



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: Aaron Peskin, Norman Yee, London Breed

Clerk: Erica Major (415) 554-4441

Thursday, September 15, 2016

9:30 AM

City Hall, Legislative Chamber, Room 250

Regular Meeting

Present: 3 - Aaron Peskin, Norman Yee, and London Breed

The Government Audit and Oversight Committee met in regular session on Thursday, September 15, 2016, with Chair Aaron Peskin presiding.

ROLL CALL AND ANNOUNCEMENTS

Chair Peskin called the meeting to order at 9:38 a.m. On the call of the roll, Chair Peskin, Vice Chair Yee, and Member Breed were noted present. There was a quorum.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

Chair Peskin requested File Nos. 160613 and 160614 be heard together.

160613 [Hearing - Civil Grand Jury - Maintenance Budgeting and Accounting Challenges for General Fund Departments: Maintenance Economics Versus Maintenance Politics: Pay Now or Pay More Later]

Hearing on the recently published 2015-2016 Civil Grand Jury report, entitled "Maintenance Budgeting and Accounting Challenges for General Fund Departments: Maintenance Economics Versus Maintenance Politics: Pay Now or Pay More Later." (Clerk of the Board)

06/28/16; REFERRED TO DEPARTMENT. Referred to the Controller, City Administrator, Director of Capital Planning Program, Mayor's Office of Public Policy and Finance, Mayor, Director of Department of Human Resources/Workers Compensation Division Director, General Services Agency/Environmental Health and Safety, Director of Public Works, General Manager of Park and Recreation Department, Urban Forestry Council, Planning Director, Director of Real Estate Division, Department of Elections, President of San Francisco Election Commission, Citizen's General Obligation Bond Advisory Committee, City Services Auditor, and the President of Recreation and Parks Commission for their required response to the Civil Grand Jury Report.

07/12/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

07/20/16; RESPONSE RECEIVED. The Urban Forestry Council submitted their response to the Civil Grand Jury Report as required within 60 days of the issuance date.

08/19/16; RESPONSE RECEIVED. 08/19/2016 - The Department of Elections submitted their response to the Civil Grand Jury Report as required by California Penal Code Section 933.05.

08/26/16; RESPONSE RECEIVED. 08/26/2016 - The Office of the Controller submitted their response to the Civil Grand Jury Report as required by California Penal Code Section 933.05.

08/26/16; RESPONSE RECEIVED. 08/26/2016 - The Mayor's Office submitted a consolidated response for the City Administrator, Planning Department, Department of Elections, Department of Human Resources, Recreation and Parks Department, and Public Works as required by California Penal Code Section 933.05.

09/13/16; RESPONSE RECEIVED. 9/13/2016 - The Elections Commission submitted their response as required by California Penal Code Section 933.03.

09/14/16; RESPONSE RECEIVED. 9/14/2016 - The Recreation and Parks Commission submitted their response as required by California Penal Code Section 933.03.

Heard in Committee. Speakers: Jay Cunningham and John Hoskins, Esq. (2015-2016 Civil Grand Jury); Brian Strong, Director (Capital Planning Program); Severin Campbell (Office of Budget and Legislative Analyst Office); presented information and answered questions raised throughout the discussion. Dick Morton; spoke on various concerns relating to the hearing matter.

HEARD AND FILED by the following vote:

Ayes: 2 - Peskin, Yee

Excused: 1 - Breed

160614 [Board Response - Civil Grand Jury - Maintenance Budgeting and Accounting Challenges for General Fund Departments: Maintenance Economics Versus Maintenance Politics: Pay Now or Pay More Later]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2015-2016 Civil Grand Jury Report, entitled "Maintenance Budgeting and Accounting Challenges for General Fund Departments: Maintenance Economics Versus Maintenance Politics: Pay Now or Pay More Later;" and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget. (Government Audit and Oversight Committee)

06/28/16; REFERRED TO DEPARTMENT. Referred to the Controller, City Administrator, Director of Capital Planning Program, Mayor's Office of Public Policy and Finance, Mayor, Director of Department of Human Resources/Workers Compensation Division Director, General Services Agency/Environmental Health and Safety, Director of Public Works, General Manager of Park and Recreation Department, Urban Forestry Council, Planning Director, Director of Real Estate Division, Department of Elections, President of San Francisco Election Commission, Citizen's General Obligation Bond Advisory Committee, City Services Auditor, and the President of Recreation and Parks Commission for their required response to the Civil Grand Jury Report.

07/12/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

07/25/16; RESPONSE RECEIVED. The Urban Forestry Council submitted their response to the Civil Grand Jury Report as required within 60 days of the issuance date.

08/19/16; RESPONSE RECEIVED. 08/19/2016 - The Department of Elections submitted their response to the Civil Grand Jury Report as required by California Penal Code Section 933.05.

08/26/16; RESPONSE RECEIVED. 08/26/2016 - The Office of the Controller submitted their response to the Civil Grand Jury Report as required by California Penal Code Section 933.05.

08/26/16; RESPONSE RECEIVED. 08/26/2016 - The Mayor's Office submitted a consolidated response for the City Administrator, Planning Department, Department of Elections, Department of Human Resources, Recreation and Parks Department, and Public Works as required by California Penal Code Section 933.05.

09/13/16; RESPONSE RECEIVED. 9/13/2016 - The Elections Commission submitted their response as required by California Penal Code Section 933.03.

09/14/16; RESPONSE RECEIVED. 9/14/2016 - The Recreation and Parks Commission submitted their response as required by California Penal Code Section 933.03.

Heard in Committee. Speakers: Jay Cunningham and John Hoskins, Esq. (2015-2016 Civil Grand Jury); Brian Strong, Director (Capital Planning Program); Severin Campbell (Office of Budget and Legislative Analyst Office); presented information and answered questions raised throughout the discussion. Dick Morton; spoke on various concerns relating to the hearing matter.

