



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: Gordon Mar, Vallie Brown, Aaron Peskin

Clerk: John Carroll (415) 554-4445

Thursday, February 7, 2019

10:00 AM

City Hall, Legislative Chamber, Room 250

Regular Meeting

ROLL CALL AND ANNOUNCEMENTS

AGENDA CHANGES

REGULAR AGENDA

- 181210** **[Administrative Code - Our City, Our Home Oversight Committee]**
Sponsors: Mayor; Fewer and Brown
Ordinance amending the Administrative Code to establish the Our City, Our Home Oversight Committee as an advisory committee to monitor the City's use of tax revenue received under the Homelessness Gross Receipts Tax established by Proposition C (November 2018), advise the Board of Supervisors and the Mayor regarding administration of the Our City, Our Home Fund, and recommend ways to reduce barriers that prevent people from exiting homelessness.

12/11/18; ASSIGNED UNDER 30 DAY RULE to the Rules Committee.

12/21/18; REFERRED TO DEPARTMENT.

12/27/18; REFERRED TO DEPARTMENT.

1/18/19; TRANSFERRED to the Government Audit and Oversight Committee.
- 190051** **[Labor-Management Agreement - San Francisco Firefighters' Association, Local 798 - Workers' Compensation Alternative Dispute Resolution Program]**
Sponsor: Mayor
Resolution authorizing the Department of Human Resources to enter a Workers' Compensation Alternative Dispute Resolution Labor-Management Agreement with the San Francisco Firefighters' Association, Local 798, with an initial term of three years to commence following approval by the Board of Supervisors, and continuing year to year thereafter, in one-year terms.

1/15/19; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

3. [190052](#) **[Labor-Management Agreement - San Francisco Police Officers Association - Workers' Compensation Alternative Dispute Resolution Program]**
Sponsor: Mayor
Resolution authorizing the Department of Human Resources to enter a Workers' Compensation Alternative Dispute Resolution Labor-Management Agreement with the San Francisco Police Officers Association, with an initial term of three years to commence following approval by the Board of Supervisors, and continuing year to year thereafter in one-year terms.

1/15/19; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
4. [181166](#) **[Hearing - City's Preparation for the 2020 Census]**
Sponsors: Fewer; Yee
Hearing on the City's preparation for the 2020 Census and hear presentations from the Office of Civic Engagement and Immigrant Affairs and other departments which work with immigrants and vulnerable populations; and requesting the Office of Civic Engagement and Immigrant Affairs, Department of Homelessness and Supportive Housing, Housing Authority, Department of Children, Youth, and Their Families, Department of Technology's Digital Equity Group, San Francisco Unified School District, and First 5 to report.

11/27/18; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
12/4/18; REFERRED TO DEPARTMENT.
5. [190084](#) **[Hearing - Response to the Partial Federal Government Shutdown]**
Sponsors: Haney; Ronen, Walton, Mar and Yee
Hearing to discuss the response to the partial federal government shutdown; and requesting the Mayor's Office of Legislative and Government Affairs, Office of Economic and Workforce Development, Director of San Francisco International Airport, Budget and Legislative Analyst, Public Utilities Commission, and the Controller's Office to report.

1/22/19; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
1/30/19; REFERRED TO DEPARTMENT.
6. [190075](#) **[Response to the Partial Federal Government Shutdown]**
Sponsors: Haney; Ronen, Walton, Mar and Yee
Resolution responding to the partial federal government shutdown, affirming San Francisco's solidarity with federal workers, and urging the Mayor and city departments to assist those impacted by the shutdown.

1/22/19; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

LITIGATION

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 litigation and anticipated litigation. 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.

7. [190002](#) **[Settlement of Lawsuit - Small Property Owners of San Francisco Institute - \$110,000]**

Ordinance authorizing settlement of the lawsuit filed by Small Property Owners of San Francisco Institute against the City and County of San Francisco for \$110,000; the lawsuit was filed on January 28, 2014, in San Francisco Superior Court, Case No. CPF-14-513453; entitled Small Property Owners of San Francisco Institute v. City and County of San Francisco, et al.; the lawsuit involves a claim for attorney's fees and costs following Petitioner's challenge to Ordinance No. 286-13 on the grounds, in part, that Section 181(c)(3) is preempted by the state Ellis Act. (City Attorney)

12/19/18; RECEIVED FROM DEPARTMENT.

