

Board of Supervisors



City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Tel. No. 554-5184
TDD No. 554-5227

Legislation Introduced at Roll Call

Tuesday, February 9, 2021

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

210138 [Business Registration Fee - Extension of Deadline for Payment]

Sponsor: Mayor

Ordinance extending the deadline for certain businesses to pay the business registration fee for the fiscal year ending June 30, 2022, to November 1, 2021. ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee.

210139 [Emergency Ordinance - Limiting COVID-19 Impacts by Continuing to Make Shelter-in-Place Hotel Rooms Available to People Experiencing Homelessness]

Sponsors: Haney; Preston, Ronen, Walton, Melgar and Mar

Emergency ordinance to prohibit the City from requiring people experiencing homelessness currently housed in approximately 2,000 Shelter-in-Place ("SIP") Hotel rooms to move from those rooms until those individuals obtain a stable housing placement; to require the City to make a total of 2,200 Shelter-in-Place ("SIP") Hotel rooms available, and to fill those rooms, as they are vacated, for people experiencing homelessness; and to require the Department of Homelessness and Supportive Housing to prepare publicly available reports on the progress of placements from SIP Hotels into stable housing. ASSIGNED to Budget and Finance Committee.

210140 [Administrative, Campaign and Governmental Conduct Codes - Office of the Chief Medical Examiner]

Sponsor: Peskin

Ordinance amending the Administrative Code and Campaign and Governmental Conduct Code to establish the position of Executive Director of the Office of Chief Medical Examiner, and to establish a division of responsibilities in that Office between the Executive Director and the Chief Medical Examiner. ASSIGNED UNDER 30 DAY RULE to Rules Committee.

210141 [Administrative Code - Extension Of Temporary Tenant Protections Due To COVID-19]

Sponsor: Preston

Ordinance amending the Administrative Code to limit residential evictions through June 30, 2021, unless the eviction is based on the non-payment of rent or is necessary due to violence-related issues or health and safety issues. ASSIGNED to Land Use and Transportation Committee.

- 210142 [Administrative Code - Composition and Sunset Date of Family Violence Council]**
Sponsor: Stefani
Ordinance amending the Administrative Code to change the composition of the Family Violence Council and extend the sunset date for the Council to May 1, 2024. ASSIGNED UNDER 30 DAY RULE to Rules Committee.

