



# City and County of San Francisco

## Meeting Agenda

### 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, July 9, 2015

10:30 AM

Legislative Chamber, Room 250

**Special Meeting**

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## ROLL CALL AND ANNOUNCEMENTS

## AGENDA CHANGES

## REGULAR AGENDA

- 150626** **[Administrative Code - Language Assistance and Services at Board of Supervisors Meetings]**  
**Sponsors: Yee; Avalos, Campos, Mar and Breed**  
Ordinance amending the Administrative Code to require the Office of Civic Engagement and Immigrant Affairs to provide interpretation services upon request at every meeting of the Board of Supervisors between September 1, 2015, and July 31, 2016; and to require the Office of Civic Engagement and Immigrant Affairs to translate agendas of Board of Supervisors meetings and the public document listing all legislation introduced at each Board of Supervisors meeting during that period.

6/9/15; ASSIGNED to the Rules Committee.

6/17/15; REFERRED TO DEPARTMENT.

6/26/15; TRANSFERRED to the Government Audit and Oversight Committee.

*The Chair intends to entertain a motion to refer this item to the full Board as a Committee Report for consideration on July 14, 2015.*
- 150692** **[Civil Service Commission Rule Change - Sick Leave Rules]**  
**Sponsor: Breed**  
Motion retroactively approving amendments to the Rules of the Civil Service Commission beginning July 1, 2015, to incorporate changes to the Rules governing paid sick leave to conform to the requirements of the Healthy Workplaces, Healthy Families Act of 2014.

6/23/15; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

6/29/15; REFERRED TO DEPARTMENT.

*The Chair intends to entertain a motion to refer this item to the full Board as a Committee Report for consideration on July 14, 2015.*

## LITIGATION

### 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.*

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

3. [150482](#) **[Settlement of Lawsuit - Dana Kess - \$96,000]**  
Ordinance authorizing settlement of the lawsuit filed by Dana Kess against the City and County of San Francisco for \$96,000; the lawsuit was filed on August 29, 2013, in California Superior Court, San Francisco Branch, Case No. CGC-13-531728, entitled Dana Kess v. Department of Recreation and Parks, City and County of San Francisco. (City Attorney)  
  
5/7/15; RECEIVED FROM DEPARTMENT.  
  
5/19/15; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
4. [150511](#) **[Settlement of Unlitigated Claim - StarNet Insurance Company - \$153,450]**  
Resolution approving the settlement of the unlitigated claim filed by StarNet Insurance Company against the City and County of San Francisco for \$153,450; claim was filed on March 10, 2015. (City Attorney)  
  
5/18/15; RECEIVED FROM DEPARTMENT.  
  
6/2/15; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
5. [150512](#) **[Settlement of Unlitigated Claim - Laborers International Union Local 261 - \$53,808.43]**  
Resolution approving the settlement of the unlitigated claim filed by Laborers International Union Local 261 against the City and County of San Francisco for \$53,808.43; claim was filed on March 4, 2015. (City Attorney)  
  
5/18/15; RECEIVED FROM DEPARTMENT.  
  
6/2/15; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

6. [150547](#) **[Settlement of Lawsuit - Zaria Daskam - \$50,000]**  
Ordinance authorizing settlement of the lawsuit filed by Zaria Daskam against the City and County of San Francisco for \$50,000; the lawsuit was filed on September 5, 2013, in San Francisco Superior Court, Case No. CGC-13-534052; entitled Zaria Daskam v. City and County of San Francisco, et al. (City Attorney)  
  
5/29/15; RECEIVED FROM DEPARTMENT.  
  
6/9/15; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
7. [150549](#) **[Settlement of Unlitigated Claim - West Bay Builders, Inc. - City to Pay \$505,901.52]**  
Resolution approving settlement of the unlitigated claim by West Bay Builders, Inc., against the City and County of San Francisco for \$505,901.52; claim was filed on August 1, 2014. (City Attorney)  
  
5/29/15; RECEIVED FROM DEPARTMENT.  
  
6/9/15; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
8. [150612](#) **[Settlement of Lawsuit - Evan Connor - \$320,000]**  
Ordinance authorizing the settlement of the lawsuit filed by Evan Connor against the City and County of San Francisco for \$320,000; the lawsuit was filed on September 1, 2011, in San Francisco Superior Court, Case No. CPF-11-511559, entitled Connor v. City and County of San Francisco, et al. (City Attorney)  
  
6/4/15; RECEIVED FROM DEPARTMENT.  
  
