

# Board of Supervisors



City Hall  
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## Legislation Introduced at Roll Call

Tuesday, October 25, 2022

### Introduced by a Supervisor or the Mayor

*Pursuant to Charter Section 2.105, an Ordinance or Resolution may be introduced before the Board of Supervisors by a Member of the Board, a Committee of the Board, or the Mayor and shall be referred to and reported upon by an appropriate Committee of the Board.*

### ORDINANCES

**221102 [Settlement of Lawsuit - U.S. Department of Health and Human Services and Xavier Becerra - City to Pay \$203,885 - Sole Source Contract for Quality Improvement Expert - Not to Exceed \$3,000,000 - Waiver of Certain Administrative Code Provisions]**

**Sponsor:** Mayor

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against U.S. Department of Health and Human Services and Xavier Becerra, Secretary of Health and Human Services for \$203,885; and in connection with the settlement agreement, authorizing the Department of Public Health to enter into a contract with a Quality Improvement Expert without engaging in a competitive procurement process, and without adhering to specified contract requirements in the Administrative Code; the lawsuit was filed on August 3, 2022, in the United States District Court for the Northern District of California, Case No. 3:22-cv-4500-WHA; entitled City and County of San Francisco v. U.S. Department of Health and Human Services; Xavier Becerra, Secretary of the Department of Health and Human Services; the lawsuit involves allegations that defendants violated the Administrative Procedure Act and the City's due process rights by deciding to terminate federal funding for Laguna Honda Hospital and Rehabilitation Center before residents could safely be transferred to other facilities and before the City's administrative appeal could be heard. (City Attorney). RECEIVED AND ASSIGNED to Board of Supervisors.

**221103 [Fire Code - Repealing 2019 Code, Adopting 2022 Code]**

**Sponsors:** Mayor; Peskin

Ordinance repealing the existing San Francisco Fire Code in its entirety and enacting a new San Francisco Fire Code consisting of the 2022 California Fire Code and portions of the 2018 International Fire Code, together with amendments specific to San Francisco, including provisions for fees for permits, inspections, and various City services, with an operative date of January 1, 2023; adopting findings of local conditions pursuant to California Health and Safety Code, Section 17958.7; directing the Clerk of the Board of Supervisors to forward San Francisco's amendments to the California Building Standards Commission and State Fire Marshal; and making environmental findings. ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.

- 221104 [Planning Code - SoMa Nighttime Entertainment Uses; Leather and LGBTQ Cultural District]**  
**Sponsors:** Dorsey; Mandelman  
Ordinance amending the Planning Code to allow Nighttime Entertainment as a principally permitted use on properties fronting Folsom Street between 7th Street and Division Street and properties fronting 11th Street between Howard Street and Division Street in the Folsom Street Neighborhood Commercial Transit District and the Western SoMa Mixed Use-General District; removing certain restrictions on Nighttime Entertainment uses on properties fronting Folsom Street between 7th Street and Division Street and properties fronting 11th Street between Howard Street and Division Street in the Western SoMa Special Use District; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302. ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.
- 221105 [Planning Code - HOME-SF]**  
**Sponsor:** Peskin  
Ordinance amending the Planning Code to exclude designated historic districts under Article 10 of the Planning Code from the provisions of the Home Ownership Means Equity - San Francisco (HOME-SF) program; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302. ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.
- 221106 [Public Works Code - Waiver of Temporary Street Space Occupancy Permit Fee - Sidewalk Sales During the Holiday Season]**  
**Sponsors:** Stefani; Mandelman, Dorsey and Chan  
Ordinance waiving the fee required under Public Works Code, Section 724.1(b), for temporary street space occupancy permits on San Francisco streets on November 25-27, December 2-4, and December 9-11, 2022, to promote sidewalk sales of merchandise during the holiday season; and affirming the Planning Department's determination under the California Environmental Quality Act. ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee.

## **RESOLUTIONS**

- 221107 [Accept and Expend Grant - Retroactive - California Department of Insurance - Automobile Insurance Fraud Program - \$314,180]**  
**Sponsor:** Mayor  
Resolution retroactively authorizing the Office of the District Attorney to accept and expend a grant in the amount of \$314,180 from the California Department of Insurance for the Automobile Insurance Fraud Program, for the grant period of July 1, 2022, through June 30, 2023. (District Attorney). RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 221108 [Accept and Expend Grant - Retroactive - California Department of Insurance - Workers' Compensation Insurance Fraud Program - \$1,008,768]**  
**Sponsor:** Mayor  
Resolution retroactively authorizing the Office of the District Attorney to accept and expend a grant in the amount of \$1,008,768 from the California Department of Insurance for the Workers' Compensation Insurance Fraud Program, for the grant period July 1, 2022, through June 30, 2023. (District Attorney). RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 221109 [Accept and Expend Grant - Retroactive - 2018 Repurposed Federal Earmark - Sloat Infrastructure Improvements - \$163,513]**  
**Sponsors:** Mayor; Melgar  
Resolution retroactively authorizing the Department of Public Works to accept and expend an earmark grant of \$163,513 from the Federal Highway Administration 2018 Earmark Repurposing Final Approved List to fund the construction of the Sloat Infrastructure Improvements project for a term of September 16, 2021, through December 1, 2023; authorizing Public Works to execute all required documents for the project; and affirming the Planning Department's Determination under the California Environmental Quality Act. (Public Works). RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 221110 [Initiating Landmark Designation - 1200 Taraval Street (aka Parkside Library)]**  
**Sponsors:** Mar; Chan, Melgar and Peskin  
Resolution initiating a landmark designation under Article 10 of the Planning Code of 1200 Taraval Street (aka Parkside Library) in the Sunset District, Assessor's Parcel Block No. 2351, Lot No. 001. RECEIVED AND ASSIGNED to Land Use and Transportation Committee.
- 221111 [Lung Cancer Awareness Month - November 2022]**  
**Sponsor:** Peskin  
Resolution declaring November 2022 as Lung Cancer Awareness Month in the City and County of San Francisco. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

