



City and County of San Francisco
Meeting Minutes
Government Audit and Oversight Committee

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Members: Dean Preston, Catherine Stefani, Connie Chan

Clerk: Monique Crayton
(415) 554-7750 ~ monique.crayton@sfgov.org

Thursday, November 21, 2024

10:00 AM

Legislative Chamber, Room 250

Regular Meeting

Present: 2 - Dean Preston, and Connie Chan

Excused: 1 - Catherine Stefani

The Government Audit and Oversight Committee met in regular session on Thursday, November 21, 2024, with Chair Dean Preston presiding. Chair Preston called the meeting to order at 10:03 a.m.

ROLL CALL AND ANNOUNCEMENTS

On the call of the roll, Chair Preston and Member Chan were noted present. Vice Chair Stefani was noted not present. A quorum was present.

COMMUNICATIONS

Monique Crayton, Government Audit and Oversight Committee Clerk, instructed members of the public that public comment is taken on each item on the agenda. Alternatively, written comments may be submitted through email (monique.crayton@sfgov.org) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

AGENDA CHANGES

There were no agenda changes.

Supervisor Stefani Excused from Attendance

Chair Preston moved to excuse Supervisor Stefani from attending the Government Audit and Oversight Committee regular Meeting on November 21, 2024. The motion carried by the following vote:

Ayes: 2 - Preston, Chan

Excused: 1 - Stefani

LITIGATION

Chair Preston requested File Nos. 241013, 240952, 240953, 240959, 240960, 240961, 240962, 241014, 241015, 241016, 241017, 241053 and 241054 be called together.

Heard in Committee. Speaker(s): Julia Sebastian (Jobs with Justice SF); Lea McGeever; spoke on various concerns relating to the hearing matter.

Conference with City Attorney

[Convene in Closed Session - Existing Litigation - City as Plaintiff and/or Defendant]

Motion that the Government Audit and Oversight 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 litigation and anticipated litigation. 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.

After a closed session, if one occurs, the Committee shall adopt a motion either to disclose or not to disclose.

The Deputy City Attorney reported that the Government Audit and Oversight 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.

Persons in attendance: Brad Russi (Office of the City Attorney); Monique Crayton (Office of the Clerk of the Board).

Chair Preston moved to convene in closed session. The motion carried by the following vote:

Ayes: 2 - Preston, Chan

Excused: 1 - Stefani

241013 [Settlement of Unlitigated Claims - Chevron U.S.A. Holdings Inc. and Chevron U.S.A. Inc. - Kern County Property]

Resolution approving the settlement of the unlitigated claims between the City and County of San Francisco, and Chevron U.S.A. Holdings Inc. and Chevron U.S.A. Inc., including the conveyance of real property owned by the City in Kern County, California; the claims involve the condition of and liability for the property; affirming the Planning Department's determination under the California Environmental Quality Act; finding that the disposition of property is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and authorizing the Director of Property or their designee to make certain modifications to the settlement and conveyance documents, and take certain actions in furtherance of this Resolution. (City Attorney)

10/07/24; RECEIVED FROM DEPARTMENT.

10/15/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Resolution be CONTINUED to the Government Audit and Oversight Committee Meeting of December 5, 2024. The motion carried by the following vote:

Ayes: 2 - Preston, Chan

Excused: 1 - Stefani

240952 [Settlement of Lawsuit - Scott Edwards - \$650,000]

Ordinance authorizing settlement of the lawsuit filed by Scott Edwards against the City and County of San Francisco for \$650,000; the lawsuit was filed on October 17, 2023, in San Francisco Superior Court, Case No. CGC-23-609826; entitled Scott Edwards v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

09/30/24; RECEIVED FROM DEPARTMENT.