RESOLUTIONS

- 210143 [Acquisition of Real Property - 5th and Howard Associates, L.P. - 921 Howard Street - 100% Affordable Housing - \$13,765,670 - Ground Lease with Base Rent of \$15,000 - Loan Not to Exceed \$39,148,960]**
Sponsor: Mayor
Resolution 1) approving and authorizing the Director of Property, on behalf of the San Francisco Mayor's Office of Housing and Community Development ("MOHCD"), to acquire Real Property, located at 921 Howard Street ("Property") from 5th and Howard Associates, L.P. ("Developer") for \$13,765,670; 2) placing the Property under the jurisdiction of MOHCD for use in constructing affordable housing for San Franciscans; 3) approving and authorizing a Loan Agreement in an amount not to exceed \$39,148,960 for a minimum loan term of 57 years ("Loan Agreement") to finance the construction of a 100% affordable, 203-unit multifamily rental housing development (plus one staff unit) on the Property for low income households with ancillary commercial space for public benefit or community-serving purposes ("Project"); 4) approving and authorizing an Agreement for Purchase and Sale for acquisition of the Property ("Purchase Agreement") and a Ground Lease back to the Developer for a lease term of 75 years and one 24-year option to extend and an annual base rent of \$15,000 in order to construct the Project ("Ground Lease") to commence after approval by the Board of Supervisors and Mayor; 5) adopting findings that the Purchase Agreement, Loan Agreement and Ground Lease are consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and 6) authorizing the Director of Property and the Director of MOHCD to execute the Purchase Agreement, Ground Lease, and Loan Agreement, make certain modifications to such agreements, and take certain actions in furtherance of this Resolution, as defined herein. RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 210144 [Accept and Expend Grant - Retroactive - Kaiser Permanente - Adoption of Enterprise Electronic Health Record System - \$4,545,455]**
Sponsor: Mayor
Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$4,545,455 from Kaiser Permanente through the San Francisco General Hospital Foundation to participate in a program, entitled "Adoption of Enterprise Electronic Health Record System," for the period of November 1, 2019, through October 31, 2021. (Public Health Department). RECEIVED AND ASSIGNED to Budget and Finance Committee.
- 210145 [Lunar New Year 2021]**
Sponsors: Chan; Walton, Mar, Peskin, Haney, Safai, Ronen, Melgar, Preston, Mandelman and Stefani
Resolution celebrating 2021 as Year of the Ox, and recognizing February 12, 2021, as the start of Lunar New Year 4719 in the City and County of San Francisco. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 210146 [Urging the Prioritization of People with Underlying Health Conditions and Disabilities in Vaccine Distribution]**
Sponsors: Haney; Preston, Mar and Walton
 Resolution urging the State of California and San Francisco Department of Public Health to prioritize people with underlying health conditions and disabilities in COVID-19 vaccine distribution guidelines in partnership with the California Department of Developmental Services and In-Home Supportive Services programs. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 210147 [Interim Zoning Controls - Extending Conditional Use Authorization for Conversion of Residential Care Facilities to Other Uses]**
Sponsor: Mandelman
 Resolution extending interim zoning controls for 6 months to require a Conditional Use Authorization and specified findings for a proposed change of use from a Residential Care Facility; 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. ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.
- 210148 [Urging the State Legislature to Pass California State Senate Bill No. 314 (Wiener) - Bar and Restaurant Recovery Act]**
Sponsors: Mandelman; Haney
 Resolution urging passage of California State Senate Bill No. 314, Bar and Restaurant Recovery Act, authored by Senator Scott Wiener, to provide much-needed relief for restaurants and bars and to ensure they are able to recover economically after the COVID-19 pandemic. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 210149 [Urging a Fossil-Free Appointee to the Retirement Board of the San Francisco Employees' Retirement System (SFERS)]**
Sponsors: Peskin; Safai and Walton
 Resolution urging Mayor London Breed to appoint an individual to the Retirement Board of the San Francisco Employees' Retirement System who has experience in the divestiture of failing assets, including the system's investments in fossil fuels, and who will commit to developing a plan for full divestment from those assets. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 210150 [Supporting United States Senate Bill 4865 (Brown) - Full-Service Community Schools Expansion Act of 2020]**
Sponsors: Ronen; Melgar
 Resolution supporting United States Senate Bill 4865, introduced on October 26, 2020 by United States Senator Sherrod Brown (D-OH), which would increase funding for the federal full-service Community Schools program from its current level of \$30 million to \$1 billion per year by fiscal year 2025, as well as add a grant program for states, enhance technical assistance, and promote best practices in Community Schools. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
- 210151 [Supporting California State Assembly Bill No. 71 (Rivas) - Bring California Home Act]**
Sponsors: Walton; Preston and Chan
 Resolution supporting California State Assembly Bill No. 71, Bring California Home Act, authored by Assembly Member Luz Rivas and co-authored by Assembly Members Richard Bloom, David Chiu, and Buffy Wicks. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

- 210152 [Supporting California State Senate Bill No. 107 (Wiener) - CalFresh]**
Sponsors: Walton; Melgar, Preston, Peskin and Chan
Resolution supporting California State Senate Bill No. 107, authored by Senator Scott Wiener and co-authored by Senator Bill Dodd, on CalFresh to reduce the prevalence of food insecurity and poverty among older adults and people with disabilities. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

