



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: Dean Preston, Catherine Stefani, Connie Chan

Clerk: Alisa Somera

(415) 554-7711 ~ alisa.somera@sfgov.org

Thursday, November 16, 2023

10:00 AM

City Hall, Legislative Chamber, Room 250

Regular Meeting

ROLL CALL AND ANNOUNCEMENTS

COMMUNICATIONS

AGENDA CHANGES

REGULAR AGENDA

1. [231095](#) **[Amending the Budget and Legislative Analyst Services Audit Plan - Management of Street Cleaning by Public Works and Interdepartmental Agreements - FY2023-2024]**
Sponsor: Preston
Motion directing the Budget and Legislative Analyst to conduct two additional performance audits in Fiscal Year (FY) 2023-2024 on the management of street cleaning by Public Works and of interdepartmental agreements citywide.

10/17/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

10/24/23; REFERRED TO DEPARTMENT.

2. [220886](#) **[Urging Removal of Third Party Dispatch from the Taxi Upfront Fare Pilot]**
Sponsors: Chan; Ronen
Resolution urging the San Francisco Municipal Transportation Agency (SFMTA) Board of Directors to remove Third Party Dispatch from its Taxi Upfront Fare Pilot Program.
- 7/26/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
- 7/29/22; REFERRED TO DEPARTMENT.
- 9/29/22; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.
- 9/29/22; CONTINUED TO CALL OF THE CHAIR AS AMENDED.
- 4/5/23; REMAIN ACTIVE.
- 10/19/23; CONTINUED.

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.*

3. [231046](#) **[Settlement of Lawsuit - Yvonne Detert, et al. - \$137,785.78, Plus Statutory Interest]**
Ordinance authorizing settlement of the lawsuit filed by Yvonne Detert, et al. against the City and County of San Francisco, et al. for \$137,785.78, plus statutory interest; the lawsuit was filed on September 21, 2018, in San Francisco Superior Court, Case No. CGC-18-570011; entitled Yvonne Detert, et al. v. City and County of San Francisco, et al.; the lawsuit involves a claim of refund of penalties related to hotel taxes and fees for tax periods October 1, 2013, through and including December 31, 2013. (City Attorney)
- 10/11/23; RECEIVED FROM DEPARTMENT.
- 10/24/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

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4. [231105](#) **[Settlement of Lawsuit - International Business Machines Corporation - \$1,361,454.60]**
Ordinance authorizing settlement of the lawsuit filed by International Business Machines Corporation against the City and County of San Francisco for \$1,361,454.60; the lawsuit was filed on February 25, 2022, in San Francisco Superior Court, Case No. CGC-22-598342; entitled International Business Machines Corporation v. City and County of San Francisco; the lawsuit involves a claim for refund of payroll expense and gross receipts taxes, and related penalties and interest, for the tax year ended December 31, 2018; other material terms of the settlement are that International Business Machines Corporation and its related entities shall take certain filing positions with respect to their gross receipts, homelessness gross receipts, and overpaid executive gross receipts taxes, as applicable, for tax year 2019 and subsequent tax years, and the City will not impose penalties arising from those filing positions for tax years 2019 through 2022. (City Attorney)

10/20/23; RECEIVED FROM DEPARTMENT.

10/31/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
5. [231106](#) **[Settlement of Lawsuit - Mohammad Habib - \$455,000]**
Ordinance authorizing settlement of the lawsuit filed by Mohammad Habib against the City and County of San Francisco for \$455,000; the lawsuit was filed on August 29, 2018, in San Francisco Superior Court, Case No. CGC-18-569287; entitled Mohammad Habib v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

10/20/23; RECEIVED FROM DEPARTMENT.

10/31/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
6. [231107](#) **[Settlement of Lawsuit - Frederick Schiff et al. - \$380,000]**
Ordinance authorizing settlement of the lawsuit filed by Frederick Schiff et al. against the City and County of San Francisco et al. for \$380,000; the lawsuit was filed on June 11, 2019, in the United States District Court for the Northern District of California, Case No. 4:19-cv-03260-YGR; entitled Frederick Schiff et al v. City and County of San Francisco et al.; the lawsuit involves an employment dispute. (City Attorney)

10/23/23; RECEIVED FROM DEPARTMENT.