1/15/19; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

8. [190003](#) **[Settlement of Unlitigated Claim - Sambou Makalou - \$124,523.97 - Appropriation - Wastewater Enterprise Fund Balance]**

Ordinance approving the settlement of the unlitigated claim filed by Sambou Makalou against the City and County of San Francisco for \$124,523.97; the claim was filed on June 27, 2018; the claim involves alleged property damage arising from a water main break; and appropriating \$124,523.97 from the San Francisco Public Utilities Commission Wastewater Enterprise fund balance for payment of settlement. (City Attorney)

12/19/18; RECEIVED FROM DEPARTMENT.

1/15/19; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

9. [190004](#) **[Partial Settlement of Lawsuit - Susan Garduno - \$105,000]**
Ordinance authorizing settlement of the lawsuit filed by Susan Garduno against the City and County of San Francisco for \$105,000; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms; as it relates only to property loss of plaintiff Susan Garduno, by the payment of \$105,000 and excluding the claim by this plaintiff for diminution of value for plaintiff's real property and the claim by plaintiff for attorney's fees, costs and interest, which will be addressed in later proceedings. (City Attorney)
12/19/18; RECEIVED FROM DEPARTMENT.
1/15/19; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
10. [190005](#) **[Settlement of Lawsuit - Winfield International, Inc. - \$500,000]**
Ordinance authorizing settlement of the lawsuit filed by Winfield International, Inc. against the City and County of San Francisco for a payment by Winfield International, Inc. of \$500,000; the lawsuit was filed on March 20, 2017, in San Francisco Superior Court, Case No. CPF-17-515532 (Appeal No. A153209); entitled Winfield International, Inc. v. City and County of San Francisco; the lawsuit challenges the City's enforcement of the Below Market Rate housing conditions of approval applicable to Petitioner's real property located at 3000 23rd Street; other material terms of the settlement include recording a notice of special restrictions reflecting the Below Market Rate conditions of approval applicable to the real property; and a 12-month extension and related lease terms for the current tenant of Unit No. 205. (City Attorney)
12/28/18; RECEIVED FROM DEPARTMENT.
1/15/19; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
11. [190006](#) **[Settlement of Lawsuit - N.C., a Minor - \$45,000]**
Ordinance authorizing settlement of the lawsuit filed by N.C., a minor against the City and County of San Francisco for \$45,000; the lawsuit was filed on July 17, 2017, in United States District Court, Case No. 17-cv-4016; entitled N.C., a minor v. City and County of San Francisco, et al.; the lawsuit involves allegations of civil rights violations. (City Attorney)
12/31/18; RECEIVED FROM DEPARTMENT.
1/15/19; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
12. [190008](#) **[Settlement of Lawsuit - Rocio Guarniz Palacios - \$50,000]**
Ordinance authorizing settlement of the lawsuit filed by Rocio Guarniz Palacios against the City and County of San Francisco for \$50,000; the lawsuit was filed on January 4, 2017, in San Francisco Superior Court, Case No. CGC-17-556267; entitled Rocio Guarniz Palacios v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)
1/3/19; RECEIVED FROM DEPARTMENT.
1/15/19; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

13. [190010](#) **[Settlement of Unlitigated Claim - CSAA Insurance Exchange - \$34,000]**
Resolution approving the settlement of the unlitigated claim filed by CSAA Insurance Exchange against the City and County of San Francisco for \$34,000; the claim was filed on June 20, 2018; the claim involves alleged property damage from vehicle collision. (City Attorney)

12/31/18; RECEIVED FROM DEPARTMENT.

1/15/19; 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.

(There is no legislation pending under the 30-Day Rule.)

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

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 the Committee: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Communications 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.

COPYRIGHT: System content that is broadcasted live during public proceedings is secured by High-bandwidth Digital Content Protection (HDCP), which prevents copyrighted or encrypted content from being displayed or transmitted through unauthorized devices. Members of the public who utilize chamber digital, audio and visual technology may not display copyrighted or encrypted content during public proceedings.

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 Peggy Nevin at (415) 554-5184. **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, 5R, 6, 7, 7R, 7X, 9, 9R, 19, 21, 47, and 49. 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>