MOTIONS

- 210153 [Board of Supervisors Budget Process - FYs 2021-2022 and 2022-2023]**
Sponsors: Haney; Walton, Mar, Ronen, Safai, Preston, Peskin, Melgar, Chan, Stefani and Mandelman
Motion establishing goals for the Board of Supervisors' Budget and Appropriations Committee, and the process to guide the Board's deliberations on the City budget, for Fiscal Years (FYs) 2021-2022 and 2022-2023. RECEIVED AND ASSIGNED to Budget and Appropriations Committee.
- 210154 [Concurring in Actions to Meet Local Emergency - Coronavirus Response - Thirty-Fourth Supplement]**
Sponsor: Walton
Motion concurring in actions taken by the Mayor in the Thirty-Fourth Supplement to the Proclamation of Emergency to meet the ongoing local emergency related to the novel coronavirus COVID-19 pandemic by expanding the City's paid sick leave program to provide up to 80 hours of paid sick leave for Department of Public Health employees who work on an "as needed" basis. REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

REQUESTS FOR HEARING

- 210155 [Hearing - Interim Zoning Controls - Removal of Residential Care Facilities]**
Sponsor: Mandelman
Hearing to receive the six-month report on Interim Zoning Controls Requiring Conditional Use Authorization to Remove a Residential Care Facility, pursuant to Planning Code, Section 306.7(i); and requesting the Planning Department to report. RECEIVED AND ASSIGNED to Land Use and Transportation Committee.
- 210156 [Hearing - Crime and Violence Targeting Asian-American Seniors]**
Sponsors: Mar; Chan, Melgar, Preston, Safai and Walton
Hearing to address concerns on crime and violence targeting Asian-American seniors and other vulnerable groups and the rise of anti-Asian racism, including crime prevention efforts, status of investigations, victim services programs, other public safety resources, and strategies the departments are deploying to reduce crime and violence targeting the Asian Pacific Islander and person of color communities and to promote cross-racial solidarity; and requesting the Police Department, Office of the District Attorney, Human Rights Commission, Office of Civic Engagement and Immigrant Affairs, Adult Probation Department, and Juvenile Probation Department to report. RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

210157 [Hearing - Department of Homelessness and Supportive Housing Budget - FYs 2021-2022 and 2022-2023]

Sponsor: Haney

Hearing on the overview of the Department of Homelessness and Supportive Housing's budget for Fiscal Years (FYs) 2021-2022 and 2022-2023; and requesting the Department of Homelessness and Supportive Housing to report. RECEIVED AND ASSIGNED to Budget and Appropriations Committee.

210158 [Hearing - Mayor's Office of Housing and Community Development's Budget - FYs 2021-2022 and 2022-2023]

Sponsor: Haney

Hearing on the overview of the Mayor's Office of Housing and Community Development's budget for Fiscal Years (FYs) 2021-2022 and 2022-2023; and requesting the Mayor's Office of Housing and Community Development to report. RECEIVED AND ASSIGNED to Budget and Appropriations Committee.

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

210112 [Settlement of Lawsuit - Maurice Caldwell - \$2,500,000]

Ordinance authorizing entry of Judgment, pursuant to Federal Rule of Civil Procedure 68, in favor of Plaintiff Maurice Caldwell, and against the City and County of San Francisco, in the amount of \$2,500,000 in settlement of the lawsuit filed on April 16, 2012 in United States District Court, Case No. 12-cv-1892 DMR, entitled Maurice Caldwell v. City and County of San Francisco, et al; the lawsuit alleges fabrication of evidence and wrongful conviction. (City Attorney). RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Clerk to Act - February 9, 2021

Meeting Minutes for the January 5, 2021, Board Regular Meeting, and the January 8, 2021, Inaugural Meeting were approved.

Requests Granted

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From: Supervisor Melgar

To: San Francisco District Attorney, San Francisco Police Department, San Francisco Adult Probation Department, San Francisco City Administrator, San Mateo Probation Department, California Highway Patrol

Requesting/Inquiring: Requesting data on what funding mechanisms are needed to be put in place for successful prevention and substance abuse programs in San Francisco, San Mateo, and California. What are the current funding mechanics we have in San Francisco and California for substance abuse prevention? Please see attached for memo.

