence Michael Costa, Marcy Adelman, Michelle Alcedo, Perry Lang, Scott Haitsuka, Stuart Smith, Tommi Mecca, and William Ambrunn, for indefinite terms, to the Lesbian, Gay, Bisexual and Transgender (LGBT) Seniors Task Force. (Clerk of the Board)

Ashley McCumber, seat 1, new appointment, must be an LGBT senior, aging adult or person with expertise or experience working on issues affecting LGBT seniors, for an indefinite term.

Daniel Redman, seat 2, new appointment, must be an LGBT senior, aging adult or person with expertise or experience working on issues affecting LGBT seniors, for an indefinite term.

Felicia Elizondo, seat 3, new appointment, must be an LGBT senior, aging adult or person with expertise or experience working on issues affecting LGBT seniors, for an indefinite term.

Jazzie Collins, seat 4, new appointment, must be an LGBT senior, aging adult or person with expertise or experience working on issues affecting LGBT seniors, for an indefinite term.

Jorge Rodriguez, seat 5, new appointment, must be an LGBT senior, aging adult or person with expertise or experience working on issues affecting LGBT seniors, for an indefinite term.

Kaushik Roy, seat 6, new appointment, must be an LGBT senior, aging adult or person with expertise or experience working on issues affecting LGBT seniors, for an indefinite term.

Larry Saxxon, seat 7, new appointment, must be an LGBT senior, aging adult or person with expertise or experience working on issues affecting LGBT seniors, for an indefinite term.

Laurence Michael Costa, seat 8, new appointment, must be an LGBT senior, aging adult or person with expertise or experience working on issues affecting LGBT seniors, for an indefinite term.

Marcy Adelman, seat 9, new appointment, must be an LGBT senior, aging adult or person with expertise or experience working on issues affecting LGBT seniors, for an indefinite term.

Michelle Alcedo, seat 10, new appointment, must be an LGBT senior, aging adult or person with expertise or experience working on issues affecting LGBT seniors, for an indefinite term.

Perry Lang, seat 11, new appointment, must be an LGBT senior, aging adult or person with expertise or experience working on issues affecting LGBT seniors, for an indefinite term.

Scott Haitsuka, seat 12, new appointment, must be an LGBT senior, aging adult or person with expertise or experience working on issues affecting LGBT seniors, for an indefinite term.

Stuart Smith, seat 13, new appointment, must be an LGBT senior, aging adult or person with expertise or experience working on issues affecting LGBT seniors, for an indefinite term.

Tommi Mecca, seat 14, new appointment, must be an LGBT senior, aging adult or person with expertise or experience working on issues affecting LGBT seniors, for an indefinite term.

William Ambrunn, seat 15, new appointment, must be an LGBT senior, aging adult or person with expertise or experience working on issues affecting LGBT seniors, for an indefinite term.

RECOMMENDED.. 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

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.

07/19/12; CONTINUED TO CALL OF THE CHAIR.

CONTINUED to September 20, 2012, by the following vote:

Ayes: 3 - Kim, Farrell, Campos

120845 [Settlement of Lawsuit - Brian Navarro - \$225,000]

Ordinance authorizing settlement of the lawsuit filed by Brian Navarro against the City and County of San Francisco for \$225,000; the lawsuit was filed on March 1, 2011, in Brian Navarro vs. City and County of San Francisco, Case No. CGC-11-508644; entitled Brian Navarro, et al., v. City and County of San Francisco, et al.; other material terms of said settlement are material terms. (City Attorney)

08/16/12; RECEIVED FROM DEPARTMENT.

09/04/12; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Campos

120846 [Settlement of Lawsuit - Fred Broussard - \$125,000]

Ordinance authorizing settlement of the lawsuit filed by Fred Broussard against the City and County of San Francisco for \$125,000; the lawsuit was filed on October 4, 2010, in the United States District Court for the Northern District of California, Case No. CV10-4997 WHA; entitled Fred Broussard, et al. v. City and County of San Francisco, et al. (City Attorney)

08/16/12; RECEIVED FROM DEPARTMENT.

09/04/12; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Campos

120853 [Settlement of Lawsuit - Raymond Quinn - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by Raymond Quinn against the City and County of San Francisco for \$75,000; the lawsuit was filed on February 16, 2012, in US District Court, Case No. CV-12-0766 DMR; entitled Raymond Quinn v. City and County of San Francisco, et al. (City Attorney)

08/16/12; RECEIVED FROM DEPARTMENT.

