



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: Aaron Peskin, Norman Yee, London Breed

Clerk: Erica Major (415) 554-4441

Thursday, April 7, 2016

9:30 AM

City Hall, Committee Room 263

Regular Meeting

ROLL CALL AND ANNOUNCEMENTS

AGENDA CHANGES

REGULAR AGENDA

1. [160287](#) **[Ocean Avenue Community Benefit District - Annual Report to the City - FY2014-2015]**
Sponsor: Yee
Resolution receiving and approving an annual report for the Ocean Avenue Community Benefit District for FY2014-2015, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's management agreement with the City, Section 3.4.

3/22/16; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
3/28/16; REFERRED TO DEPARTMENT.
2. [160203](#) **[Fisherman's Wharf and Fisherman's Wharf Portside Community Benefit Districts - Annual Report to the City - FY2014-2015]**
Sponsor: Peskin
Resolution receiving and approving the annual report for the Fisherman's Wharf Community Benefit District and Fisherman's Wharf Portside Community Benefit District for FY2014-2015, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the Districts' Management Agreements with the City, Section 3.4.

3/1/16; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
3/7/16; REFERRED TO DEPARTMENT.

3. [160265](#) **[Hearing - San Francisco Public Utilities Commission Emergency Water Supply System]**
Sponsor: Peskin
Hearing on the operations and maintenance status of the City's emergency water supply system since taking it over from the Fire Department in 2010, and receiving an update on plans to dispose of spare parts deemed no longer useful or necessary to the ongoing functions of the system; and requesting the San Francisco Public Utilities Commission to report.
- 3/15/16; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
- 3/21/16; REFERRED TO DEPARTMENT.

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 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.*

After a closed session, if one occurs, the Committee shall adopt a motion either to disclose or not to disclose.

4. [160128](#) **[Settlement of Lawsuits - California Department of Health Care Services - City to Receive \$928,763.44]**
Ordinance authorizing settlement of the lawsuits filed by the City and County of San Francisco against the California Department of Health Care Services, et al., for \$928,763.44; the lawsuits were filed on July 24, 2007, and November 3, 2008, in San Francisco Superior Court, Case Nos. CPF-07-507445 and CPF-08-508951; both lawsuits are entitled City and County of San Francisco v. Sandra Shewry, Director of the Department of Health Care Services, State of California, et al.; to compel respondents to approve and pay Short Doyle Medi-Cal claims and implement an appeal procedure for denied claims. (City Attorney)
- 2/8/16; RECEIVED FROM DEPARTMENT.
- 2/23/16; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
5. [160130](#) **[Settlement of Lawsuit - Roque and Sonia Ballesteros - \$79,000]**
Ordinance authorizing settlement of the lawsuit filed by Roque and Sonia Ballesteros against the City and County of San Francisco for \$79,000; the lawsuit was filed on December 31, 2015, in San Francisco Superior Court, Case No. CGC 15-549684; entitled Roque Ballesteros, et al. v. City of San Francisco, et al. (City Attorney)
- 2/12/16; RECEIVED FROM DEPARTMENT.
- 2/23/16; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

6. [160131](#) **[Settlement of Unlitigated Claim - Pacific Gas and Electric Company - \$37,872.50]**
Resolution approving the settlement of the unlitigated claim filed by the Pacific Gas and Electric Company against the City and County of San Francisco for \$37,872.50; claim was filed on August 27, 2015. (City Attorney)

2/12/16; RECEIVED FROM DEPARTMENT.

2/23/16; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
7. [160132](#) **[Settlement of Unlitigated Claim - Frank Fong - \$44,992]**
Resolution approving the settlement of the unlitigated claim filed by Frank Fong against the City and County of San Francisco for \$44,992; claim was filed on November 19, 2015. (City Attorney)

2/12/16; RECEIVED FROM DEPARTMENT.