6/16/15; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
9. [150613](#) **[Settlement of Lawsuit - Marshall & Swift/Boeckh, LLC - \$395,000]**  
Ordinance authorizing settlement of the lawsuit filed by Marshall & Swift/Boeckh, LLC, against the City and County of San Francisco for \$395,000; the lawsuit was filed on August 1, 2014, in the U.S. District Court for the Central District of California, Case No. 2:14-CV-6029-MMM (JPRx); entitled Marshall & Swift/Boeckh, LLC, dba Marshall & Swift v. City and County of San Francisco; other material terms of said settlement are termination of San Francisco's licenses to use the Marshall Valuation Service, retroactively effective July 1, 2015.  
  
6/4/15; RECEIVED FROM DEPARTMENT.  
  
6/16/15; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.  
  
*The Chair intends to entertain a motion to refer this item to the full Board as a Committee Report for consideration on July 14, 2015.*
10. [150614](#) **[Settlement of Lawsuit - Gallieria, Inc. dba Trico Construction - \$35,000]**  
Ordinance authorizing settlement of the lawsuit filed by Gallieria, Inc. dba Trico Construction against the City and County of San Francisco for \$35,000; the lawsuit was filed on June 13, 2014, in San Francisco Superior Court, Case No. CGC-14-539869; entitled Gallieria, Inc. dba Trico Construction v. City and County of San Francisco; other material terms of said settlement are plaintiff to retain refund of premium for payment and performance bond.  
  
6/4/15; RECEIVED FROM DEPARTMENT.  
  
6/16/15; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

11. [150615](#) **[Settlement of Lawsuit - Kelly O'Haire - \$725,000]**  
Ordinance authorizing settlement of the lawsuit filed by Kelly O'Haire against the City and County of San Francisco for \$725,000; the lawsuit was filed on May 15, 2013, in San Francisco Superior Court, Case No. CGC 13-531419; entitled Kelly O'Haire v. City and County of San Francisco, et al.  
  
6/8/15; RECEIVED FROM DEPARTMENT.  
  
6/16/15; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
12. [150617](#) **[Tolling Agreement - Gene Gee]**  
Resolution approving a tolling agreement to toll the statute of limitations on Gene Gee's claim against the City in exchange for a dismissal without prejudice in Gene Gee v. ARB Construction, et al., San Francisco Superior Case No. CGC-14-542509. (City Attorney)  
  
6/4/15; RECEIVED FROM DEPARTMENT.  
  
6/16/15; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
13. [150636](#) **[Settlement of Unlitigated Claim - Northpointe, Inc. - City to Receive \$1,232,101 in Services]**  
Resolution approving settlement of the unlitigated claim in favor of the City and County of San Francisco against Northpointe, Inc., for delivery of approximately \$1,232,101 in deliverables under the parties' existing Software License and Services Agreement, and an amendment and extension of that agreement. (City Attorney)  
  
6/11/15; RECEIVED FROM DEPARTMENT.  
  
6/23/15; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
14. [150674](#) **[Tolling Agreement - Sunol Valley Facilities]**  
Resolution approving a Tolling Agreement to toll the statutes of limitations for the Alameda County District Attorney to bring potential claims against the Public Utilities Commission's Sunol Valley Water Treatment Facility and Sunol Valley Chloramination Facility/San Antonio Pump Station. (City Attorney)  
  
6/22/15; RECEIVED FROM DEPARTMENT.  
  
6/30/15; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
15. [150696](#) **[Settlement of Unlitigated Claim - Lisa Gemmiti, dba Gemmiti Model Art - \$35,218.31]**  
Resolution approving the settlement of the unlitigated claim filed by Lisa Gemmiti, dba Gemmiti Model Art, against the City and County of San Francisco for \$35,218.31; claim was filed on December 31, 2014. (City Attorney)  
  
6/22/15; RECEIVED FROM DEPARTMENT.  
  
