



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: John Carroll (415) 554-4445

Thursday, April 21, 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: 4 - Dean Preston, Connie Chan, Rafael Mandelman, and Aaron Peskin

The Government Audit and Oversight Committee met in regular session, in-person with remote access and public comment via telephone on Thursday, April 21, 2022, with Chair Dean Preston presiding. Chair Preston called the meeting to order at 10:05 a.m.

Remote Access to Information and Participation

The Board of Supervisors and its committees will convene hybrid meetings that will 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, 78 or 99 (depending on your provider). Members of the public may provide public comment in-person at the above noticed location or remotely via teleconference (detailed instructions available at: <https://sfbos.org/remote-meeting-call>). Individuals who wish to share documents during a hearing must provide them to the Clerk 48 hours in advance (to: john.carroll@sfgov.org); equipment is not available to share hard copy documents received in-person.

Members of the public attending in-person may be required to wear masks or adhere to current orders, please visit https://sfbos.org/in_person_meeting_guidelines for the current guidelines.

Members of the public may also submit their comments by email to: john.carroll@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. on the first and third Thursday of each month. Committee agendas and their associated documents are available at <https://sfbos.org/committees>.

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

*Victor Young, Assistant 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 John.Carroll@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

Supervisor Preston Excused from Attendance

Member Mandelman moved that Supervisor Preston be excused from participating on Item No. 1 (File No. 211088) at the Government Audit and Oversight Committee meeting of April 21, 2022. The motion carried by the following vote:

Ayes: 2 - Chan, Mandelman
Excused: 1 - Preston

President Walton assigned Supervisor Peskin to replace Supervisor Preston for Item No. 1 (File No. 211088) at the Government Audit and Oversight Committee meeting of April 21, 2022.

211088 [Mills Act Historical Property Contract - 714 Steiner Street]

Resolution approving a historical property contract between Leah Culver Revocable Trust, the owner of 714 Steiner Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor-Recorder to execute and record the historical property contract. (Historic Preservation Commission)

10/15/21; RECEIVED FROM DEPARTMENT.

10/26/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

12/02/21; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Elizabeth Gordon-Jonckheer and Jonathan Vimr (Historic Preservation Commission); Supervisor Aaron Peskin (Board of Supervisors); Michael Jine (Office of the Assessor-Recorder); Leah Culver, property owner of 714 Steiner Street; presented information and answered questions raised throughout the discussion.

Heard in Committee. Speakers: Michelle Taylor and Elizabeth Gordon-Jonckheer (Planning Department); Michael Jine (Assessor/Recorders Office); Leah Culver (Property Owner); resented information and answered questions raised throughout the discussion. Ms. Smith; spoke in support of the hearing matter.

Member Peskin moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 6-7, to insert 'electing not to renew the historical property contract as of the first day after the tenth anniversary date of the contract'; on Page 1, Lines 9-11, to insert 'and authorizing the Planning Director to cause a notice of the non-renewal of the historical property contract to be recorded in the City Assessor-Recorder's office on December 31, 2032'; on Page 2, Lines 15-16, to replace 'October 15, 2021' with 'April 19, 2022'; on Page 3, Lines 7-9, to insert 'WHEREAS, The Board of Supervisors has determined that it is in the public interest to elect not to renew the historical property contract for 714 Steiner Street, as of the first day after the tenth anniversary date of the contract; and'; on Page 3, Lines 14-15, to insert 'subject to its election not to renew the historical property contract as of the first day after the tenth anniversary date of the contract'; on Page 3, Line 20, through Page 4, Line 4, to insert 'FURTHER RESOLVED, That the Board of Supervisors hereby elects not to renew the historical property contract for 714 Steiner Street, effective on the first day after the tenth anniversary date of the contract; and, be it FURTHER RESOLVED, That the Board of Supervisors hereby notifies the Assessor-Recorder of the non-renewal of the historical property contract for 714 Steiner Street, effective on the first day after the tenth anniversary date of the contract; and, be it FURTHER RESOLVED, That the Board of Supervisors hereby authorizes the Planning Director to send notice no later than 30 days after adoption of this Resolution to the owner of 714 Steiner Street informing it that the historical property contract will not be renewed; and, be it'; on Page 4, Lines 8-11, to insert 'FURTHER RESOLVED, That the Board of Supervisors hereby authorizes the Planning Director to cause a notice of the non-renewal of the historical property contract to be recorded in the City Assessor-Recorder's office on December 31, 2032 unless the Board of Supervisors withdraws the notice of non-renewal before that date'; to add the Block and Lot numbers throughout the Resolution; and to make other clarifying changes. The motion carried by the following vote:

