



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, October 15, 2015

2:00 PM

City Hall, Committee Room 263

Rescheduled Meeting

Present: 2 - Norman Yee, and London Breed

Excused: 1 - Julie Christensen

ROLL CALL AND ANNOUNCEMENTS

Chair Norman Yee called the meeting to order at 2:07 p.m. On the call of the roll, Chair Yee and Member Breed were noted present. Vice Chair Christensen was noted not present. There was a quorum.

Supervisor Christensen Excused from Attendance

Member Breed, seconded by Chair Yee, moved that Vice Chair Christensen be excused from attending the Government Audit and Oversight Committee meeting of October 15, 2015. The motion carried by the following vote:

Ayes: 2 - Yee, Breed

Excused: 1 - Christensen

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

150608 [Hearing - Civil Grand Jury Report - Unfinished Business: A Continuity Report on the 2011-2012 Report, "Déjà Vu All Over Again"]

Hearing on the recently published 2014-2015 Civil Grand Jury report, entitled "Unfinished Business: A Continuity Report on the 2011-2012 Report, 'Déjà Vu All Over Again.' " (Clerk of the Board)

07/21/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

07/22/15; REFERRED TO DEPARTMENT. Referred to the Mayor's Office, Department of Technology, Office of the Controller, and the Department of Human Resources for their required response.

09/18/15; RESPONSE RECEIVED. A consolidated response from the Mayor's Office was received for the Civil Grand Jury Report.

09/18/15; RESPONSE RECEIVED. A consolidated response for the Controller was received by the Mayor's Office for the Civil Grand Jury Report.

09/18/15; RESPONSE RECEIVED. A consolidated response for the Department of Technology was received by the Mayor's Office for the Civil Grand Jury Report.

09/18/15; RESPONSE RECEIVED. A consolidated response for the Department of Human Resources was received by the Mayor's Office for the Civil Grand Jury Report.

Heard in Committee. Speakers: Allegra Fortunati (Civil Grand Jury); Bryant Bailess (Department of Technology); Susan Gard (Department of Human Resources); presented information and answered questions raised throughout the discussion.

Member Breed moved that this Hearing be CONTINUED TO CALL OF THE CHAIR. The motion carried by the following vote:

Ayes: 2 - Yee, Breed

Excused: 1 - Christensen

150609 [Board Response - Civil Grand Jury - Unfinished Business: A Continuity Report on the 2011-12 Report, Déjà Vu All Over Again]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2014-2015 Civil Grand Jury Report, entitled "Unfinished Business: A Continuity Report on the 2011-12 Report, Déjà Vu All Over Again;" and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget. (Clerk of the Board)

07/22/15; REFERRED TO DEPARTMENT. Referred to the Mayor's Office, Department of Technology, Office of the Controller, and the Department of Human Resources for their required response.

09/18/15; RESPONSE RECEIVED. A consolidated response from the Mayor's Office was received for the Civil Grand Jury Report.

09/18/15; RESPONSE RECEIVED. A consolidated response for the Controller was received by the Mayor's Office for the Civil Grand Jury Report.

09/18/15; RESPONSE RECEIVED. A consolidated response for the Department of Technology was received by the Mayor's Office for the Civil Grand Jury Report.

09/18/15; RESPONSE RECEIVED. A consolidated response for the Department of Human Resources was received by the Mayor's Office for the Civil Grand Jury Report.

09/29/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speakers: Allegra Fortunati (Civil Grand Jury); Bryant Bailess (Department of Technology); Susan Gard (Department of Human Resources); presented information and answered questions raised throughout the discussion.

Member Breed moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 2 - Yee, Breed

Excused: 1 - Christensen

Member Breed moved that this Resolution be RECOMMENDED AS AMENDED AS A COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 2 - Yee, Breed

Excused: 1 - Christensen

The Committee recessed at 3:06 p.m. and reconvened at 3:08 p.m.

150806 [Hearing - Civil Grand Jury Report - San Francisco Fire Department, What Does the Future Hold?]

