



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

Thursday, March 5, 2015

10:30 AM

City Hall, Committee Room 263

Regular Meeting

AGENDA CHANGES

REGULAR AGENDA

LITIGATION

Conference with City Attorney

*[Convene in Closed Session - Existing Litigation - City as Plaintiff and/or Defendant]
Motion that the Rules 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.

1. [150045](#) **[Settlement of Lawsuit - Bay Area Air Quality Management District - \$31,400]**

Ordinance authorizing settlement of the lawsuit filed by The People of the State of California, by and through the Bay Area Air Quality Management District, against the City and County of San Francisco for \$31,400; the lawsuit was filed on March 27, 2012, in San Francisco Superior Court, Case No. CPF-12-512078; entitled The People of the State of California, by and through the Bay Area Air Quality Management District v. The City and County of San Francisco; other material terms of said settlement are that the settlement is a stipulated civil penalty that is allocated between the Fire Department (\$30,000), subject to Board of Supervisors approval, and the Municipal Transportation Agency (\$1,400), subject to Municipal Transportation Agency approval. (City Attorney)

1/12/15; RECEIVED FROM DEPARTMENT.

1/27/15; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

2. **150046** **[Settlement of Unlitigated Claim - Lai Yuet Eng - \$55,757.22]**
Resolution approving the settlement of the unlitigated claim filed by Lai Yuet Eng against the City and County of San Francisco for \$55,757.22; claim was filed on October 14, 2014. (City Attorney)

1/12/15; RECEIVED FROM DEPARTMENT.

1/27/15; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
3. **150047** **[Settlement of Unlitigated Claim - Anson Ha - \$26,904.59]**
Resolution approving the settlement of the unlitigated claim filed by Anson Ha against the City and County of San Francisco for \$26,904.59; claim was filed on October 23, 2014. (City Attorney)

1/12/15; RECEIVED FROM DEPARTMENT.

1/27/15; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
4. **150048** **[Settlement of Unlitigated Grievance - Teamsters Local 853 - \$257,082.35]**
Resolution approving settlement of the unlitigated grievance of the Teamsters Local 853 against the City and County of San Francisco for \$257,082.35; the Teamsters Local 853 notified the City of the grievance on September 18, 2012. (City Attorney)

1/12/15; RECEIVED FROM DEPARTMENT.

1/27/15; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
5. **150063** **[Settlement of Lawsuit - Rena Harel, and Estate of Margie Sonnier - \$52,500]**
Ordinance authorizing settlement of the lawsuit filed by Rena Harel, and the Estate of Margie Sonnier against the City and County of San Francisco for \$52,500; the lawsuit was filed on March 7, 2013, in San Francisco Superior Court, Case No. PES-08-290936; entitled Estate of Margie Sonnier; Rena Harel v. San Francisco County Tax Assessor.

1/21/15; RECEIVED FROM DEPARTMENT.

2/3/15; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
6. **150064** **[Settlement of Lawsuit - Brian O'Hara, by and through his Successor-In-Interest Eileen O'Hara, and Eileen O'Hara, Sheila O'Hara, and Morgan O'Hara - \$250,000]**
Ordinance authorizing settlement of the lawsuit filed by Brian O'Hara, by and through his successor-in-interest Eileen O'Hara, and Eileen O'Hara, Sheila O'Hara, and Morgan O'Hara against the City and County of San Francisco for \$250,000; the lawsuit was filed on February 27, 2013, in San Francisco Superior Court, Case No. CGC-13-529089; entitled Brian O'Hara, et al. v. City and County of San Francisco, et al. (City Attorney)

1/21/15; RECEIVED FROM DEPARTMENT.

2/3/15; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

7. [150065](#) **[Settlement of Lawsuit - Antionette Spears - \$200,000]**
Ordinance authorizing settlement of the lawsuit filed by Antionette Spears against the City and County of San Francisco for \$200,000; the lawsuit was filed on December 19, 2012, in San Francisco Superior Court, Case No. CGC-12-527288; entitled Antionette Spears v. City and County of San Francisco, et al. (City Attorney)

1/21/15; RECEIVED FROM DEPARTMENT.

2/3/15; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
8. [150066](#) **[Settlement of Lawsuit - E. Lynn Shoenmann, Trustee - \$45,500]**
Ordinance authorizing settlement of the adversary complaint filed by E. Lynn Shoenmann, Trustee, against the City and County of San Francisco for \$45,500; the adversary complaint was filed on March 7, 2014, in United States Bankruptcy Court, Northern District of California, Case No. CV-14-03025; entitled E. Lynn Shoenmann, Trustee v. City and County of San Francisco. (City Attorney)

1/21/15; RECEIVED FROM DEPARTMENT.

