



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: Aaron Peskin, Norman Yee, London Breed

Clerk: Erica Major (415) 554-4441

Thursday, April 21, 2016

9:30 AM

City Hall, Committee Room 263

Regular Meeting

ROLL CALL AND ANNOUNCEMENTS

AGENDA CHANGES

REGULAR AGENDA

- [150672](#)** **[Home Detention Electronic Monitoring Program Rules and Regulations and Program Administrator's Evidence of Financial Responsibility - 2015]**
Resolution approving the Sheriff Department's home detention and electronic monitoring program rules and regulations and approving evidence of financial responsibility demonstrated by program administrator, Leaders in Community Alternatives, for the 2015 calendar year. (Sheriff)

6/16/15; RECEIVED FROM DEPARTMENT.

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

7/7/15; REFERRED TO DEPARTMENT.

7/20/15; RESPONSE RECEIVED.
- [160313](#)** **[Home Detention Electronic Monitoring Program Rules and Regulations and Program Administrator's Evidence of Financial Responsibility - 2016]**
Resolution approving the Sheriff Department's home detention and electronic monitoring program rules and regulations and approving evidence of financial responsibility demonstrated by program administrator, Leaders in Community Alternatives, for the 2016 calendar year. (Sheriff)

4/1/16; RECEIVED FROM DEPARTMENT.

4/12/16; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

3. [160378](#) **[Hearing - Comprehensive Annual Financial Report - FY2014-2015]**

Sponsor: Peskin

Hearing to present the Comprehensive Annual Financial Report (CAFR), Single Audit, and management letters prepared by the City's external auditors Macias Gini & O'Connell and KPMG, LLP, for FY2014-2015, and their audit plans for FY2015-2016, pursuant to Charter, Section 9.117; and requesting the external auditors and the Controller's Office to report.

4/12/16; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

LITIGATION

4. [160242](#) **[Settlement of Lawsuit - Lisa Owen - \$2,250,000]**
Ordinance authorizing settlement of the lawsuit filed by Lisa Owen against the City and County of San Francisco for \$2,250,000; the lawsuit was filed on July 8, 2014, in San Francisco Superior Court, Case No. CGC-14-540434; entitled Lisa Owen v. City and County of San Francisco, et al.; the lawsuit involves an alleged dangerous condition of public property causing personal injury. (City Attorney)

3/8/16; RECEIVED FROM DEPARTMENT.

3/22/16; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

4/7/16; CONTINUED TO CALL OF THE CHAIR.
5. [160243](#) **[Settlement of Lawsuit - Ying Zhang and Chen Li - \$175,000]**
Ordinance authorizing settlement of the lawsuit filed by Ying Zhang and Chen Li against the City and County of San Francisco for \$175,000; the lawsuit was filed on January 21, 2014, in San Francisco Superior Court, Case No. CGC-14-536903 (consolidated with CGC-13-536533); entitled Ying Zhang, et al. v. City and County of San Francisco, et al.; the lawsuit involves an alleged dangerous condition of public property causing personal injury; other material terms of said settlement are that the Municipal Transportation Agency is to also pay \$175,000, subject to approval by the Municipal Transportation Agency Board. (City Attorney)

3/8/16; RECEIVED FROM DEPARTMENT.

3/22/16; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
6. [160244](#) **[Settlement of Lawsuit - Kai Yuan and Jian Ping Yuan - \$175,000]**
Ordinance authorizing settlement of the lawsuit filed by Kai Yuan and Jian Ping Yuan against the City and County of San Francisco for \$175,000; the lawsuit was filed on December 31, 2013, in San Francisco Superior Court, Case No. CGC-13-536533 (consolidated with CGC-14-536903); entitled Kai Yuan, et al. v. City and County of San Francisco, et al.; the lawsuit involves an alleged dangerous condition of public property causing death; other material terms of said settlement are that the Municipal Transportation Agency is to also pay \$175,000, subject to approval by the Municipal Transportation Agency Board, and co-defendant Gina Eunice to pay \$50,000 (insurance coverage limits). (City Attorney)

3/8/16; RECEIVED FROM DEPARTMENT.

3/22/16; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
7. [160277](#) **[Settlement of Unlitigated Claim - Henry L. Thompson - \$225,000]**
Resolution approving the settlement of the unlitigated claim filed by Henry L. Thompson against the City and County of San Francisco for \$225,000; the claim was filed on May 1, 2015; the claim involves an employment dispute. (City Attorney)

3/21/16; RECEIVED FROM DEPARTMENT.