09/04/12; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Campos

120855 [Settlement of Lawsuit - Yim Bing Kwong - \$60,000]

Ordinance authorizing settlement of the lawsuit filed by Yim Bing Kwong against the City and County of San Francisco for \$60,000; the lawsuit was filed on October 27, 2010, in the United States District Court for the Northern District of California, Case No. C-10-4860, entitled Yim Bing Kwong v. City and County of San Francisco. (City Attorney)

08/16/12; RECEIVED FROM DEPARTMENT.

09/04/12; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Campos

120856 [Settlement of Lawsuit - James Wilson - \$77,072.75]

Ordinance authorizing settlement of the lawsuit filed by James Wilson, against the City and County of San Francisco for \$77,072.75; the lawsuit was filed on February 20, 2007, in United States District Court, Case No. C-07-01016 PJH; entitled James Wilson, et al., v. City and County of San Francisco, et al. (City Attorney)

08/16/12; RECEIVED FROM DEPARTMENT.

09/04/12; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Campos

120838 [Settlement of Claim - Adam Holm - \$34,154.27]

Resolution approving the settlement of the unlitigated claim filed by Adam Holm against the City and County of San Francisco for \$34,154.27; claim was filed on April 30, 2012. (City Attorney)

08/09/12; RECEIVED FROM DEPARTMENT.

09/04/12; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Campos

120837 [Settlement of Lawsuit - Lepakshi Nadh Jilakara - \$40,000]

Ordinance authorizing settlement of the lawsuit filed by Lepakshi Nadh Jilakara against the City and County of San Francisco for \$40,000; the lawsuit was filed on April 26, 2011, in San Francisco Superior Court, Case No. CGC-11-510513; entitled Lepakshi Nadh Jilakara, et al., v. City and County of San Francisco, et al. (City Attorney)

08/09/12; RECEIVED FROM DEPARTMENT.

09/04/12; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Campos

120836 [Settlement of Lawsuit - Saeed Ibrahim - \$35,000.00]

Ordinance authorizing settlement of the lawsuit filed by Saeed Ibrahim against the City and County of San Francisco for \$35,000.00; the lawsuit was filed on February 17, 2011, in U.S. District Court, Case No. CV 11-1695-RS; entitled Saeed Ibrahim v. City and County of San Francisco, et al. (City Attorney)

08/09/12; RECEIVED FROM DEPARTMENT.

09/04/12; RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Kim, Farrell, Campos

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, Campos

ADJOURNMENT

The meeting adjourned at 5:17 p.m.

ADDENDUM

The following information are provided by speakers, pursuant to Administrative Code Section 67.16. The content is neither generated by, nor subject to approval or verification of accuracy by, the Clerk of the Board or the Board of Supervisors.

Ray Hartz submitted to the following additional information during Public Comment on File 120847 as follows: For a body whose membership includes many with degrees in law, the BOS seems to be sadly lacking in respect for the rule of law. The SOTF has been unable to meet for months, denying "due process" to San Francisco citizens. This was done in retaliation for Task Force decisions against certain members of the BOS. The full board changed a recommendation of this Rules Committee and failed to take public comment before removing the only representative of the disabled community from the Task Force. Supervisor Weiner substituted a personally drafted candidate, with no record of interest in or knowledge of open government matters, for the experienced representative of the disabled community. This retaliatory action denied members of the disabled community representation on the Task Force, the opportunity to be Chair or Vice-Chair of the Task Force or its committees, and violated rights under the Americans with Disabilities Act (ADA).

Paul Currier submitted to the following additional information during Public Comment on File 120847 as follows: Supervisor Scott Weiner's moves legally have blocked San Francisco's Sunshine Ordinance Task Force from operation. Playing illegal games to cover up his own prosecution, due to his official misconduct to Sunshine case 11048, is good cause for recall of Supervisor Weiner. There are other in office who need to go as well. I call out to San Francisco to organize thru a small Saturday morning home meetings so we can collectively recall the machine. My case, Sunshine number 12033 cannot be heard due to the additional illegal official misconduct in S.O.T.F. appointments. No mention, does not remove the crimes now compounding. Ms. Hypte cases are blocked, and we have hundreds of illegal evictions now going on at Park Merced, while the Supervisors continue to do nothing to correct this unconstitutional situation. Enough is enough! Apparently, US District Court action is required to compel San Francisco to obey the law.