2/3/15; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
9. [150068](#) **[Settlement of Unlitigated Claim - Thick Description and Art Space Development Corporation - City to Receive \$50,000]**
Resolution approving the settlement of an unlitigated claim in favor of the City for repayment of a Nonprofit Performing Arts Loan Program Loan to Thick Description; under the settlement, Thick Description will transfer theater fixtures and equipment to the theater site at 1695-18th Street, Art Space Development Corporation ("Art Space") will pay \$50,000 to the City, and Art Space will maintain the theater site as an active and viable public theater space through December 31, 2034. (City Attorney)

1/21/15; RECEIVED FROM DEPARTMENT.

2/3/15; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
10. [150109](#) **[Settlement of Unlitigated Claim - Zendesk, Inc. - \$239,467.46]**
Resolution approving the settlement of the unlitigated claim filed by Zendesk, Inc. against the City and County of San Francisco for \$239,467.46; claim was filed on November 17, 2014. (City Attorney)

2/2/15; RECEIVED FROM DEPARTMENT.

2/10/15; 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.

150080

[Urging the Public Utilities Commission to Implement a Revised Community Choice Aggregation Program]

Sponsors: Avalos; Breed, Campos, Kim, Mar, Wiener and Yee

Ordinance urging the Public Utilities Commission to implement a revised Community Choice Aggregation Program that uses existing staff and excess generation from Hetch Hetchy and includes a 100% greenhouse gas emission free energy option and a "Light Green" option with average rates less than or equal to Pacific Gas and Electric Company's (PG&E's) rates while exceeding PG&E's level of renewable energy.

1/27/15; ASSIGNED UNDER 30 DAY RULE to the Government Audit and Oversight Committee.

2/4/15; REFERRED TO DEPARTMENT.

150118

[Police Code - Prohibiting Discrimination Against Lesbian, Gay, Bisexual, and Transgender Residents by Long-Term Care Facilities]

Sponsors: Wiener; Campos

Ordinance amending the Police Code to prohibit discrimination against residents or patients at long-term care facilities in San Francisco on the basis of sexual orientation or gender identity; to provide aggrieved persons with the right to seek investigation and mediation by the Human Rights Commission, as well as a private right of action; and to impose treble damages on violators.

2/3/15; ASSIGNED UNDER 30 DAY RULE to the Government Audit and Oversight Committee.

2/9/15; REFERRED TO DEPARTMENT.

150175**[Administrative Code - Chapter 6 Public Works Contracting]**

Ordinance amending the Administrative Code to comprehensively revise Chapter 6 Public Works Contracting Policies and Procedures to: 1) increase the Threshold Amount from \$400,000 to \$600,000; 2) authorize sole source contracts under certain conditions; 3) allow procurement of public works construction contracts under \$10,000 with no competitive solicitation; 4) increase the amount of emergency work a department may authorize without Board of Supervisors approval from \$250,000 to \$600,000 by linking it to the Threshold Amount; 5) increase the amount of time allowed to issue a task order from three to four years, increase the limit of the amount of a task order from \$400,000 to \$600,000 by linking it to the Threshold Amount, allow subcontractors to be listed at time of bid or at time of issuance of a task order, and allow for performance and payment bonds to incrementally increase throughout the term of the contracts for Job Order Contracts and as-needed contracts; 6) authorize execution of master as-needed construction contracts and master as-needed inspection, maintenance and repair contracts of equipment and systems on an if-and-as-needed basis; 7) increase the limit of the amount of a task order from \$400,000 to \$600,000 by linking it to the Threshold Amount in master as-needed contracts on an if-and-as-needed basis for services that the Department of Public Health and the Division of Real Estate are authorized to procure; 8) provide greater flexibility and clarify requirements for the design-build and construction manager/general contractor project delivery methods; 9) authorize the Director of Transportation to procure rail grinding and related services through a negotiated project delivery method; 10) allow departments to advertise bids on a public website and/or in a local newspaper or periodical; 11) add procedure upon rejection or failure of professional services proposals and upon professional services contractor's failure to deliver; and 12) make various other changes and clarifications in Chapter 6. (Public Works)

2/13/15; RECEIVED FROM DEPARTMENT.

2/24/15; 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 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

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>