10/31/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
7. [231108](#) **[Settlement of Lawsuit - Madison Cullinane - \$40,000]**
Ordinance authorizing settlement of the lawsuit filed by Madison Cullinane against the City and County of San Francisco for \$40,000; the lawsuit was filed on January 27, 2022, in San Francisco Superior Court, Case No. CGC-22-597860; entitled Madison Cullinane v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from a motor vehicle accident. (City Attorney)

10/23/23; RECEIVED FROM DEPARTMENT.

10/31/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

8. [231047](#) **[Settlement of Unlitigated Claim - Tim Wong - \$50,000]**
Resolution approving the settlement of the unlitigated claim filed by Tim Wong against the City and County of San Francisco for \$50,000; the claim was filed on April 27, 2023; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)

10/11/23; RECEIVED FROM DEPARTMENT.

10/24/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
9. [231048](#) **[Settlement of Unlitigated Claim - 99 Ocean Ave., LLC - \$36,000]**
Resolution approving the settlement of the unlitigated claim filed by 99 Ocean Ave., LLC against the City and County of San Francisco for \$36,000; the claim was filed on June 16, 2023; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)

10/11/23; RECEIVED FROM DEPARTMENT.

10/24/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
10. [231049](#) **[Settlement of Unlitigated Claim - Joseph Hohenrieder - \$35,000]**
Resolution approving the settlement of the unlitigated claim filed by Joseph Hohenrieder against the City and County of San Francisco for \$35,000; the claim was filed on November 28, 2022; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)

10/11/23; RECEIVED FROM DEPARTMENT.

10/24/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
11. [231050](#) **[Settlement of Unlitigated Claim - Trung Lam - \$39,000]**
Resolution approving the settlement of the unlitigated claim filed by Trung Lam against the City and County of San Francisco for \$39,000; the claim was filed on April 26, 2023; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)

10/12/23; RECEIVED FROM DEPARTMENT.

10/24/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
12. [231051](#) **[Settlement of Unlitigated Claim - Gil Orozco - \$65,000]**
Resolution approving the settlement of the unlitigated claim filed by Gil Orozco against the City and County of San Francisco for \$65,000; the claim was filed on December 8, 2022; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)

10/12/23; RECEIVED FROM DEPARTMENT.

10/24/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

13. [231052](#) **[Settlement of Unlitigated Claim - Rigoberto Herrera - \$46,867]**
Resolution approving the settlement of the unlitigated claim filed by Rigoberto Herrera against the City and County of San Francisco for \$46,867; the claim was filed on February 24, 2023; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)
10/12/23; RECEIVED FROM DEPARTMENT.
10/24/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
14. [231053](#) **[Settlement of Unlitigated Claim - Dolores Street Community Services - \$37,197.48]**
Resolution approving the settlement of the unlitigated claim filed by Dolores Street Community Services against the City and County of San Francisco for \$37,197.48; the claim was filed on April 20, 2023; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)
10/12/23; RECEIVED FROM DEPARTMENT.
10/24/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
15. [231055](#) **[Settlement of Unlitigated Claim - Linden Research, Inc. - \$162,466]**
Resolution approving the settlement of the unlitigated claim filed by Linden Research, Inc. against the City and County of San Francisco for \$162,466; the claim was filed on June 6, 2023; the claim involves a refund of gross receipts taxes and business registration fees. (City Attorney)
10/12/23; RECEIVED FROM DEPARTMENT.
10/24/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
16. [231110](#) **[Settlement of Unlitigated Claim - Sentinel Insurance Company, Ltd. - \$100,000]**
Resolution approving the settlement of the unlitigated claim filed by Sentinel Insurance Company, Ltd. against the City and County of San Francisco for \$100,000; the claim was filed on March 23, 2023; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)
10/23/23; RECEIVED FROM DEPARTMENT.
10/31/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

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

[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. These items are available for review at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, Reception Desk or at <https://sfbos.org/legislative-research-center-lrc>.

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 legislation is 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) vocal or audible support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones or 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 time. 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 to display a document should place it on the overhead during their public comment and 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 Board and Committee meetings. Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding agenda items. These comments will be made a part of the official public record and brought to the attention of the Board of Supervisors. Written communications should be submitted to the Clerk of the Board or the 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 the Clerk of the Committee and will be shared with the Members.

COPYRIGHT: All 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 wish to utilize chamber digital, audio and visual technology may not display copyrighted or encrypted content during public proceedings.