10/08/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Ordinance be RECOMMENDED... The motion carried by the following vote:

Ayes: 2 - Preston, Chan

Excused: 1 - Stefani

240953 [Settlement of Lawsuit - Annamarie Faro and Howard Kevin White - \$195,000]

Ordinance authorizing settlement of the lawsuit filed by Annamarie Faro and Howard Kevin White against the City and County of San Francisco for \$195,000; the lawsuit was filed on November 9, 2023, in San Francisco Superior Court, Case No. CGC-23-610311; entitled Annamarie Faro, et al. v. City and County of San Francisco, et al.; the lawsuit alleged property damage arising from flooding. (City Attorney)

09/30/24; RECEIVED FROM DEPARTMENT.

10/08/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Ordinance be RECOMMENDED... The motion carried by the following vote:

Ayes: 2 - Preston, Chan

Excused: 1 - Stefani

240959 [Settlement of Unlitigated Claim - 24th and Mission Partners - \$90,201]

Resolution approving the settlement of the unlitigated claim filed by 24th and Mission Partners against the City and County of San Francisco for \$90,201; the claim was filed on May 7, 2024; the claim involves property damage arising from flooding alleged to be caused by a sewer main obstruction. (City Attorney)

09/30/24; RECEIVED FROM DEPARTMENT.

10/08/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Resolution be RECOMMENDED... The motion carried by the following vote:

Ayes: 2 - Preston, Chan

Excused: 1 - Stefani

240960 [Settlement of Unlitigated Claim - Awad Faddoul - \$108,681.38]

Resolution approving the settlement of the unlitigated claim filed by Awad Faddoul against the City and County of San Francisco for \$108,681.38; the claim was filed on May 7, 2024; the claim involves property damage arising from flooding alleged to be caused by a sewer main obstruction. (City Attorney)

09/30/24; RECEIVED FROM DEPARTMENT.

10/08/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Resolution be RECOMMENDED... The motion carried by the following vote:

Ayes: 2 - Preston, Chan

Excused: 1 - Stefani

240961 [Settlement of Unlitigated Claim - Pacific Gas and Electric Company - \$250,000]

Resolution approving the settlement of the unlitigated claim filed by Pacific Gas and Electric Company against the City and County of San Francisco for \$250,000; the claim was filed on January 11, 2024; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)

09/30/24; RECEIVED FROM DEPARTMENT.

10/08/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Resolution be RECOMMENDED... The motion carried by the following vote:

Ayes: 2 - Preston, Chan

Excused: 1 - Stefani

240962 [Settlement of Unlitigated Claim - 150 Post Street LLC - \$272,566.05]

Resolution approving the settlement of the unlitigated claim filed by 150 Post Street LLC against the City and County of San Francisco for \$272,566.05; the claim was filed on March 21, 2024; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)

09/30/24; RECEIVED FROM DEPARTMENT.

10/08/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Resolution be RECOMMENDED... The motion carried by the following vote:

Ayes: 2 - Preston, Chan

Excused: 1 - Stefani

241014 [Settlement of Lawsuit - Rick Lam - \$350,000]

Ordinance authorizing settlement of the lawsuit filed by Rick Lam against the City and County of San Francisco for \$350,000; the lawsuit was filed on December 27, 2021, in San Francisco Superior Court, Case No. CGC-21-597312; entitled Rick Lam v. City and County of San Francisco et al.; the lawsuit involves an employment dispute. (City Attorney)

10/11/24; RECEIVED FROM DEPARTMENT.

10/22/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Ordinance be RECOMMENDED... The motion carried by the following vote:

Ayes: 2 - Preston, Chan

Excused: 1 - Stefani

241015 [Settlement of Lawsuit - Maria Elena Rosales - \$95,000]

Ordinance authorizing settlement of the lawsuit filed by Maria Elena Rosales against the City and County of San Francisco for \$95,000; the lawsuit was filed on August 17, 2022, in San Francisco Superior Court, Case No. CGC-22-601310; entitled Maria Elena Rosales v. City and County of San Francisco; the lawsuit involves alleged personal injury on a City street. (City Attorney)

10/11/24; RECEIVED FROM DEPARTMENT.

