



**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*

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Thursday, March 5, 2015

10:30 AM

City Hall, Committee Room 263

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**Regular Meeting**

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*President London Breed appointed Supervisor Eric Mar as the third member of the Government Audit and Oversight Committee for the meeting of March 5, 2015.*

**Present:** 3 - Norman Yee, Julie Christensen, and Eric Mar

**Excused:** 1 - London Breed

## MEETING CONVENED

*The meeting convened at 10:32 a.m.*

### Supervisor London Breed Excused from Attendance

**Vice Chair Christensen, seconded by Chair Yee, moved that Supervisor London Breed be excused from the Government Audit and Oversight Committee meeting of March 5, 2015. The motion carried by the following vote:**

Ayes: 2 - Yee, Christensen

Excused: 1 - Breed

Absent: 1 - Mar

## REGULAR AGENDA

## LITIGATION

*Speakers: James Long (Teamsters Local 853); spoke in support of File No. 150048.*

**Vice Chair Christensen, seconded by Chair Yee, moved to convene in closed session. The motion carried by the following vote:**

Ayes: 2 - Yee, Christensen

Excused: 1 - Breed

Absent: 1 - Mar

## **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.*

*Persons in attendance: Jon Givner (Office of the City Attorney), Erica Major and Alisa Somera (Office of the Clerk of the Board).*

*Supervisor Mar was noted present at 10:40 a.m.*

## **Supervisor Mar excused from voting on File No. 150045**

**Vice Chair Christensen, seconded by Chair Yee, moved to excuse Supervisor Mar from voting on File No. 150045. The motion carried by the following vote:**

Ayes: 2 - Yee, Christensen

Excused: 2 - Breed, Mar

### **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)

01/12/15; RECEIVED FROM DEPARTMENT.

01/27/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 2 - Yee, Christensen

Excused: 2 - Breed, Mar

### **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)

01/12/15; RECEIVED FROM DEPARTMENT.

01/27/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Yee, Christensen, Mar

Excused: 1 - Breed

**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)

01/12/15; RECEIVED FROM DEPARTMENT.

01/27/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Yee, Christensen, Mar

Excused: 1 - Breed

**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)

01/12/15; RECEIVED FROM DEPARTMENT.

01/27/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Yee, Christensen, Mar

Excused: 1 - Breed

**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.

01/21/15; RECEIVED FROM DEPARTMENT.

02/03/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Yee, Christensen, Mar

Excused: 1 - Breed

**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)

01/21/15; RECEIVED FROM DEPARTMENT.

02/03/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Yee, Christensen, Mar

Excused: 1 - Breed

**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)

01/21/15; RECEIVED FROM DEPARTMENT.

02/03/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Yee, Christensen, Mar

Excused: 1 - Breed

**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)

01/21/15; RECEIVED FROM DEPARTMENT.

02/03/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Yee, Christensen, Mar

Excused: 1 - Breed

**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)

01/21/15; RECEIVED FROM DEPARTMENT.

02/03/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Yee, Christensen, Mar

Excused: 1 - Breed

**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)

02/02/15; RECEIVED FROM DEPARTMENT.

02/10/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**RECOMMENDED.. by the following vote:**

Ayes: 3 - Yee, Christensen, Mar

Excused: 1 - Breed

Deputy City Attorney Jon Givner reported that the Rules 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 Mar was noted absent at 10:52 a.m. and for the remainder of the meeting.

**Vice Chair Christensen moved to not disclose the closed session deliberations. The motion carried by the following vote:**

Ayes: 2 - Yee, Christensen

Excused: 1 - Breed

Absent: 1 - Mar

## ADJOURNMENT

The meeting adjourned at 10:55 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.*