Ayes: 3 - Chan, Mandelman, Peskin

Excused: 1 - Preston

Resolution approving a historical property contract between Leah Culver Revocable Trust, the owner of 714 Steiner Street, Assessor's Parcel Block No. 803, Lot No. 019, and the City and County of San Francisco, under Administrative Code, Chapter 71; electing not to renew the historical property contract as of the first day after the tenth anniversary date of the contract; authorizing the Planning Director and the Assessor-Recorder to execute and record the historical property contract; and authorizing the Planning Director to cause a notice of the non-renewal of the historical property contract to be recorded in the City Assessor-Recorder's office on December 31, 2032. (Historic Preservation Commission)

Member Peskin moved that this Resolution be CONTINUED AS AMENDED to the May 5, 2022, Government Audit and Oversight Committee meeting. The motion carried by the following vote:

Ayes: 3 - Chan, Mandelman, Peskin

Excused: 1 - Preston

220355 [Resolution of Intention to Amend Management Plan - Dogpatch & Northwest Potrero Hill Green Benefit District]

Sponsor: Walton

Resolution of intention to modify the management district plan for the Dogpatch & Northwest Potrero Hill Green Benefit District, to combine capital and maintenance budget categories so that the District will have greater flexibility to allocate funds not needed for capital improvements towards maintenance; and finding that the proposed modifications will not result in a new or increased assessment.

04/05/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speakers: Supervisor Shamann Walton (Board of Supervisors); Ramses Alvarez (Public Works); presented information and answered questions raised throughout the discussion. Vincent Williams; spoke on various concerns relating to the hearing matter.

Chair Preston moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, to add the date and time of the Committee of the Whole meeting. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

Resolution of intention to modify the management district plan for the Dogpatch & Northwest Potrero Hill Green Benefit District, to combine capital and maintenance budget categories so that the District will have greater flexibility to allocate funds; and finding that the proposed modifications will not result in a new or increased assessment; and ordering and setting a time and place for a public hearing of the Board of Supervisors, sitting as a Committee of the Whole, on June 7, 2022, at 3:00 p.m., and to provide public notice thereof.

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

Ayes: 3 - Preston, Chan, Mandelman

211318 [Hearing - Dream Keepers Initiative]**Sponsor: Walton**

Hearing on the resources allocated for the Dream Keepers Initiative, specifically on which programs have been funded by the allocated \$120,000,000 and assessing other needs that the Dream Keepers Initiative can support; requesting the Human Rights Commission, Office of Economic and Workforce Development, Mayor's Office of Housing and Community Development, Department of Children Youth and their Families, Arts Commission, Department of Public Health, Office of Early Care and Education, Fire Department, and Department of Human Resources to report.

12/14/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

12/21/21; REFERRED TO DEPARTMENT. Referred to the Human Rights Commission, Office of Economic and Workforce Development, Mayor's Office of Housing and Community Development, Department of Children Youth and their Families, Arts Commission, Department of Public Health, Office of Early Care and Education, Fire Department, and Department of Human Resources for informational purposes.

Heard in Committee. Speakers: Supervisor Shamann Walton (Board of Supervisors); Director Sheryl Davis and Dr. Saidah Leatutufu-Burch (Human Rights Commission); Kate Sofis and Speaker (Office of Economic and Workforce Development); Dr. Grant Colfax, Director (Department of Public Health); Captain Julie Mau (Fire Department); Eric Shaw, Director (Mayor's Office of Housing and Community Development); Aumijo Gomes (Department of Children, Youth and Families); Joanne Lee (Arts Commission); Ingrid Mezquita, Director (Office of Early Care and Education); Mawuli Tugbenyoh and Porsche Bunton (Department of Human Resources); presented information and answered questions raised throughout the discussion. Shevon Hunter; Renald Grow; Thomas Roberts Williams; W. Consel; Speaker; Speaker; Francisco Da Costa; Speaker; Dianna Gray; Speaker; Speaker; Madelene Howe; Brandi Smith; Speaker; Ms. Marshall; Ashley Smiley; Ms. Jones; Speaker; spoke on various concerns relating to the hearing matter.