2/23/16; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
8. [160133](#) **[First Amended Tolling Agreement - California Department of Fish and Wildlife, Office of Spill Prevention and Response - San Mateo Creek Discharges]**
Resolution approving a First Amended Tolling Agreement to toll the statutes of limitations for the California Department of Fish and Wildlife, Office of Spill Prevention and Response, to bring potential claims against the San Francisco Public Utilities Commission for discharges of chlorinated water into San Mateo Creek. (City Attorney)

2/8/16; RECEIVED FROM DEPARTMENT.

2/23/16; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

The Chair intends to entertain a motion to refer this item to the full Board as a Committee Report for consideration on April 12, 2016.
9. [160191](#) **[Settlement of Unlitigated Claim - Robert Monte - \$145,000]**
Resolution approving the settlement of the unlitigated claim filed by Robert Monte against the City and County of San Francisco for \$145,000; claim was filed on June 12, 2015; the claim involves an alleged injury on a City sidewalk. (City Attorney)

2/24/16; RECEIVED FROM DEPARTMENT.

3/8/16; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
10. [160192](#) **[Settlement of Unlitigated Claim - Diana Alcala - \$225,000]**
Resolution approving the settlement of the unlitigated claim filed by Diana Alcala against the City and County of San Francisco for \$225,000; claim was filed on February 4, 2010; the claim involves an employment dispute. (City Attorney)

2/24/16; RECEIVED FROM DEPARTMENT.

3/8/16; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

11. [160241](#) **[Settlement of Lawsuit - Kuiana Taylor - \$49,999]**
Ordinance authorizing settlement of the lawsuit filed by Kuiana Taylor against the City and County of San Francisco for \$49,999; the lawsuit was filed on August 6, 2014, in United States District Court for the Northern District of California, Case No. 14-cv-03555 CRB; entitled Kuiana Taylor v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

3/8/16; RECEIVED FROM DEPARTMENT.

3/22/16; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
12. [160242](#) **[Settlement of Lawsuit - Lisa Owen - \$2,250,000]**
Ordinance authorizing settlement of the lawsuit filed by Lisa Owen against the City and County of San Francisco for \$2,250,000; the lawsuit was filed on July 8, 2014, in San Francisco Superior Court, Case No. CGC-14-540434; entitled Lisa Owen v. City and County of San Francisco, et al.; the lawsuit involves an alleged dangerous condition of public property causing personal injury. (City Attorney)

3/8/16; RECEIVED FROM DEPARTMENT.

3/22/16; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
13. [160245](#) **[Settlement of Unlitigated Claim - Big Heart Pet Brands - \$110,682.83]**
Resolution approving the settlement of the unlitigated claim filed by Big Heart Pet Brands against the City and County of San Francisco for \$110,682.83; claim was filed on November 19, 2015; the claim involves a payroll expense tax refund. (City Attorney)

3/10/16; RECEIVED FROM DEPARTMENT.

3/22/16; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
14. [160246](#) **[Settlement of Unlitigated Claim - FMC Corporation - City to Receive \$425,000]**
Resolution approving settlement of the unlitigated claim filed by the City and County of San Francisco against FMC Corporation for \$425,000; the claim involves compensation for environmental contamination caused by FMC Corporation. (City Attorney)

3/11/16; RECEIVED FROM DEPARTMENT.

3/22/16; 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.

160225

[Administrative Code - Best Value Public Works Procurement]

Sponsors: Wiener; Tang and Breed

Ordinance amending the Administrative Code to allow departments authorized to perform public work to procure public work contracts through a best value process that selects contractors using a combination of price and qualifications, with bid discounts applicable to price; and to require completion of public works contractor performance evaluations, and to require the creation and maintenance of a database to collect the contractor performance evaluations.

3/8/16; ASSIGNED UNDER 30 DAY RULE to the Government Audit and Oversight Committee.

3/14/16; REFERRED TO DEPARTMENT.

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

These 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 a Committee: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Communications which are 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.

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 Derek Evans (415) 554-7702. **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, 6, 9, 19, 21, 47, 49, 71, and 71L. 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>