



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: Dean Preston, Connie Chan, Rafael Mandelman

Clerk: Alisa Somera (415) 554-4447

Thursday, October 20, 2022

10:00 AM

Regular Meeting

IN-PERSON MEETING
City Hall, Legislative Chamber, Room 250

(remote access provided)
(remote public comment provided via teleconference)

Present: 3 - Dean Preston, Connie Chan, and Rafael Mandelman

The Government Audit and Oversight Committee met in regular session, in-person with remote access and public comment via telephone, on Thursday October 20, 2022, with Chair Dean Preston presiding. Chair Preston called the meeting to order at 10:06 a.m.

Remote Access to Information and Participation

The Board of Supervisors and its committees convene hybrid meetings that allow in-person attendance, remote access, and public comment via teleconference. Visit the SFGovTV website at (www.sfgovtv.org) to stream the live meetings and watch meetings on demand or watch live meetings on San Francisco Cable Channels 26, 28, 78 or 99 (depending on your provider). Members of the public may provide public comment in-person or remotely via teleconference (detailed instructions available at: <https://sfbos.org/remote-meeting-call>).

Members of the public may submit their comments by email to: alisa.somera@sfgov.org; all comments received will be made a part of the official record. Regularly scheduled Government Audit and Oversight Committee Meetings begin at 10:00 a.m. every first and third Thursday of each month. Committee agendas and their associated documents are available at <https://sfbos.org/committees>.

Please visit the Board's website (www.sfbos.org) regularly to be updated on the current situation as it affects the legislative process. For more information contact the Clerk, Alisa Somera, at (415) 554-7711 or alisa.somera@sfgov.org.

ROLL CALL AND ANNOUNCEMENTS

On the call of the roll, Chair Preston, Vice Chair Chan, and Member Mandelman were noted present. A quorum was present.

AGENDA CHANGES

There were no agenda changes.

COMMUNICATIONS

*Stephanie Cabrera, Committee Clerk, instructed members of the public, when general public comment is called, to contribute live comments for up to two minutes in-person or by dialing the provided telephone number. In-person public comment will be taken before remote public comment is called. Those who are providing public comment remotely must dial * 3 to be added to the remote queue to speak. Written comments may be submitted through email (stephanie.cabrera@sfgov.org) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.*

REGULAR AGENDA

Chair Preston requested File Nos. 220724 and 220725 be called together.

220724 [Hearing - Civil Grand Jury Report - A Progress Report about the San Francisco Department of Homelessness and Supportive Housing]

Hearing on the 2021-2022 Civil Grand Jury Report, entitled "A Progress Report about the San Francisco Department of Homelessness and Supportive Housing." (Clerk of the Board)

07/19/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speakers: Cort Gross (2021-2022 Civil Grand Jury); Emily Cohen (Department of Homelessness and Supportive Housing); presented information and answered questions raised throughout the discussion. Jordyn Davis; Speaker; Rick Crane; spoke on various concerns relating to the hearing matter.

Chair Preston moved that this Hearing be HEARD AND FILED. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

220725 [Board Response - Civil Grand Jury Report - A Progress Report about the San Francisco Department of Homelessness and Supportive Housing]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2021-2022 Civil Grand Jury Report, entitled "A Progress Report about the San Francisco Department of Homelessness and Supportive Housing;" and urging the Mayor to cause the implementation of accepted findings and recommendations through her department heads and through the development of the annual budget. (Clerk of the Board)

07/19/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speakers: Cort Gross (2021-2022 Civil Grand Jury); Emily Cohen (Department of Homelessness and Supportive Housing); presented information and answered questions raised throughout the discussion. Jordyn Davis; Speaker; Rick Crane; spoke on various concerns relating to the hearing matter.

Chair Preston moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, by responding to Finding Nos. F4a and F4b, and Recommendation No. R4. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

Chair Preston moved that this Resolution be RECOMMENDED AS AMENDED. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

**220132 [Memorandum of Understanding - Retroactive - Urban Areas Security Initiative]
Sponsor: Mayor**

Resolution retroactively approving a Memorandum of Understanding (MOU) with the Cities of Oakland and San Jose and the Counties of Alameda, Contra Costa, Marin, Monterey, San Mateo, Santa Clara and Sonoma that provides governance structures and procedures for application, allocation and distribution of federal Urban Areas Security Initiative (UASI) grant funds to the Bay Area Urban Area, as well as for other Federal grant funds to the Bay Area Urban Area as permitted under the MOU; and continues San Francisco as the primary grantee and fiscal agent for UASI grant funds to the Bay Area Urban Area, as well as for other Federal grant funds to the Bay Area Urban Area as permitted under the MOU for the period from December 1, 2021, through November 30, 2025.

