

1 [Issuance of Subpoena Duces Tecum - Derrick Roorda]

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3 **Motion directing the Clerk of the Board of Supervisors to issue a subpoena duces**
4 **tecum to Derrick Roorda, requiring him to appear at the Government Audit & Oversight**
5 **Committee on October 4, 2017, at 10:00 a.m., to provide oral information at the hearing**
6 **of File No. 160975 and respond to questions regarding the design, engineering, and**
7 **cost benefit analysis for the project at 301 Mission Street; and requiring him to produce**
8 **documents, correspondence, records, and other materials in his possession related to**
9 **that project.**

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11 WHEREAS, News accounts in August 2016 revealed that the high-rise building at 301
12 Mission Street, commonly known as the Millennium Tower, was settling differentially at double
13 the anticipated amount predicted for the entire life of the project, and has sunk a total of 17
14 inches since its 2009 completion; and

15 WHEREAS, Recent legal filings indicate that the Millennium Tower will tilt another ten
16 inches to the west by 2019; and

17 WHEREAS, Mr. Roorda previously served as the Senior Associate Principal of
18 DeSimone Consulting Engineers, Inc. starting in 1997, where he designed and shepherded
19 the approvals of the 60-story Millennium Tower, which upon its completion in 2009 was the
20 tallest concrete structure on the west coast, as well as the tallest residential building west of
21 Chicago; and

22 WHEREAS, A shorter and less heavy project at 80 Natoma with a similar mat
23 foundation was ultimately halted for reasons that included concerns about the structure's
24 performance during a seismic event; and

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1 WHEREAS, During the approximate time period from 2005 through 2007, DeSimone
2 Consulting Engineers retained a two-member peer review panel to vet the structural and
3 seismic soundness of Mr. Roorda's calculations and design specifications, a process which
4 specifically omitted the involvement of a geotechnical engineer, and which eventually led to
5 the recommendation that a foundation permit be issued for the project; and

6 WHEREAS, Supervisor Aaron Peskin, Member of the Government Audit and Oversight
7 Committee, has requested that Mr. Roorda attend a hearing of the Committee to respond to
8 questions regarding his intimate knowledge of the 301 Mission project and provide the
9 Committee with relevant records in his possession, but Mr. Roorda has not yet indicated his
10 willingness to participate; and

11 WHEREAS, A draft subpoena requiring Mr. Roorda to attend a hearing of the
12 Committee and to produce documents is on file with the Clerk of the Board of Supervisors in
13 File No. 170998; now, therefore, be it

14 MOVED, That pursuant to its authority under Charter, Section 16.114, and Government
15 Code, Sections 25170 and 37104, the Board of Supervisors hereby directs the Clerk of the
16 Board to issue a subpoena duces tecum in substantially the form and substance of the draft
17 subpoena referenced above, requiring Mr. Roorda to (1) attend the Government Audit and
18 Oversight Committee meeting at 10:00 a.m. on October 4, 2017, to provide oral information
19 and respond to questions regarding his participation in and knowledge regarding the design,
20 engineering, review, and cost benefit analysis for the project at 301 Mission Street in San
21 Francisco; and (2) produce and permit inspection and copying of all documents, records, and
22 other materials in his possession related to that project; and, be it

23 FURTHER MOVED, That the Clerk of the Board of Supervisors, in consultation with the
24 City Attorney, may amend the draft subpoena prior to issuing it, consistent with the direction in
25 this Motion; and, be it

1 FURTHER MOVED, That the Clerk and the Chairperson of the Government Audit and
2 Oversight Committee may in their discretion modify the time and date set forth in the
3 subpoena, and may reissue the subpoena with a modified time and date, in order to
4 accommodate Mr. Roorda's and the Committee's schedules.

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