



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

Thursday, July 9, 2015

10:30 AM

Legislative Chamber, Room 250

Special Meeting

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

ROLL CALL AND ANNOUNCEMENTS

Chair Norman Yee called the meeting to order at 10:35 a.m. On the call of the roll, Supervisors Yee, Christensen and Breed were noted present. There was a quorum.

AGENDA CHANGES

There were no 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.

06/09/15; ASSIGNED to Rules Committee. 6/26/2015 - President London Breed waived the 30-day hold.

06/17/15; REFERRED TO DEPARTMENT. Referred to the Office of Civic Engagement & Immigrant Affairs for informational purposes.

06/26/15; TRANSFERRED to Government Audit and Oversight Committee.

Heard in Committee. Speakers: Adrienne Pon, Executive Director, and Sarah Hooker (Office of Civic Engagement and Immigrant Affairs); Rick Caldeira, Legislative Deputy (Office of the Clerk of the Board); presented information and answered questions raised throughout the discussion.

Supervisor Christensen, seconded by Supervisor Breed, moved that the Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE on Page 1, Line 6, by striking 'agendas of Board of Supervisors meetings and'; Page 2, Lines 21-25, by striking 'either (A) the agenda for a regular or special meeting of the Board of Supervisors or (B)'. The motion carried by the following vote:

Ayes: 3 - Yee, Christensen, 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 the public document listing all legislation introduced at each Board of Supervisors meeting during that period.

Supervisor Christensen, seconded by Supervisor Breed, moved that the Ordinance be RECOMMENDED AS AMENDED AS A COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Yee, Christensen, Breed

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.

06/23/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

06/29/15; REFERRED TO DEPARTMENT. Referred to the Civil Service Commission, Department of Human Resources, and Office of Labor Standards Enforcement for informational purposes.

Heard in Committee. Speakers: Sandra Eng (Civil Service Commission); Janie White (Department of Human Resources); presented information and answered questions raised throughout the discussion. Male Speaker; spoke on various concerns relating to the hearing matter.

Supervisor Christensen, seconded by Supervisor Breed, moved that this Motion be RECOMMENDED AS COMMITTEE REPORT. The motion carried 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 (Office of the Clerk of the Board).

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

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)

05/07/15; RECEIVED FROM DEPARTMENT.

05/19/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Christensen, Breed

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)

05/18/15; RECEIVED FROM DEPARTMENT.

06/02/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Christensen, Breed

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)

05/18/15; RECEIVED FROM DEPARTMENT.

06/02/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Christensen, Breed

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)

05/29/15; RECEIVED FROM DEPARTMENT.

06/09/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Christensen, Breed

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)

05/29/15; RECEIVED FROM DEPARTMENT.

06/09/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Christensen, Breed

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)

06/04/15; RECEIVED FROM DEPARTMENT.

06/16/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Christensen, Breed

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. (City Attorney)

06/04/15; RECEIVED FROM DEPARTMENT.

06/16/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Yee, Christensen, Breed

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. (City Attorney)

06/04/15; RECEIVED FROM DEPARTMENT.

06/16/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Christensen, Breed

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. (City Attorney)

06/08/15; RECEIVED FROM DEPARTMENT.

06/16/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Christensen, Breed

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)

06/04/15; RECEIVED FROM DEPARTMENT.

06/16/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Christensen, Breed

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)

06/11/15; RECEIVED FROM DEPARTMENT.

06/23/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Christensen, Breed

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)

06/22/15; RECEIVED FROM DEPARTMENT.

06/30/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Christensen, Breed

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)

06/22/15; RECEIVED FROM DEPARTMENT.

06/30/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Christensen, Breed

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)

06/22/15; RECEIVED FROM DEPARTMENT.

06/30/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Yee, Christensen, Breed

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)

06/22/15; RECEIVED FROM DEPARTMENT.

06/30/15; 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

There being no further business, the Committee adjourned at the hour of 11:31 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.