

BOARD of SUPERVISORS



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MEMORANDUM

GOVERNMENT AUDIT AND OVERSIGHT COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Jane Kim, Chair
Government Audit and Oversight Committee

FROM: John Carroll, Assistant Clerk, Government Audit and Oversight
Committee

DATE: July 17, 2017

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, July 18, 2017

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, July 18, 2017. This item was acted upon at the Government Audit and Oversight Committee Meeting on July 17, 2017 at 12:00 p.m., by the votes indicated.

Item No. 44 File No. 170728

Ordinance authorizing settlement of the lawsuit filed by Barbara Burke and Miles Burke against the City and County of San Francisco for \$65,000; the lawsuit was filed on May 20, 2015, in San Francisco Superior Court, Case No. CGC-15-545917; entitled Barbara Burke and Miles Burke v. City and County of San Francisco, Does 1-10; the lawsuit involves personal injury from an alleged dangerous condition of public property.

RECOMMENDED AS COMMITTEE REPORT:

Vote: Supervisor Jane Kim - Aye
Supervisor Aaron Peskin - Aye
Supervisor London Breed - Aye

cc: Board of Supervisors
Angela Calvillo, Clerk of the Board
Alisa Somera, Legislative Deputy Director
Jon Givner, Deputy City Attorney

File No. 170728

Committee Item No. 2

Board Item No. 44

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight

Date: July 17, 2017

Board of Supervisors Meeting:

Date: July 18, 2017

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Committee Report Request Memo - July 12, 2017</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Prepared by: John Carroll

Date: July 14, 2017

Prepared by: John Carroll

Date: July 17, 2017

1 [Settlement of Lawsuit - Barbara Burke and Miles Burke - \$65,000]

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Ordinance authorizing settlement of the lawsuit filed by Barbara Burke and Miles Burke against the City and County of San Francisco for \$65,000; the lawsuit was filed on May 20, 2015, in San Francisco Superior Court, Case No. CGC-15-545917; entitled Barbara Burke and Miles Burke v. City and County of San Francisco, Does 1-10; the lawsuit involves personal injury from an alleged dangerous condition of public property.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby authorizes the City Attorney to settle the action entitled Barbara Burke and Miles Burke v. City and County of San Francisco, Does 1-10, San Francisco Superior Court, Case No. CGC-15-545917 by the payment of \$65,000. The lawsuit involves personal injury from an alleged dangerous condition of public property.

Section 2. The above-named action was filed in San Francisco Superior Court on May 20, 2015, and the following parties were named in the lawsuit: Barbara Burke and Miles Burke, plaintiffs, City and County of San Francisco, Does 1-10, defendants.

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APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney

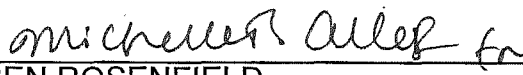

CHERYL ADAMS
Chief Trial Deputy

RECOMMENDED:

DEPARTMENT OF PUBLIC WORKS


MOHAMMED NURU
Director

FUNDS AVAILABLE:


BEN ROSENFELD
Controller

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Member, Board of Supervisors
District 6



City and County of San Francisco

COB,
Leg Rep,
GPO Clerk

JANE KIM
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DATE: July 12, 2017

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Kim
Chairperson

RE: Government Audit and Oversight Committee
COMMITTEE REPORT

2017 JUL 13 AM 8:00
BOA, ATTY, GPO, CLERK

Pursuant to Board Rule 4.20, as Chair of the Government Audit and Oversight Committee, I have deemed the following matters are of an urgent nature and request they be considered by the full Board on Tuesday, July 18, 2017, as Committee Reports:

- File No. 170727 Settlement of Lawsuit - Alfred Fred Pittman - \$30,000**
Ordinance authorizing settlement of the lawsuit filed by Alfred Fred Pittman against the City and County of San Francisco for \$30,000; the lawsuit was filed on June 20, 2013, in United States District Court, Case No. 13-CV-02095; entitled Alfred Fred Pittman v. City and County of San Francisco; the lawsuit involves alleged civil rights violations.
- File No. 170728 Settlement of Lawsuit - Barbara Burke and Miles Burke - \$65,000**
Ordinance authorizing settlement of the lawsuit filed by Barbara Burke and Miles Burke against the City and County of San Francisco for \$65,000; the lawsuit was filed on May 20, 2015, in San Francisco Superior Court, Case No. CGC-15-545917; entitled Barbara Burke and Miles Burke v. City and County of San Francisco, Does 1-10; the lawsuit involves personal injury from an alleged dangerous condition of public property.
- File No. 170729 Settlement of Lawsuit - San Francisco Apartment Association, et al. - \$130,440**
Ordinance authorizing settlement of the lawsuit filed by San Francisco Apartment Association, Coalition For Better Housing, and San Francisco Association of Realtors against the City and County of San Francisco for \$130,440; the lawsuit was filed on January 28, 2014, in San Francisco Superior Court, Case No. CPF-14-513452; entitled San Francisco Apartment Association, et al. v. City and County of San Francisco; the lawsuit involves a claim for attorney's fees and costs following Petitioners' challenge to Section 317(e)(4) of Ordinance No. 287-13 on the grounds it is preempted by the state Ellis Act.



JANE KIM
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File No. 170730 Settlement of Lawsuit - Jose H. Lima Osorio - \$57,500

Ordinance authorizing settlement of the lawsuit filed by Jose H. Lima Osorio against the City and County of San Francisco for \$57,500; the lawsuit was filed on March 9, 2016, in San Francisco Superior Court, Case No. CGC-16-550862; entitled Jose H. Lima Osorio v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injuries when plaintiff was struck by a vehicle while in the crosswalk.

File No. 170731 Settlement of Lawsuit - BHR Operations LLC, dba Crowne Plaza and dba Holiday Inn Fisherman's Wharf, et al. - \$1,613,554.74

Ordinance authorizing settlement of two lawsuits filed by BHR Operations LLC, dba Crowne Plaza and dba Holiday Inn Fisherman's Wharf, et al. against the City and County of San Francisco for \$1,613,554.74 to be distributed as follows: BHR Operations LLC \$379,969.68, Hotel Nikko of San Francisco Inc. \$201,741.40, Datam S.F. LLC \$277,953.69, RP/Kinetic Parc 55 Owner, LLC \$25,601.63, S.F. Hilton LLC \$447,301.52, W2005 Argent Hotel Realty LLC \$42,857.19, British Airways Plc \$163,369.38, Cathay Pacific Airways Ltd \$74,760.25; the lawsuits were filed in San Francisco Superior Court, as Case No. CGC-10-498514 entitled BHR Operations LLC, dba Crowne Plaza and dba Holiday Inn Fisherman's Wharf, et al. v. City and County of San Francisco, et al. filed on April 9, 2010, and Case No. CGC-10-505526 entitled British Airways Plc v. City and County of San Francisco, et al. filed on November 19, 2010; other material terms of the settlement include the City's retaining transient occupancy taxes collected by the Tax Collector, and the plaintiffs' agreement to pay transient occupancy taxes in the future according to the Tax Collector's regulations; the lawsuits involve a dispute between the City and the hotel and airline industry about whether airline crew rooms are exempt from the City's transient occupancy tax.



JANE KIM

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- File No. 170732 Settlement of Lawsuit - Betsy Isabel Ayala - \$75,000**
Ordinance authorizing settlement of the lawsuit filed by Betsy Isabel Ayala against the City and County of San Francisco for \$75,000; the lawsuit was filed on July 7, 2015, in San Francisco Superior Court, Case No. CGC-15-546742; entitled Betsy Isabel Ayala v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City street.
- File No. 170752 Settlement of Lawsuit - Zhen Qiang Zhang - \$75,000**
Ordinance authorizing settlement of the lawsuit filed by Zhen Qiang Zhang against the City and County of San Francisco for \$75,000; the lawsuit was filed on November 13, 2014, in San Francisco Superior Court, Case No. CGC-14-542708; entitled Zhen Qiang Zhang v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute.
- File No. 170753 Settlement of Lawsuit - Pedro Figueroa Zarceno - \$190,000**
Ordinance authorizing settlement of the lawsuit filed by Pedro Figueroa Zarceno against the City and County of San Francisco for \$190,000; the lawsuit was filed on January 17, 2017, in United States District Court for the Northern District of California, Case No. 17-cv-00229 JST; entitled Pedro Figueroa Zarceno v. City and County of San Francisco, et al.; the lawsuit involves unlawful arrest.
- File No. 170754 Settlement of Lawsuit - Stuart Kohler - \$75,000**
Ordinance authorizing settlement of the lawsuit filed by Stuart Kohler against the City and County of San Francisco for \$75,000; the lawsuit was filed on November 8, 2016, in United States District Court, Case No. 16-CV-6502; entitled Stuart Kohler v. City and County of San Francisco et al.; the lawsuit involves alleged civil rights violations.
- File No. 170794 Settlement of Lawsuit - Sarah Loomis - \$95,000**
Ordinance authorizing settlement of the lawsuit filed by Sarah Loomis against the City and County of San Francisco for \$95,000; the lawsuit was filed on February 19, 2016, in San Francisco Superior Court, Case No. CGC-16-550399; entitled Sarah Loomis v. Nathaniel David Mansker, City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from vehicle collision.