02/01/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

10/07/22; REMAIN ACTIVE. Tom Paulino of the Mayor's Office requested this matter remain active for an additional six months until April 7, 2023

Heard in Committee. Speakers: Molly Giesen-Fields (Department of Emergency Management); presented information and answered questions raised throughout the discussion. Francisco DaCosta; spoke on various concerns relating to the hearing matter.

Chair Preston moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

LITIGATION

Chair Preston requested File Nos. 220794, 220987, 220988, 220915, 220916, 220917, 220918, 220729, 220730, 220731, 220732, 220964, 220965, 220966, and 220967 be called together.

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.

The Deputy City Attorney 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.

Persons in attendance: Anne Pearson, Kristen Jensen, and Keith Nagayama (Office of the City Attorney); Erica Major and Stephanie Cabrera (Office of the Clerk of the Board).

Chair Preston moved to convene in closed session. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

220794 [Settlement of Lawsuit - Phris M. Keaton - \$45,000]

Ordinance authorizing settlement of the lawsuit filed by Phris M. Keaton against the City and County of San Francisco for \$45,000; the lawsuit was filed on April 21, 2021, in San Francisco Superior Court, Case No. CGC-21-591264; entitled Phris M. Keaton v. Garret Edwards, et al.; the lawsuit involves alleged personal injury due to excessive force by Sheriff's Deputy. (City Attorney)

07/08/22; RECEIVED FROM DEPARTMENT.

07/19/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

09/15/22; CONTINUED TO CALL OF THE CHAIR.

Chair Preston moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

220987 [Settlement of Unlitigated Claim - Yuna Chuquilin - \$82,500]

Resolution approving the settlement of the unlitigated claim filed by Yuna Chuquilin against the City and County of San Francisco for \$82,500; the claim was filed on August 29, 2020; the claim involves an employment dispute. (City Attorney)

09/16/22; RECEIVED FROM DEPARTMENT.

09/27/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

220988 [Settlement of Unlitigated Claim - Old Republic Title Company - \$25,125 Plus Statutory Interest]

Resolution approving the settlement of the unlitigated claim filed by Old Republic Title Company against the City and County of San Francisco for \$25,125 plus statutory interest; the claim was filed on April 13, 2022; the claim involves an alleged overpayment of real property transfer taxes. (City Attorney)

09/16/22; RECEIVED FROM DEPARTMENT.

09/27/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

220915 [Settlement of Lawsuit - Michael Petersen - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by Michael Petersen against the City and County of San Francisco for \$75,000; the lawsuit was filed on September 12, 2019, in San Francisco Superior Court, Case No. CGC-19-579234; entitled Michael Petersen v. City and County of San Francisco; the lawsuit involves alleged personal injury in a City park. (City Attorney)

07/20/22; RECEIVED FROM DEPARTMENT.

09/06/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

220916 [Settlement of Unlitigated Claims - Allianz Asset Management of America L.P. - \$1,173,047.78]

Resolution approving the settlement of the unlitigated claims filed by Allianz Asset Management of America L.P. against the City and County of San Francisco for \$1,173,047.78; the claims were filed on April 25, 2022; the claims involve a refund of gross receipts and homelessness gross receipts taxes. (City Attorney)

08/03/22; RECEIVED FROM DEPARTMENT.

09/06/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

220917 [Settlement of Unlitigated Claim - Williams-Sonoma, Inc. - \$163,479.04]

Resolution approving the settlement of the unlitigated claim filed by Williams-Sonoma, Inc. against the City and County of San Francisco for \$163,479.04; the claim was filed on June 7, 2022; the claim involves a refund of homelessness gross receipts taxes. (City Attorney)

08/17/22; RECEIVED FROM DEPARTMENT.

09/06/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

220918 [Settlement of Unlitigated Claim - Wyeth Holdings LLC - \$119,283.21]

Resolution approving the settlement of the unlitigated claim filed by Wyeth Holdings LLC, against the City and County of San Francisco for \$119,283.21; the claim was filed on January 10, 2022; the claim involves a refund of homelessness gross receipts taxes for the 2019 tax year. (City Attorney)

08/17/22; RECEIVED FROM DEPARTMENT.