## **MOTIONS**

**221099 [Committee of the Whole - Closed Session - Settlement of Lawsuit - U.S. Department of Health and Human Services and Xavier Becerra - City to Pay \$203,885 - Sole Source Contract - Not to Exceed \$3,000,000 - November 1, 2022, at 3:00 p.m.]**

**Sponsor:** Melgar

Motion scheduling the Board of Supervisors to sit as a Committee of the Whole at the meeting on November 1, 2022, to hold a public hearing to consider the proposed Ordinance (File No. 221102) endorsing settlement of the lawsuit filed on behalf of the City and County of San Francisco against the U.S. Department of Health and Human Services, and Xavier Becerra, Secretary of the Department of Health and Human Services, entitled City and County of San Francisco v. U.S. Department of Health and Human Services; Xavier Becerra, Secretary of the Department of Health and Human Services, and in connection with the settlement agreement, authorizing the Department of Public Health to enter into a contract with a Quality Improvement Expert without engaging in a competitive procurement process, and without adhering to specified contract requirements in the Administrative Code; and scheduling a Closed Session of the Board of Supervisors at the same meeting for the purpose of conferring with, or receiving advice from, the City Attorney regarding that existing litigation in which the City is a plaintiff, pursuant to California Government Code, Section 54956.9(a), and San Francisco Administrative Code, Section 67.10(d) (1). REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**221115 [Mayoral Appointment, Children and Families First Commission - Michael Lambert]**

Motion approving/rejecting the Mayor's nomination for appointment of Michael Lambert, term ending October 8, 2026, to the Children and Families First Commission. (Clerk of the Board). RECEIVED AND ASSIGNED to Rules Committee.

**221116 [Mayoral Reappointment, Successor Agency Commission (Commonly Known as Commission on Community Investment and Infrastructure) - Alex Ludlum]**

Motion approving/rejecting the Mayor's nomination for reappointment of Alex Ludlum to the Successor Agency Commission (commonly known as the Commission on Community Investment and Infrastructure), term ending November 3, 2026. (Clerk of the Board). RECEIVED AND ASSIGNED to Rules Committee.

**221117 [Mayoral Appointment, Treasure Island Development Authority Board of Directors - Jeanette Howard]**

Motion approving/rejecting the Mayor's nomination for appointment of Jeanette Howard to the Treasure Island Development Authority Board of Directors, for a term ending February 26, 2025. (Clerk of the Board). RECEIVED AND ASSIGNED to Rules Committee.

## **REQUESTS FOR HEARING**

**221112 [Hearing - Budget and Legislative Analyst Report - San Francisco Unified School District Central Office Audit]**

**Sponsor:** Ronen

Hearing to discuss the Budget and Legislative Analyst report, entitled "SFUSD comparative analysis of functions, staffing, and resources allocated to San Francisco Unified School District central offices with those of other comparable school districts;" and requesting the Budget and Legislative Analyst and San Francisco Unified School District (SFUSD) to report. RECEIVED AND ASSIGNED to Youth, Young Adult, and Families Committee.

**221113 [Hearing - DPH Secondary Policies and Baker Places, Inc.]**

**Sponsor:** Safai

Hearing to consider the Department of Public Health's (DPH) secondary employment policies and the overall condition of Baker Places, Inc.; and requesting DPH and Department of Human Resources to report. RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**221114 [Hearing - Citywide Nonprofit Performance Audit Report]**

**Sponsor:** Stefani

Hearing to discuss the findings and recommendations made in the August 30, 2022, Citywide Nonprofit Performance Audit report, entitled "The City Should More Effectively Evaluate the Impact of Services Provided by Community Based Organizations;" and requesting the City Services Auditor and City Performance Division to report. RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**221100 [Hearing - Committee of the Whole - Settlement of Lawsuit - U.S. Department of Health and Human Services and Xavier Becerra - City to Pay \$203,885 - Sole Source Contract - Not to Exceed \$3,000,000 - November 1, 2022, at 3:00 p.m.]**