Member, Board of Supervisors
District 6



City and County of San Francisco

JANE KIM

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File No. 170795 Settlement of Lawsuit - Sonia Meyerson - \$52,500

Ordinance authorizing settlement of the lawsuit filed by Sonia Meyerson against the City and County of San Francisco for \$52,500; the lawsuit was filed on April 22, 2015, in San Francisco Superior Court, Case No. CGC-15-545451; entitled Sonia Meyerson v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City street.

File No. 170796 Settlement of Lawsuit - Bernard Sandoval - \$120,000

Ordinance authorizing settlement of the lawsuit filed by Bernard Sandoval against the City and County of San Francisco for \$120,000; the lawsuit was filed on June 25, 2015, in San Francisco Superior Court, Case No. CGC 15-546562; entitled Bernard Sandoval v. City and County of San Francisco; the lawsuit involves an employment dispute.

File No. 170797 Settlement of Lawsuit - Paula Ginsburg - \$225,000

Ordinance authorizing settlement of the lawsuit filed by Paula Ginsburg against the City and County of San Francisco for \$225,000; the lawsuit was filed on February 17, 2016, in San Francisco Superior Court, Case No. CGC-16-550470; entitled Paula Ginsburg v. City and County of San Francisco, and Does 1 to 25, Inclusive; the lawsuit involves alleged personal injury on a City sidewalk adjacent to Alta Plaza Park.

These matter will be heard in the Government Audit and Oversight Committee on July 17, 2017, at 12:00 p.m.

LEGISLATION RECEIVED CHECKLIST

Date 6/9/17 File Number (if applicable) 170728

- Legislation for Introduction (NEW) Legislative Clerk
Legislation Pending in Committee (AMENDED) Committee Clerk
Legislation for Board Agenda (AMENDED) Deputy Clerk

Supervisor, Mayor, and Departmental Submittals

Grant Ordinance

- Legislation: Original, 1 hard copy, and 1 electronic copy in Word format
Signature: Department Head, Mayor or the Mayor's designee, plus the Controller
Supporting documents: 1 full set, and separate pdf copies of each in email
Cover letter (original)
Grant budget/application
Grant information form, including signed disability checklist
Letter of Intent or grant award letter from funding agency
Contract, Leases/Agreements (if applicable)
Ethics Form 126 (if applicable) in Word format
Other support documents as identified in the cover letter and legislation
E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org

Ordinance

- Legislation: Original, 1 hard copy, and 1 electronic copy in Word format
Signature: City Attorney (For Settlement of Lawsuits - City Attorney, Department Head, Controller, Commission Secretary)
Supporting documents: 1 full set, and separate pdf copies of each in email
Cover letter (original)
Settlement Report/Agreement (for settlements)
Other support documents as identified in the cover letter and legislation
E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org

Grant Resolution

- Legislation: Original, 1 hard copy, and 1 electronic copy in Word format
Signature: Department Head, Mayor or the Mayor's designee, plus the Controller
Supporting documents: 1 full set, and separate pdf copies of each in email
Cover letter (original)
Grant budget/application
Grant information form, including signed disability checklist
Letter of Intent or grant award letter from funding agency
Contract, Leases/Agreements (if applicable)
Ethics Form 126 (if applicable) in Word format
Other support documents as identified in the cover letter and legislation
E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org

Resolution

- Legislation: Original, 1 hard copy, and 1 electronic copy in Word format
Signature: None (Note: Required for Settlement of Claims - City Attorney, Department Head, Controller, Commission Secretary)
Supporting documents: 1 full set, and separate pdf copies of each in email
Cover letter (original)
Settlement Report/Agreement (for settlements)
Other support documents as identified in the cover letter and legislation
E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org

Joy Perez 554-3869
Name and Telephone Number

City Attorney
Department