09/06/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

220729 [Settlement of Lawsuit - Phi Associates (Drisco Hotel) Swords to Plowshares to Receive Loan Payoff of \$2,000,000]

Ordinance authorizing settlement of the lawsuit filed by Phi Associates L.P., against the City and County of San Francisco for a payment by Phi Associates of \$2,000,000 to provide construction loan repayment and thereby support affordable housing for veterans at the Veterans Academy located at 1030 Girard Road, San Francisco, operated by Swords To Plowshares ("Veterans Academy"), in exchange for the release of 16 Residential Hotel rooms from regulation under the Hotel Conversion Ordinance; the lawsuit was filed on March 17, 2021, in San Francisco Superior Court, Case No. CPF-21-517409, entitled Phi Assoc., L.P. v. City and County of San Francisco; the lawsuit involves petitioner's challenge to the City's enforcement of the Hotel Conversion Ordinance at the Drisco Hotel, located at 2901 Pacific Avenue, San Francisco. (City Attorney)

09/16/22; RECEIVED FROM DEPARTMENT.

09/27/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Ordinance be CONTINUED to the Government Audit and Oversight Committee meeting of November 3, 2022. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

220730 [Settlement of Lawsuit - Theodore Belizaire - \$186,642.33]

Ordinance authorizing settlement of the lawsuit filed by Theodore Belizaire against the City and County of San Francisco for \$186,642.33; the lawsuit was filed on July 20, 2020, in San Francisco Superior Court, Case No. CGC-20-585672, entitled Theodore Belizaire v. City and County of San Francisco; the lawsuit involves alleged personal injuries in a collision with a City vehicle; other material terms of the settlement include payment of \$99,142.33 to Zuckerberg San Francisco General Hospital for a medical lien. (City Attorney)

09/16/22; RECEIVED FROM DEPARTMENT.

09/27/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

220731 [Settlement of Lawsuit - Donna James - \$125,000]

Ordinance authorizing settlement of the lawsuit filed by Donna James against the City and County of San Francisco for \$125,000; the lawsuit was filed on April 20, 2021, in United States District Court, Case No. 3:21-cv-02939-RS; entitled Donna James v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

09/16/22; RECEIVED FROM DEPARTMENT.

09/27/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

220732 [Settlement of Lawsuit - Susan Bell - \$160,000]

Ordinance authorizing settlement of the lawsuit filed by Susan Bell against the City and County of San Francisco, et al. for \$160,000; the lawsuit was filed on December 6, 2018, in San Francisco Superior Court, Case No. CGC-18-571878; entitled Susan Bell v. City and County of San Francisco, et al.; the lawsuit involves claims of alleged civil rights violations and use of excessive force. (City Attorney)

09/16/22; RECEIVED FROM DEPARTMENT.

09/27/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

220964 [Settlement of Lawsuit - Rachell Evans - \$100,000]

Ordinance authorizing settlement of the lawsuit filed by Rachell Evans against the City and County of San Francisco for \$100,000; the lawsuit was filed on May 14, 2021, in United States District Court, Northern District of California, Case No. 3:21-cv-02935-SI; entitled Rachell Evans v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

09/12/22; RECEIVED FROM DEPARTMENT.

09/20/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

220965 [Settlement of Lawsuit - Aliitasi T. Alapati - \$100,000]

Ordinance authorizing settlement of the lawsuit filed by Aliitasi T. Alapati against the City and County of San Francisco for \$100,000; the lawsuit was filed on March 11, 2020, in United States District Court, Case No. 21-cv-04144-SI; entitled Aliitasi T. Alapati v. City and County of San Francisco, et al.; the lawsuit involves an alleged civil rights violation. (City Attorney)

09/12/22; RECEIVED FROM DEPARTMENT.

09/20/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

220966 [Settlement of Lawsuit - Brandon Murphy - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Brandon Murphy against the City and County of San Francisco for \$50,000; the lawsuit was filed on January 10, 2019, in San Francisco Superior Court, Case No. CGC-19-572705; entitled Brandon Murphy v. Regents of The University of California, et al.; the lawsuit involves alleged personal injury from medical negligence. (City Attorney)

09/12/22; RECEIVED FROM DEPARTMENT.

09/20/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

220967 [Settlement of Lawsuit - Gayatri Kishore - \$44,775]

Ordinance authorizing settlement of the lawsuit filed by Gayatri Kishore against the City and County of San Francisco for \$44,775; the lawsuit was filed on August 27, 2020, in San Francisco Superior Court, Case No. CGC-20-586409; entitled Gayatri Kishore v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

09/12/22; RECEIVED FROM DEPARTMENT.

09/20/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

[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.

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

Ayes: 3 - Preston, Chan, Mandelman

ADJOURNMENT

There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 2:21 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.