Hearing of the Board of Supervisors to sit as a Committee of the Whole on November 1, 2022, at 3:00 p.m., during the Regular Board of Supervisors meeting, to hold a public hearing on the proposed Ordinance (File No. 221102) endorsing settlement of the lawsuit filed on behalf of the City and County of San Francisco against the U.S. Department of Health and Human Services, and Xavier Becerra, Secretary of the Department of Health and Human Services, entitled City and County of San Francisco v. U.S. Department of Health and Human Services; Xavier Becerra, Secretary of the Department of Health and Human Services, and in connection with the settlement agreement, authorizing the Department of Public Health to enter into a contract with a Quality Improvement Expert without engaging in a competitive procurement process, and without adhering to specified contract requirements in the Administrative Code; scheduled pursuant to the Motion contained in File No. 221099, to be considered on November 1, 2022. (Clerk of the Board). SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

**221101 [Closed Session - Settlement of Lawsuit - U.S. Department of Health and Human Services and Xavier Becerra - City to Pay \$203,885 - Sole Source Contract - Not to Exceed \$3,000,000 - Waiver of Certain Administrative Code Provisions - November 1, 2022]**

Closed Session for the Board of Supervisors to convene on November 1, 2022, pursuant to California Government Code, Section 54956.9(a), and San Francisco Administrative Code, Section 67.10(d)(1), for the purpose of conferring with, or receiving advice from, the City Attorney regarding settlement of the lawsuit filed by the City and County of San Francisco against U.S. Department of Health and Human Services and Xavier Becerra, Secretary of Health and Human Services for \$203,885; and in connection with the settlement agreement, authorizing the Department of Public Health to enter into a contract with a Quality Improvement Expert without engaging in a competitive procurement process, and without adhering to specified contract requirements in the Administrative Code; the lawsuit was filed on August 3, 2022, in the United States District Court for the Northern District of California, Case No. 3:22-cv-4500-WHA; entitled City and County of San Francisco v. U.S. Department of Health and Human Services; Xavier Becerra, Secretary of the Department of Health and Human Services; the lawsuit involves allegations that defendants violated the Administrative Procedure Act and the City's due process rights by deciding to terminate federal funding for Laguna Honda Hospital and Rehabilitation Center before residents could safely be transferred to other facilities and before the City's administrative appeal could be heard; scheduled pursuant to the Motion contained in File No. 221099, to be considered on November 1, 2022. (Clerk of the Board). SCHEDULED FOR PUBLIC HEARING to Board of Supervisors.

**Introduced at the Request of a Department**

*Pursuant to Rules of Order of the Board of Supervisors Section 2.7.1, Department Heads may submit proposed legislation to the Clerk of the Board, in which case titles of the legislation will be printed at the rear of the next available agenda of the Board.*

**PROPOSED ORDINANCE**

**221065 [General Plan - Adopting the 2022 Safety & Resilience Element]**

Ordinance amending the San Francisco General Plan by repealing the 2012 Community Safety Element and adopting the 2022 Safety & Resilience Element; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of public necessity, convenience, and general welfare under Planning Code, Section 340, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Planning Department). ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.

**PROPOSED RESOLUTIONS**

**221066 [Settlement of Unlitigated Claim - Visa U.S.A. Inc. - \$28,771.32]**

Resolution approving the settlement of the unlitigated claim filed by Visa U.S.A. Inc. against the City and County of San Francisco for \$28,771.32; the claim was filed on June 30, 2022; the claim involves a refund of commercial rents taxes. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**221067 [Real Property Sale Agreement - State of California - Portions of SFPUC Parcel Nos. 57 and 65 - State Route 84 / Niles Canyon Safety Improvement Project in Alameda County - \$11,970]**

Resolution 1) approving and authorizing the General Manager of the San Francisco Public Utilities Commission ("SFPUC") and/or the Director of Property, on behalf of the City and County of San Francisco ("City"), to sell fee and easement interest in certain real property located along State Route 84 in the City of Fremont and in unincorporated Alameda County to the State of California, acting through its California Department of Transportation ("Caltrans"); 2) approving and authorizing an Agreement for Sale of Real Estate, Temporary Construction Easement, and Utility Easement ("Sale Agreement") for the sale of the Property, as defined herein, to Caltrans; 3) authorizing the SFPUC General Manager and/or City's Director of Property to execute the Sale Agreement, make certain modifications, and take certain actions in furtherance of this Resolution and the Sale Agreement, as defined herein; 4) adopting findings declaring that the real property is "surplus land" and "exempt surplus land" pursuant to the California Surplus Land Act; 5) determining that a competitive bidding process for the conveyance of the Property is impractical and not in the public interest, in accordance with Administrative Code, Section 23.3; 6) adopting responsible agency findings under the California Environmental Quality Act ("CEQA") and Section 15091 of the CEQA Guidelines; and 7) adopting the Planning Department's findings that the Sale Agreement, and the transaction contemplated therein, is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Utilities Commission).  
RECEIVED AND ASSIGNED to Budget and Finance Committee.

**Clerk to Act – October 25, 2022**

**Regular Board Meeting Minutes for September 20, 2022 was approved.**

**Requests Granted**

NONE

**In Memoriam**

NONE