10/22/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Ordinance be RECOMMENDED... The motion carried by the following vote:

Ayes: 2 - Preston, Chan

Excused: 1 - Stefani

241016 [Settlement of Lawsuit - Steven Benvenuto - \$70,000]

Ordinance authorizing settlement of the lawsuit filed by Steven Benvenuto against the City and County of San Francisco for \$70,000; the lawsuit was filed on February 15, 2023, in San Francisco Superior Court, Case No. CGC-23-604629; entitled Steven Benvenuto v. City and County of San Francisco, et al.; the lawsuit involves alleged property damage and personal injury arising from a vehicle collision. (City Attorney)

10/11/24; RECEIVED FROM DEPARTMENT.

10/22/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Ordinance be RECOMMENDED... The motion carried by the following vote:

Ayes: 2 - Preston, Chan

Excused: 1 - Stefani

241017 [Settlement of Unlitigated Claims - Constellation New Energy - Gas Division, LLC - \$51,902.60; Energy Center San Francisco, LLC - \$566,384.44]

Resolution approving the settlement of the unlitigated claims filed by Constellation New Energy - Gas Division, LLC and Energy Center San Francisco, LLC against the City and County of San Francisco for \$51,902.60 and \$566,384.44, respectively; the claims were respectively filed on April 29, 2024, and April 30, 2024; the claims involve a refund of utility user taxes. (City Attorney)

10/11/24; RECEIVED FROM DEPARTMENT.

10/22/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Resolution be RECOMMENDED... The motion carried by the following vote:

Ayes: 2 - Preston, Chan

Excused: 1 - Stefani

241053 [Settlement of Lawsuit - Paul Wildes and Reed Sandberg]

Ordinance authorizing settlement of a lawsuit filed by Paul Wildes and Reed Sandberg against London Breed, José Cisneros, and Carmen Chu, each sued in their official capacities as employees of the City and County of San Francisco; the lawsuit was filed on January 29, 2024, in San Francisco Superior Court, Case No. CGC-24-611915; entitled Michael Phillips, et al., v. London Breed, et al.; the lawsuit involves alleged violations of California Constitution, article I, Section 7 - Transgender Status Discrimination; California Constitution, article I, Section 7 - Sex Discrimination; California Constitution, article I, Section 7 - Race/Ethnicity Discrimination; the proposed terms of settlement are a payment of \$3,250 in attorney's fees and costs and injunctive relief. (City Attorney)

10/21/24; RECEIVED FROM DEPARTMENT.

11/05/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Ordinance be REFERRED WITHOUT RECOMMENDATION to the Board of Supervisors. The motion carried by the following vote:

Ayes: 2 - Preston, Chan

Excused: 1 - Stefani

241054 [Settlement of Lawsuit - Michael J. Turon - 2722–2724 Folsom Street]

Ordinance authorizing settlement of the lawsuit filed by Michael J. Turon against the City and County of San Francisco; the lawsuit was filed on October 1, 2021, in the United States District Court, Northern District of California, Case No. 21-cv-07724; entitled Michael J. Turon v. City and County of San Francisco, et al.; the lawsuit involves challenges to suspension of certain building permits for the property at 2722-2724 Folsom Street; material terms of the settlement are plaintiff agrees to seek conditional use authorization to remove an unauthorized dwelling unit through merger and agrees to construct a detached accessory dwelling unit in an existing rear-yard structure at the property, construction of which will be secured by a stipulated injunction requiring plaintiff to pay liquidated damages to the City if the accessory dwelling unit is not completed, and in exchange the City will lift the suspension on the subject permits, issue the pending permit to complete work at the property, and close its pending enforcement actions. (City Attorney)

10/28/24; RECEIVED FROM DEPARTMENT.

11/05/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Ordinance be RECOMMENDED... The motion carried by the following vote:

Ayes: 2 - Preston, Chan

Excused: 1 - Stefani

[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.

Chair Preston moved not to disclose closed session deliberations. The motion carried by the following vote:

Ayes: 2 - Preston, Chan

Excused: 1 - Stefani

ADJOURNMENT

There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 11:01 a.m.

N.B. The Minutes of this meeting set forth all actions taken by the Government Audit and Oversight Committee on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.