4/5/16; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

8. [160306](#) **[Settlement of Unlitigated Claim - Asiana Airlines - City to Receive \$3,450,000]**
Ordinance authorizing settlement of an unlitigated claim by the City and County of San Francisco against Asiana Airlines for a payment of \$3,450,000 by Asiana Airlines to the City, appropriating funds from the settlement to the City Attorney's Office to pay the City's attorneys' fees and legal expenses, and allocating funds from the settlement to the Airport to pay the Airport's costs; other material terms of the settlement include payment by Asiana Airlines to the City's aviation insurer, the City's acceptance of the site cleanup performed by contractors to Asiana Airlines and approved by the San Francisco Bay Regional Water Quality Control Board, the City's agreement not to originate a lawsuit against the aircraft manufacturer, and mutual release of claims arising out of the July 6, 2013 crash of Asiana Airlines Flight 214; the City made its claim on July 16, 2013. (City Attorney)
4/4/16; RECEIVED FROM DEPARTMENT.
4/12/16; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
9. [160307](#) **[Settlement of Lawsuit - Fernando Guanill - \$150,000]**
Ordinance authorizing settlement of the lawsuit filed by Fernando Guanill against the City and County of San Francisco for \$150,000; the lawsuit was filed on October 14, 2015, in the United States District Court for the Northern District of California, Case No. 15-cv-04745 LB; entitled Fernando Guanill v. Michael Robert Lewelling, et al.; the lawsuit involves alleged civil rights violations. (City Attorney)
4/4/16; RECEIVED FROM DEPARTMENT.
4/12/16; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
10. [160308](#) **[Settlement of Lawsuit - J.C.R., a Minor, By and Through His Guardian Ad Litem, Guillerma Bojorquez - \$50,000]**
Ordinance authorizing settlement of the lawsuit filed by J.C.R., a minor, by and through his guardian ad litem, Guillerma Bojorquez, against the City and County of San Francisco for \$50,000; the lawsuit was filed on August 28, 2014, in the United States District Court for the Northern District of California, Case No. 3: 14-cv-3918 NC; entitled J.C.R., a minor, by and through his guardian ad litem, Guillerma Bojorquez v. The City and County of San Francisco, et al. (City Attorney)
4/4/16; RECEIVED FROM DEPARTMENT.
4/12/16; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
11. [160309](#) **[Settlement of Lawsuit - Fireman's Fund Insurance Company - \$125,000]**
Ordinance authorizing settlement of the lawsuit filed by Fireman's Fund Insurance Company against the City and County of San Francisco for \$125,000; the lawsuit was filed on July 17, 2014, in San Francisco Superior Court, Case No. CGC-14-540616; entitled Fireman's Fund Insurance Company vs. Alliance of Event Planners and Vendors, Inc., et al.; the lawsuit involves an insurance dispute. (City Attorney)
4/4/16; RECEIVED FROM DEPARTMENT.
4/12/16; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

12. [160316](#) **[Settlement of Unlitigated Claim - 700 Cabrillo Street HOA - \$35,000]**
Resolution approving the settlement of the unlitigated claim filed by the 700 Cabrillo Street HOA against the City and County of San Francisco for \$35,000; the claim was filed on October 8, 2015; the claim involves alleged property damage arising from a sewage flood. (City Attorney)

4/4/16; RECEIVED FROM DEPARTMENT.

4/12/16; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

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.

[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.

160319 [Administrative Code - Human Services Fire Victims Assistance Fund]

Sponsors: Breed; Campos

Ordinance amending the Administrative Code to establish the Human Services Fire Victims Assistance Fund.

4/5/16; ASSIGNED UNDER 30 DAY RULE to the Government Audit and Oversight Committee.

4/12/16; REFERRED TO DEPARTMENT.

160361 [Administrative Code - Appraisals for the Acquisition, Conveyance, and Lease of Real Property]

Sponsors: Peskin; Campos

Ordinance amending the Administrative Code to require appraisals and appraisal reviews for certain City acquisitions, conveyances, and leases of real property; requiring that appraisals conform to the Uniform Standards of Professional Appraisal Practice and be prepared by qualified appraisers; and increasing the rent limits for the Director of Property's existing authority to enter into leases for the City.

4/12/16; ASSIGNED UNDER 30 DAY RULE to the Government Audit and Oversight Committee.

160362 [Administrative Code - Collection of Sexual Orientation and Gender Identity Data]

Sponsor: Wiener

Ordinance amending the Administrative Code to require City departments and contractors that provide health care and social services to seek to collect and analyze data concerning the sexual orientation and gender identity of the clients they serve.

4/12/16; ASSIGNED UNDER 30 DAY RULE 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 interpretation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous interpretation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting interpretation 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. 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 or Clerk of a Committee: 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 Board or Clerk of the Committee at the hearing and you are encouraged to bring enough copies for distribution to all of its members.

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 the Office of the Clerk of the Board, City Hall, 1 Dr. Carlton B Goodlett Place, Room 244, or on the internet at <http://www.sfbos.org/meetings>. Meetings are cablecast on SFGovTV, the Government Channel 26. 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 ka sa (415) 554-5184.

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 (San Francisco Administrative Code, Chapter 67) 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) 554-5163; or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by printing the San Francisco Administrative Code, Chapter 67, 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, Section 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>