



**SF Environment**

Our home. Our city. Our planet.



GAVIN NEWSOM  
Mayor

JARED BLUMENFELD  
Director

MEMORANDUM

DATE: July 22, 2008  
TO: Honorable Commissioners, Commission on the Environment  
FROM: Monica Fish, Commission Secretary  
RE: Commission Secretary Report July 22, 2008

**LEGISLATIVE ACTIVITY MAY-JULY**

**May 13**

**Ordinances introduced**

Ordinance creating a Solar Energy Incentive Pilot Program; establishing limits on the incentive payments; providing eligibility criteria for the incentive payments; establishing limits on the amount of assistance available; allocating program funding among types of buildings; and imposing duties and responsibilities on the program administrator. Supervisor Mirkarimi presented. Adopted June 10 (PDF) <http://www.sfgov.org/site/uploadedfiles/bdsupvrs/ordinances08/o0102-08.pdf>

**Charter amendment**

Charter Amendment to amend the Charter of the City and County of San Francisco by amending Section 4.118, to clarify the authority of the Commission on the Environment to consider environmental justice issues and to review City building and land use policies for environmental sustainability; and allowing the Commission to investigate and make recommendations to City agencies regarding climate change. Supervisor Mirkarimi presented. Adopted by Rules Committee; to be heard at full Board 7/22.

**May 20**

**Ordinances introduced**

Ordinance designating the Monterey Cypress at 2626 Vallejo Street (Assessor's Block 0953, Lot 006) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation. Supervisor Alioto-Pier presented. RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

### **June 3**

#### **Resolutions introduced**

Resolution urging the Public Utilities Commission to present to the California Independent System Operator a transmission-only solution to close the entire Potrero Power Plant; and establishing minimum criteria for any in-City generation projects to close the Potrero Power Plant. Supervisors Maxwell, Dufty, McGoldrick, Peskin, Daly, Sandoval, Mirkarimi presented. Continued at full Board until 8/12.

### **June 10**

#### **Ordinances introduced**

Ordinance adding Section 5.10 to the San Francisco Park Code to establish the San Francisco Zoo as a facility that primarily houses wildlife, domestic and exotic animals acquired from rescue situations, donations, and/or confiscations by law enforcement authorities; and to establish a Zoo Animal Welfare Oversight advisory committee appointed by the Board of Supervisors to advise the Board on policy priorities for ensuring that the needs of the animals are met. Supervisor Daly presented. ASSIGNED UNDER 30 DAY RULE to Rules Committee.

Ordinance amending the San Francisco Environment Code by adding a new Section 421 to require San Francisco employers to offer commuter benefits to encourage employees to use public transit or van pools; to authorize the Department of the Environment to implement an Emergency Ride Home program; and making environmental findings. Supervisor Mirkarimi presented. ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee.

### **June 24**

#### **Ordinances introduced**

Ordinance amending Article 5.7 of the San Francisco Public Works Code by adding Section 184.77, to require any person who distributes newspapers or handbills that are packaged in bags or other wrapping to or upon private property to use only recyclable or compostable materials for such packaging and to impose penalties; and making environmental findings. Supervisors Mirkarimi, Peskin presented. ASSIGNED UNDER 30 DAY RULE to City Operations and Neighborhood Services Committee.

### **July 8**

#### **Ordinances introduced**

Ordinance directing the Department of the Environment to conduct a Cost and Climate Review of PG&E's request to the California Public Utilities Commission to spend \$877 million on a SmartMeter upgrade program; and directing the City Attorney, in consultation with the Department of the Environment and Public Utilities Commission, to participate in the CPUC review of PG&E's request; and establishing the City's policy to oppose PG&E's request if the Cost and Climate Review concludes that PG&E's SmartMeter upgrade proposal is not cost effective or that alternative technologies that offer greater benefits should be investigated. Supervisors Peskin, Dufty, Ammiano, Maxwell, Mirkarimi, Daly, McGoldrick, Sandoval presented. Approved by Government Audit and Oversight Committee 7/14. Full Board to vote first reading, 7/22.

#### **Resolutions introduced**

Resolution urging the State of California to repeal the local preemption ban which prohibits local jurisdictions from banning pesticides throughout their city and county limits. Adopted by Board 7/16.

#### **Correspondence Received**

June 3, 2008 Email from Mr. Kimo Crossman on "One Minute Public Comment—is that legal?" (Included in the packet)

"Kimo Crossman"

Subject

One Minute Public Comment is that legal?

Please send this message to each Commissioner and the Executive Director and legal counsel by email in real-time.

Please include me on the communication so that I may confirm that this request was processed. And please make this part of the policy body communications file.

Commissioners et cetra:

I am forwarding this because I understand there may have been disputes about length of Public Comment as well at your meetings. (The solution seems to be have fewer agenda items or more meetings).

Please be notified that Paul Zarefsky, the City Attorney expert on Sunshine has stated in the 2006 Sunshine training video that 1 minute is generally not enough time for Public Comment. I recently saw the :placeJoint Parks and Recs Zoo hearing limit public comment to 1 minute which in that case, was probably illegal.

Zarefsky:

"I WOULD BE SUSPICIOUS OF ONE MINUTE COMMENT PERIODS. SOMETIMES ITS OKAY, BUT ITS IMPORTANT THEY BE USED WITH WR THE MATTER IS NOT THAT COMPLICATED, FOR EXAMPLE. THERE IS A DANGER THAT ONE MINUTE MAY NOT BE ENOUGH. I DON'T WANT TO SET ANY HARD FAST RULES, BUT THE MORE TIME A SPEAKER HAS THAT'S CLOSER TO THREE MINUTES, THE BETTER. THERE CAN BE A REASONABLE LIMIT ON A TOTAL COMMENT TIME ON A PARTICULAR ITEM.

ITS IMPORTANT TO RECOGNIZE THIS PRINCIPLE CANT TRUMP THE PRINCIPLE THAT EVERYONE WHO WANTS TO SPEAK HAS A RIGHT TO SPEAK SO IF YOU HAVE 15 MINUTES ALLOCATED FOR A PARTICULAR TIME AND 30 SPEAKERS ON THAT PARTICULAR AGENDA ITEM, THATS NOT GOING TO CUT IT BECAUSE YOURE DOWN TO 30 SECONDS FOR EACH PERSON BEING ABLE TO SPEAK. YOU PROBABLY HAVE TO ADJUST YOUR CONCEPT OF THE AMOUNT OF TIME GOING TO BE SPENT ON THAT AGENDA ITEM.