Hearing on the recently published 2014-2015 Civil Grand Jury report, entitled "San Francisco Fire Department, What Does the Future Hold?" (Clerk of the Board)

07/20/15; REFERRED TO DEPARTMENT. Referred to the Fire Department, Fire Commission, and the Treasure Island Development Authority for their required response.

07/21/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

09/02/15; RESPONSE RECEIVED. Response received from the Chief of the Fire Department for her required response to the Civil Grand Jury Report.

09/04/15; RESPONSE RECEIVED. Response from the Fire Commission for the their required response for the Civil Grand Jury Report.

09/14/15; RESPONSE RECEIVED. Response received from the Director of the Treasure Island Development Authority for his required response.

09/16/15; RESPONSE RECEIVED. Revised response received from the Fire Commission for their required response.

Heard in Committee. Speakers: Janice Pettey and Jack Twomey (Civil Grand Jury); Joanne Hayes-White, Chief (Fire Department); Bob Beck, Director (Treasure Island Development Authority); Mark Corso and Clement Yeh, MD (Fire Department); presented information and answered questions raised throughout the discussion.

Member Breed moved that this Hearing be FILED. The motion carried by the following vote:

Ayes: 2 - Yee, Breed

Excused: 1 - Christensen

LITIGATION

Speakers: None.

Member Breed, seconded by Chair Yee, moved to convene in closed session. The motion carried by the following vote:

Ayes: 2 - Yee, Breed

Excused: 1 - Christensen

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.

150933 [Settlement of Lawsuit - State of Nevada, the Nevada Department of Health and Human Services; Southern Nevada Adult Mental Health Services - City to Receive \$400,000]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against State of Nevada, the Nevada Department of Health and Human Services (“DHHS”); Richard Whitley in his official capacity as Director of DHHS; the Southern Nevada Adult Mental Health Services (“SNAMHS”); and Joanne Malay in her official capacity as Hospital Administrator of SNAMHS for \$400,000; the lawsuit was filed on September 10, 2013, in San Francisco Superior Court, Case No. CGC-13-534108; entitled City and County of San Francisco v. State of Nevada, the Nevada Department of Health and Human Services (“DHHS”); Richard Whitley in his official capacity as Director of DHHS; the Southern Nevada Adult Mental Health Services (“SNAMHS”); and Joanne Malay in her official capacity as Hospital Administrator of SNAMHS; other material terms of the settlement are contractual obligations limiting Defendants’ practices relating to transfer of patients from Defendants psychiatric hospital to any city or county in the State of California. (City Attorney) 09/21/15; RECEIVED FROM DEPARTMENT.

09/29/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Member Breed moved that this Ordinance be RECOMMENDED... The motion carried by the following vote:

Ayes: 2 - Yee, Breed
Excused: 1 - Christensen

150934 [Settlement of Unlittigated Claim - Hensel Phelps Construction Company - \$35,066.75]

Resolution approving the settlement of the unlittigated claim filed by Hensel Phelps Construction Company against the City and County of San Francisco for \$35,066.75; the claim was filed on March 13, 2015. (City Attorney)

09/15/15; RECEIVED FROM DEPARTMENT.

09/29/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Member Breed moved that this Resolution be RECOMMENDED... The motion carried by the following vote:

Ayes: 2 - Yee, Breed
Excused: 1 - Christensen

150952 [Settlement of Lawsuit - AIG Property Casualty Company - \$70,000]

Ordinance authorizing settlement of the lawsuit filed by AIG Property Casualty Company against the City and County of San Francisco for \$70,000; the lawsuit was filed on December 9, 2014, in San Francisco Superior Court, Case No. CGC-14-543126; entitled AIG Property Casualty Company v. City and County of San Francisco, et al. (City Attorney)

09/23/15; RECEIVED FROM DEPARTMENT.

10/06/15; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Member Breed moved that this Ordinance be RECOMMENDED... The motion carried by the following vote:

Ayes: 2 - Yee, Breed
Excused: 1 - Christensen

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.

Member Breed, seconded by Chair Yee, moved to not disclose the closed session deliberations. The motion carried by the following vote:

Ayes: 2 - Yee, Breed

Excused: 1 - Christensen

ADJOURNMENT

There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 3:44 p.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.