AGENDA PACKET: Available at <http://www.sfbos.org/meetings>. Meetings are cablecast on SFGovTV, the Government Channel, at www.sfgovtv.org or Cable Channels 26, 28, 78 or 99 (depending on your provider). For DVD copies call (415) 554-4188.

LANGUAGE INTERPRETERS: Language services are available in Spanish, Chinese and Filipino if requests are made at least 48 hours in advance of the meeting, to help ensure availability. For more information or to request services: Contact Wilson Ng at (415) 554-5184.

傳譯服務: 所有常規及特別市參事會會議和常務委員會會議將提供西班牙文, 中文以及菲律賓文的傳譯服務, 但必須在會議前最少48小時作出請求, 以確保能獲取到傳譯服務。將因應請求提供交替傳譯服務, 以便公眾向有關政府機構發表意見。如需更多資訊或請求有關服務, 請致電 (415) 554-5184 聯絡我們。

AVISO EN ESPAÑOL: Los servicios de idiomas están disponibles en español, chino, y filipino en todas las reuniones regulares y reuniones especiales de la Junta, de los Comités, si se solicita por lo menos 48 horas antes de la reunión para ayudar a garantizar su disponibilidad. Para más información o solicitar servicios, por favor contactar a (415) 554-5184.

PAUNAWA: Mayroong serbisyong pang-wika sa Espanyol, Tsino at Pilipino para sa lahat ng mga regular at espesyal na pagpupulong ng Board, at Komite ng Board. Sa kasalukuyan, mayroong serbisyo sa wikang Pilipino na maaaring hilingin, 48 oras (o mas maaga) bago ng pagpupulong upang matiyak na matutugunan ang inyong kahilingan. Para sa karagdagang impormasyon o para humiling ng serbisyo pang-wika, tawagan lamang ang (415) 554-5184.

Americans with Disabilities Act (ADA) and Reasonable Accommodations

The ADA is a civil rights law that protects people with different types of disabilities from discrimination in all aspects of social life. More specifically, Title II of the ADA requires that all programs offered through the state and local government such as the City and County of San Francisco must be accessible and usable to people with disabilities. The ADA and City policy require that people with disabilities have equal access to all City services, activities, and benefits. People with disabilities must have an equal opportunity to participate in the programs and services offered through the City and County of San Francisco. If you believe your rights under the ADA are violated, contact the ADA Coordinator.

Ordinance No. 90-10 added Section 2A.22.3 to the Administrative Code, which adopted a Citywide Americans with Disabilities Act Reasonable Modification Policy that requires City departments to: (1) provide notice to the public of the right to request reasonable modification; (2) respond promptly to such requests; (3) provide appropriate auxiliary aids and services to people with disabilities to ensure effective communication; and (4) train staff to respond to requests from the public for reasonable modification, and that requires the Mayor's Office on Disability to provide technical assistance to City departments responding to requests from the public for reasonable modifications.

Meetings are real-time captioned and are cablecast open-captioned on SFGovTV at www.sfgovtv.org or Cable Channels 26, 28, 78 or 99 (depending on your provider). Board and Committee meeting agendas and minutes are available on the Board's website www.sfbos.org and adhere to web development Federal Access Board's Section 508 Guidelines. For reasonable accommodations, please contact (415) 554-5184 or (415) 554-5227 (TTY). Board of Supervisors' Rules of Order 1.3.3 does not permit remote public comment by members of the public at meetings of the Board and its committees, except as legally required to enable people with disabilities to participate in such meetings. If you require remote access as a means of reasonable accommodation under ADA, please contact the Clerk's Office to request remote access, including a description of the functional limitation(s) that precludes your ability to attend in person. Requests made at least 48 hours in advance of the meeting will help to ensure availability. For further assistance, please contact Wilson Ng at (415) 554-5184 wilson.l.ng@sfgov.org.

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 softf@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>.

Ethics 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>.

Under Campaign and Governmental Conduct Code, Section 1.127, no person or entity with a financial interest in a land use matter pending before the Board of Appeals, Board of Supervisors, Building Inspection Commission, Commission on Community Investment and Infrastructure, Historic Preservation Commission, Planning Commission, Port Commission, or the Treasure Island Development Authority Board of Directors, may make a campaign contribution to a member of the Board of Supervisors, the Mayor, the City Attorney, or a candidate for any of those offices, from the date the land use matter commenced until 12 months after the board or commission has made a final decision, or any appeal to another City agency from that decision has been resolved. For more information about this restriction, visit <http://www.sfethics.org>.