

File No. 170998

Committee Item No. \_\_\_\_\_

Board Item No. 41

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_

Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: September 19, 2017

#### Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

#### OTHER

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Prepared by: Brent Jalipa

Date: September 7, 2017

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Issuance of Subpoena Duces Tecum - Derrick Roorda]

2  
3 **Motion directing the Clerk of the Board of Supervisors to issue a subpoena duces**  
4 **tecum to Derrick Roorda, requiring him to appear at the Government Audit & Oversight**  
5 **Committee on October 4, 2017, at 10:00 a.m., to provide oral information at the hearing**  
6 **of File No. 160975 and respond to questions regarding the design, engineering, and**  
7 **cost benefit analysis for the project at 301 Mission Street; and requiring him to produce**  
8 **documents, correspondence, records, and other materials in his possession related to**  
9 **that project.**

10  
11 WHEREAS, News accounts in August 2016 revealed that the high-rise building at 301  
12 Mission Street, commonly known as the Millennium Tower, was settling differentially at double  
13 the anticipated amount predicted for the entire life of the project, and has sunk a total of 17  
14 inches since its 2009 completion; and

15 WHEREAS, Recent legal filings indicate that the Millennium Tower will tilt another ten  
16 inches to the west by 2019; and

17 WHEREAS, Mr. Roorda previously served as the Senior Associate Principal of  
18 DeSimone Consulting Engineers, Inc. starting in 1997, where he designed and shepherded  
19 the approvals of the 60-story Millennium Tower, which upon its completion in 2009 was the  
20 tallest concrete structure on the west coast, as well as the tallest residential building west of  
21 Chicago; and

22 WHEREAS, A shorter and less heavy project at 80 Natoma with a similar mat  
23 foundation was ultimately halted for reasons that included concerns about the structure's  
24 performance during a seismic event; and

1           WHEREAS, During the approximate time period from 2005 through 2007, DeSimone  
2 Consulting Engineers retained a two-member peer review panel to vet the structural and  
3 seismic soundness of Mr. Roorda's calculations and design specifications, a process which  
4 specifically omitted the involvement of a geotechnical engineer, and which eventually led to  
5 the recommendation that a foundation permit be issued for the project; and

6           WHEREAS, Supervisor Aaron Peskin, Member of the Government Audit and Oversight  
7 Committee, has requested that Mr. Roorda attend a hearing of the Committee to respond to  
8 questions regarding his intimate knowledge of the 301 Mission project and provide the  
9 Committee with relevant records in his possession, but Mr. Roorda has not yet indicated his  
10 willingness to participate; and

11           WHEREAS, A draft subpoena requiring Mr. Roorda to attend a hearing of the  
12 Committee and to produce documents is on file with the Clerk of the Board of Supervisors in  
13 File No. \_\_\_\_\_; now, therefore, be it

14           MOVED, That pursuant to its authority under Charter, Section 16.114, and Government  
15 Code, Sections 25170 and 37104, the Board of Supervisors hereby directs the Clerk of the  
16 Board to issue a subpoena duces tecum in substantially the form and substance of the draft  
17 subpoena referenced above, requiring Mr. Roorda to (1) attend the Government Audit and  
18 Oversight Committee meeting at 10:00 a.m. on October 4, 2017, to provide oral information  
19 and respond to questions regarding his participation in and knowledge regarding the design,  
20 engineering, review, and cost benefit analysis for the project at 301 Mission Street in San  
21 Francisco; and (2) produce and permit inspection and copying of all documents, records, and  
22 other materials in his possession related to that project; and, be it

23           FURTHER MOVED, That the Clerk of the Board of Supervisors, in consultation with the  
24 City Attorney, may amend the draft subpoena prior to issuing it, consistent with the direction in  
25 this Motion; and, be it

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FURTHER MOVED, That the Clerk and the Chairperson of the Government Audit and Oversight Committee may in their discretion modify the time and date set forth in the subpoena, and may reissue the subpoena with a modified time and date, in order to accommodate Mr. Roorda's and the Committee's schedules.

Received  
in Board  
9/12/17  
6:55pm  
for

### Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [redacted] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [redacted] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. [redacted]
- 9. Reactivate File No. [redacted]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [redacted]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Supervisor Peskin

Subject:

[Issuance of Subpoena Duces Tecum – Derrick Roorda]

The text is listed:

Motion directing the Clerk of the Board of Supervisors to issue a subpoena duces tecum to Derrick Roorda, requiring him to appear at the Government Audit & Oversight Committee on October 4, 2017, at 10:00 a.m., to provide oral information at the hearing of File No. 160975 and respond to questions regarding the design, engineering, and cost benefit analysis for the project at 301 Mission Street; and requiring him to produce documents, correspondence, records, and other materials in his possession related to that project.

Signature of Sponsoring Supervisor:

*[Handwritten Signature]*

Clerk's Use Only