In Memoriam

Sheria Musyoka - Supervisor Melgar and the Entire Board

George Shultz - Supervisor Peskin, Supervisor Stefani and the Entire Board

John Moylan - Supervisor Stefani and Supervisor Peskin

Terrrie Frye - Supervisor Mandelman, Supervisor Mar and the Entire Board

(* * The request was received on February 9, 2021; however, due to an inadvertent clerical oversight by Office of the Clerk of the Board staff, the subject letter of inquiry was not issued out to City Departments in a timely manner. March 26, 2021 is the amended deadline for response.

Member, Board of Supervisors
District 7



City and County of San Francisco

MYRNA MELGAR

February 9, 2021

Dear Madam Clerk Calvillo,

Pursuant to the unlimited power inquiry assigned to the Board of Supervisors in the San Francisco City Charter and applicable provisions of the San Francisco Sunshine Ordinance, I hereby request the Office of the Clerk of the Board to submit a formal letter of inquiry on behalf of my office to obtain the following information from the San Francisco District Attorney, San Francisco Police Department, San Francisco Department on Adult Probation, San Francisco City Administrator's Office, San Francisco Sheriff, San Mateo Probation Department, and California Highway Patrol. The content of the letter is attached.

Thank you for your assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Myrna Melgar".

Myrna Melgar
Supervisor, District 7
San Francisco Board of Supervisors

Enclosure

Letter of Inquiry to San Francisco District Attorney, San Francisco Police Department, San Francisco Department on Adult Probation, San Francisco City Administrator's Office, San Mateo Probation Department, and California Highway Patrol



MYRNA MELGAR

February 9, 2021

Dear District Attorney Boudin, Chief Scott, Sheriff Miyamoto, Chief Fletcher, City Administrator Chu, Chief Miller, Commissioner Ray, Secretary Kim, and Chief Nunez:

I am writing to you all today with a heavy heart and in direct response to the tragic fatal collision last Wednesday, February 3, 2021, resulting in the untimely death of Sheria Musyoka.

While the Lake Merced area is in much need of Vision Zero improvements and greater speed management, this specific collision is more nuanced and needs to include conversations about how a suspect with a repetitive history of drug and alcohol abuse was released.

I have heard from various agencies investigating, including the San Francisco District Attorney and San Francisco Police Department, and there is an indication of pointing fingers while simultaneously stating that no one person can be blamed as this is a systemic issue. Further, in my briefings with agencies, my concern has only grown with what I can only categorize as a lack of intentional clarity.

The public has a right to information about inefficiencies within our government that led to fatalities such as last week's. I am formally requesting data on the early release process for Driving Under the Influence (DUI), toxicology processes, and reports. What is the process in which the District Attorney can take to have a suspect fulfill their maximum holding time? What laws need to change to hold drunk drivers and those under the influence under closer supervision? What does post-release community supervision entail and how has it proven effective? What assurances are there when a person under supervision continuously violates release and how does that factor into the District Attorney's decision for release? What does data on recidivism rate for alcohol and substance abuse-related cases look like in San Francisco? And are there any current changes being considered regarding this data? How long on average does the Medical Examiner take to close investigations on fatal collisions? How long does the Medical Examiner take to finalize a toxicology test? Could a suspect with a history of DUIs and parole violations be held until the toxicology results are returned?

I would like to formally request data on what funding mechanisms are needed to be put in place for successful prevention and substance abuse programs in San Francisco, San Mateo, and California. What are the current funding mechanics we have in San Francisco and California for substance abuse prevention? What are the current systems in place for a suspect's home supervision? How does cross-county collaboration work in cases such as the one involving this suspect? Could there have been better communication in place? What mechanisms exist to measure the success of intervention/ community supervision programs? Who "owns"/ monitors progress, success, and/or challenges with these programs?

Although I recognize there are systematic failures that impact both victims and perpetrators alike, I will not allow Agencies and Departments to simply redirect the blame without holding themselves accountable. We must identify collective failures and engage in meaningful impactful solutions.

I look forward to hearing your responses by Friday, February 26, 2021. If you have any questions about the scope of this request, please contact me at Myrna.Melgar@sfgov.org or my staff at 415.554.6521.

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Myrna Melgar', with a stylized, flowing script.

Myrna Melgar
Supervisor, District 7
San Francisco Board of Supervisors