Chair Preston moved that this Hearing be CONTINUED TO CALL OF THE CHAIR. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

LITIGATION

Chair Preston requested that File Nos. 220231, 220257, 220258, 220313, and 220314 be heard together.

Heard in Committee. Speakers: None.

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 and Meredith Osborn (Office of the City Attorney); Victor Young (Office of the Clerk of the Board), and Supervisors Dean Preston, Connie Chan, and Rafael Mandelman.

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

Ayes: 3 - Preston, Chan, Mandelman

220231 **[Settlement of Lawsuit - Fong & Chan Architects, Inc. - \$6,600,000]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco ("City") against Fong & Chan Architects, Inc. for a net payment to San Francisco of \$6,600,000; the lawsuit was filed on April 11, 2019, in the Superior Court of the State of California, County of San Francisco, Case No. CGC-19-575186; entitled City and County of San Francisco v. Fong & Chan Architects, Inc.; the lawsuit involves allegations of professional negligence in the design of the San Francisco General Hospital Rebuild Project and breach of contract; other material terms of the settlement are the City shall receive payment of \$7,350,000 and shall pay Fong & Chan Architects, Inc. \$750,000 on the cross-complaint for unpaid architectural fees. (City Attorney)

03/07/22; RECEIVED FROM DEPARTMENT.

03/15/22; 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

220257 [Settlement of Lawsuit - Penny Mims - \$150,000]

Ordinance authorizing settlement of the lawsuit filed by Penny Mims against the City and County of San Francisco and individual defendant Dorian Carr for \$150,000; the lawsuit was filed on March 3, 2020, in San Francisco Superior Court, Case No. CGC-20-583388; entitled Penny Mims v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

03/10/22; RECEIVED FROM DEPARTMENT.

03/22/22; 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

220258 [Settlement of Lawsuit - I.H., a Minor - \$100,000]

Ordinance authorizing settlement of the lawsuit filed by I. H. against the City and County of San Francisco for \$100,000; the lawsuit was filed on September 4, 2020, in United States District Court, Case No. 20-cv-06155-AGT; entitled I.H. v. City and County of San Francisco, et al.; the lawsuit involves alleged civil rights violations at the Juvenile Justice Center. (City Attorney)

03/14/22; RECEIVED FROM DEPARTMENT.

03/22/22; 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

220313 [Settlement Of Lawsuit - Pacific Gas & Electric Company - City To Receive \$6,750,000]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Pacific Gas & Electric Company ("PGE") for \$6,750,000; the lawsuit was filed on October 18, 2017, in San Francisco Superior Case No. CGC-17-561957; entitled City and County of San Francisco v. Pacific Gas and Electric Company, et al.; the lawsuit involves PGE's failure to defend and indemnify the City for homeowner damages claims arising from a landslide on Casitas Avenue in San Francisco caused by a PGE construction project; other material terms are that PGE will perform trench repairs to prevent further damage and dismissal of the Action with prejudice. (City Attorney)

03/23/22; RECEIVED FROM DEPARTMENT.

04/05/22; 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

220314 [Settlement of Lawsuit - Fanny Lam - \$375,000]

Ordinance authorizing settlement of the lawsuit filed by Fanny Lam against the City and County of San Francisco for \$375,000; the lawsuit was filed on April 7, 2020, in San Francisco Superior Court, Case No. CGC-20-584065; entitled Fanny Lam v. City and County of San Francisco, et al.; the lawsuit involves personal injuries arising from a trip and fall accident on O'Farrell Street in San Francisco. (City Attorney)

03/28/22; RECEIVED FROM DEPARTMENT.

04/05/22; 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 2:02 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.