



**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: Norman Yee, Julie Christensen, London Breed*

*Clerk: Erica Major (415) 554-4441*

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Thursday, May 7, 2015

10:30 AM

City Hall, Committee Room 263

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**Regular Meeting**

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**Present:** 3 - Norman Yee, Julie Christensen, and London Breed

## MEETING CONVENED

*Chair Norman Yee called the meeting to order at 10:34 a.m. At the call of the roll, Supervisors Breed and Christensen were noted present. There was a quorum.*

## REGULAR AGENDA

### **150026 [Follow-Up Board Response - Civil Grand Jury Report - Rising Sea Levels...At Our Doorstep]**

Hearing to receive updates from various City departments required to provide a response on the implementation of Recommendation Nos. 3 and 12b contained in the 2013-2014 Civil Grand Jury Report entitled, "Rising Sea Levels...At Our Doorstep;" and respond to the Civil Grand Jury on the status of these implementations. (Government Audit and Oversight Committee)

01/27/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

03/11/15; REFERRED TO DEPARTMENT. A tentative meeting date was noticed to the Mayor's Office, Planning Department, Department of Building Inspection and the Port for their required response.

05/05/15; RESPONSE RECEIVED. An updated consolidated response from the Mayor's Office was received for the Civil Grand Jury Report.

05/05/15; RESPONSE RECEIVED. An updated consolidated response for the Planning Department was received by the Mayor's Office for the Civil Grand Jury Report.

05/05/15; RESPONSE RECEIVED. An updated consolidated response for the Building Inspection Department was received by the Mayor's Office for the Civil Grand Jury Report.

05/05/15; RESPONSE RECEIVED. An updated consolidated response for the Port of San Francisco was received by the Mayor's Office for the Civil Grand Jury Report.

*Heard in Committee. Speakers: Gil Kelley, Director of Citywide Planning, and Chris Kern (Planning Department); Maryta Piazza (Civil Grand Jury); presented information and answered questions raised throughout the discussion. Marie Harrison (Greenaction); spoke on various concerns relating to the hearing matter.*

**PREPARED IN COMMITTEE AS A MOTION**

Motion responding to the Civil Grand Jury's request to provide a status update on the Board of Supervisors' responses to Recommendation Nos. 3 and 12b contained in the 2013-2014 Civil Grand Jury Report, entitled "Rising Sea Levels...At Our Doorstep;" and urging the Mayor to cause implementation of accepted recommendations through his/her department heads and through the development of the annual budget. (Government Audit and Oversight Committee)

**RECOMMENDED by the following vote:**

Ayes: 3 - Yee, Christensen, Breed

## LITIGATION

*Speakers: None.*

**Supervisor Breed, seconded by Supervisor Christensen, moved to convene in closed session. The motion carried by the following vote:**

Ayes: 3 - Yee, Christensen, Breed

### 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 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.*

*Persons in attendance: Jon Givner, Deputy City Attorney (Office of the City Attorney); Erica Major and Alisa Somera (Office of the Clerk of the Board).*

#### 150329 **[Settlement of Lawsuits - Pacific Gas and Electric Company - City to Pay \$1,563,963.29 and City to Receive \$1,563,963.29]**

Ordinance authorizing settlement of two lawsuits: the first lawsuit entitled Pacific Gas and Electric Co. v. City and County of San Francisco was filed by the Pacific Gas and Electric Company (PG&E) on December 14, 2007, in San Francisco Superior Court, Case No. CGC-07-470086; that settlement requires the City to pay PG&E \$1,563,963.29 and allows the City to continue providing electric service to the Ferry Building; the second lawsuit entitled City and County of San Francisco v. Pacific Gas and Electric Co. was filed by the City on March 6, 2013, in San Francisco Superior Court, Case No. CGC-13-529309; that settlement requires PG&E to pay the City \$1,563,963.29 and to provide the City with certain information necessary to prevent any future underpayments of franchise fees. (City Attorney)

03/30/15; RECEIVED FROM DEPARTMENT.

04/07/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Yee, Christensen, Breed

**150330 [Settlement of Lawsuit - FlightCar Incorporated - City to Receive \$230,000]**

Ordinance authorizing settlement of lawsuit filed by the City Attorney on behalf of People of the State of California against FlightCar Incorporated and the Cross-Complaint filed by FlightCar Incorporated against the City and County of San Francisco; for the payment of \$230,000 by FlightCar Incorporated to the City; the underlying lawsuit was filed on May 31, 2013, in San Francisco Superior Court, Case No. CGC-13-531807, entitled People of the State of California v. FlightCar, Inc. and later changed venue to Santa Clara County Superior Court, Case No. 1-13-CV-251634; FlightCar Incorporated's Cross-Complaint, entitled FlightCar Incorporated v. City and County of San Francisco, with the same case number, was filed on February 4, 2014. (City Attorney)

03/30/15; RECEIVED FROM DEPARTMENT.

04/07/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Yee, Christensen, Breed

**150340 [Settlement of Lawsuit - BRE Parc 55 Owner, LLC - \$431,000]**

Ordinance authorizing settlement of the lawsuit filed by BRE Parc 55 Owner, LLC, against the City and County of San Francisco for \$431,000; the lawsuit was filed on February 4, 2014, in San Francisco Superior Court, Case No. CGC-14-537160; entitled BRE Parc 55 Owner, LLC v. City and County of San Francisco. (City Attorney)

04/06/15; RECEIVED FROM DEPARTMENT.

04/14/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Yee, Christensen, Breed

**150343 [Settlement of Unlitigated Claim - Pacific Gas and Electric Company - \$62,540.39]**

Resolution approving the settlement of the unlitigated claim filed by Pacific Gas and Electric Company against the City and County of San Francisco for \$62,540.39; claim was filed on October 30, 2014. (City Attorney)

04/06/15; RECEIVED FROM DEPARTMENT.

04/14/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Yee, Christensen, Breed

**150400 [Settlement and Dismissal of Lawsuit - Donnie Thomas, et al. - City to Receive \$200,534]**

Ordinance authorizing settlement and dismissal of the lawsuit filed by the City and County of San Francisco against Donnie Thomas, Miles Bonner, John Rauch, Robert Mazariegos, Vincent Padilla, Elizabeth Bradford, Jean Quiroz, Carlos Quiroz and Centennial Distributors, Inc., for \$200,534; the lawsuit was filed on August 19, 2010, in San Francisco Superior Court, Case No. CGC-10-502809; entitled City and County of San Francisco, et al. v. Donnie Thomas, et al. (City Attorney)

04/17/15; RECEIVED FROM DEPARTMENT.

04/28/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Yee, Christensen, Breed

Deputy City Attorney Jon Givner 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.

*[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.

**Supervisor Breed, seconded by Supervisor Christensen, moved to not disclose the closed session deliberations. The motion carried by the following vote:**

Ayes: 3 - Yee, Christensen, Breed

## **ADJOURNMENT**

*The meeting adjourned at 11:24 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.*