6/30/15; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
16. [150697](#) **[Settlement of Unlitigated Claim - Jonathan Lancelle - \$95,000]**  
Resolution approving the settlement of the unlitigated claim filed by Jonathan Lancelle against the City and County of San Francisco for \$95,000; claim was filed on December 16, 2014. (City Attorney)  
  
6/22/15; RECEIVED FROM DEPARTMENT.  
  
6/30/15; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

17. [150698](#) **[Settlement of Unlitigated Claim - Pacific Gas and Electric Company - \$40,000]**  
Resolution approving the settlement of the unlitigated claim filed by Pacific Gas and Electric Company against the City and County of San Francisco for \$40,000; claim was filed on January 30, 2015. (City Attorney)

6/22/15; RECEIVED FROM DEPARTMENT.

6/30/15; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

*[Elect To Disclose]*

*Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the Chair immediately to disclose that information.*

*[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.*

## ADJOURNMENT

## LEGISLATION UNDER THE 30-DAY RULE

*NOTE: The following legislation will not be considered at this meeting. Board Rule 3.22 provides that when an Ordinance or Resolution is introduced which would CREATE OR REVISE MAJOR CITY POLICY, the Committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general, the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply URGE action to be taken.*

[150643](#) **[Administrative Code - Mandating Data Collection and Reporting of Detentions and Traffic Stops]**

**Sponsors: Cohen; Avalos**

Ordinance amending the Administrative Code to require the Police Department and the Sheriff's Department to gather and regularly report data regarding detentions and traffic stops.

6/16/15; ASSIGNED UNDER 30 DAY RULE to the Public Safety and Neighborhood Services Committee.

6/23/15; REFERRED TO DEPARTMENT.

6/25/15; TRANSFERRED to the Government Audit and Oversight Committee.

### Agenda Item Information

Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation
- 2) Budget and Legislative Analyst report
- 3) Department or Agency cover letter and/or report
- 4) Public correspondence

These items will be available for review at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, Reception Desk.

### Meeting Procedures

The Board of Supervisors is the legislative body of the City and County of San Francisco. The Board has several standing committees where ordinances and resolutions are the subject of hearings at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers, and similar sound-producing electronic devices; 3) bringing in or displaying signs in the meeting room; and 4) standing in the meeting room.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the President or Chair at the beginning of each item or public comment, excluding City representatives, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

**IMPORTANT INFORMATION:** The public is encouraged to testify at Committee meetings. Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors. Written communications should be submitted to the Clerk of the Board, Clerk of a Committee or its members: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Communications which are not received prior to the hearing may be delivered to the Clerk of the Committee at the hearing and you are encouraged to bring enough copies for distribution.

**LAPTOP COMPUTER FOR PRESENTATIONS:** Contact City Hall Media Services at (415) 554-7490 to coordinate the use of the laptop computer for presentations. Presenters should arrive 30 minutes prior to the meeting to test their presentations on the computer.

**AGENDA PACKET:** Available for review in Clerk's Office, Room 244, City Hall, 1 Dr. Carlton B Goodlett Place, or on the internet at <http://www.sfbos.org/meetings>. Meetings are cablecast on SFGovTV, the Government Channel 26. Meetings are broadcast live on KPOO 89.5 FM. For DVD copies and scheduling call (415) 554-4188.

**LANGUAGE INTERPRETERS:** Requests must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Peggy Nevin at (415) 554-5184. **AVISO EN ESPAÑOL:** La solicitud para un traductor debe recibirse antes de mediodía de el viernes anterior a la reunion. Llame a Derek Evans (415) 554-7702. **Paunawa:** Ang mga kahilingan ay kailangang matanggap sa loob ng 48 oras bago mag miting upang matiyak na matutugunan ang mga hiling. Mangyaring tumawag kay Joy Lamug sa (415) 554-7712.

**翻譯 必須在會議前最少四十八小時提出要求**  
**請電 (415) 554-7719**

### **Disability Access**

The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible. Meetings are real-time captioned and are cablecast open-captioned on SFGovTV, the Government Channel 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Wilson Ng at (415) 554-5184 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and 71L. For more information about MUNI accessible services, call (415) 701-4485.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

### **Know Your Rights Under The Sunshine Ordinance**

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact by mail Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102; phone at (415) 554-7724; fax at (415) 554-7854; or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org)

Citizens may obtain a free copy of the Sunshine Ordinance by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfbos.org/sunshine>

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site <http://www.sfgov.org/ethics>