Vice Chair Yee moved that this Resolution be AMENDED, AMENDMENT OF THE WHOLE BEARING SAME TITLE, by adding the Board of Supervisors response to Finding Nos. F:II.A.1-d, F:II.B.1-b, F:II.B.2-b, F:II.C-3-a, F:II.C-3-b, F:IV.2-c, F:IV.4, F:VI.1and F:VI.3, as well as, Recommendation Nos. R:1.A.1-a.d, R:I.A.2-d, R:I.A.3-d, R:I.A.4-d, R:II.A.1-1.c, R:II.B.1-d, R:II.B.2.d, R:II.C.1-1.c, R:II.C.1.2.c, R:II.C.1.3, R:II.C.1.4.c, R:II.C.1.4.d, R:II.C.1-5.c, R:II.C.1.6.c, R:II.C.1.7.c, R:II.C.2-1-c, R:II.C.2-2-d, R:III.A.1.d, R:III.B.1.d, R:III.C.1-1.f, R:III.C.2-c, R:III.C.3-e, R:III.D.1.c, R:IV.2, R:IV.4, R:VI.1-b, R:VI.2-a, R:VI.2-c, R:VI.3-d, R:VII.1-l, and R:VII.4-d. The motion carried by the following vote:

Ayes: 3 - Peskin, Yee, Breed

RECOMMENDED AS AMENDED AS A COMMITTEE REPORT by the following vote:

Ayes: 3 - Peskin, Yee, Breed

Chair Peskin requested File Nos. 160615 and 160616 be heard together.

160615 [Hearing - Civil Grand Jury - Into the Open: Opportunities for More Timely and Transparent Investigation of Fatal San Francisco Police Department Officer-Involved Shootings]

Hearing on the recently published 2015-2016 Civil Grand Jury report, entitled "Into the Open: Opportunities for More Timely and Transparent Investigations of Fatal San Francisco Police Department Officer-Involved Shootings." (Clerk of the Board)

07/06/16; REFERRED TO DEPARTMENT. Referred to the Police Department, District Attorney, Office of Citizen Complaints, Police Commission, Mayor, Mayor's Office of Public Policy and Finance, and the Office of the Chief Medical Examiner for their required response to the Civil Grand Jury Report.

07/19/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

08/25/16; RESPONSE RECEIVED. 8/25/2016 - A preliminary response was received from the Police Commission noting their discussion on the topic will be heard on September 7, 2016.

09/06/16; RESPONSE RECEIVED. 09/06/2016 - The Mayor's Office submitted a consolidated response for the Police Department, Office of the City Administrator, and the Office of the Medical Examiner.

09/06/16; RESPONSE RECEIVED. 09/06/2016 - The Office of Citizen Complaints submitted their response to the Civil Grand Jury Report as required by California Penal Code Section 933.03.

09/06/16; RESPONSE RECEIVED. 09/06/2016 - The District Attorney's Office submitted their response as required by California Penal Code Section 933.03.

Heard in Committee. Speakers: Eric Vanderpool, Esq. (2015-2016 Civil Grand Jury); Diana Oliva-Aroche (Mayor's Office); Acting Chief Toney Chaplin and Commander Greg McEachern (Police Department); Cristine Soto DeBerry (District Attorney's Office); Severin Campbell (Budget and Legislative Analyst Office); Joyce Hicks, Director (Office of Citizen Complaints); Christopher Wirowek (Office of the Chief Medical Examiner); presented information and answered questions raised throughout the discussion. Claudia Stevens; presented information and answered questions raised throughout the discussion.

Vice Chair moved that this Hearing be CONTINUED to the October 20, 2016, Government Audit and Oversight Committee meeting. The motion carried by the following vote:

Ayes: 2 - Peskin, Yee

Excused: 1 - Breed

160616 [Board Response - Civil Grand Jury - Into the Open: Opportunities for More Timely and Transparent Investigations of Fatal San Francisco Police Department Officer-Involved Shootings]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2015-2016 Civil Grand Jury Report, entitled "Into the Open: Opportunities for More Timely and Transparent Investigations of Fatal San Francisco Police Department Officer-Involved Shootings;" and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget. (Government Audit and Oversight Committee)

07/06/16; REFERRED TO DEPARTMENT. Referred to the Police Department, District Attorney, Office of Citizen Complaints, Police Commission, Mayor, Mayor's Office of Public Policy and Finance, and the Office of the Chief Medical Examiner for their required response to the Civil Grand Jury Report.

07/19/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

08/25/16; RESPONSE RECEIVED. 8/25/2016 - A preliminary response was received from the Police Commission noting their discussion on the topic will be heard on September 7, 2016.

09/06/16; RESPONSE RECEIVED. 09/06/2016 - The Mayor's Office submitted a consolidated response for the Police Department, Office of the City Administrator, and the Office of the Medical Examiner.

09/06/16; RESPONSE RECEIVED. 09/06/2016 - The District Attorney's Office submitted their response as required by California Penal Code Section 933.03.

09/06/16; RESPONSE RECEIVED. 09/06/2016 - The Office of Citizen Complaints submitted their response to the Civil Grand Jury Report as required by California Penal Code Section 933.03.

Heard in Committee. Speakers: Eric Vanderpool, Esq. (2015-2016 Civil Grand Jury); Diana Oliva-Aroche (Mayor's Office); Acting Chief Toney Chaplin and Commander Greg McEachern (Police Department); Cristine Soto DeBerry (District Attorney's Office); Severin Campbell (Budget and Legislative Analyst Office); Joyce Hicks, Director (Office of Citizen Complaints); Christopher Wirowek (Office of the Chief Medical Examiner); presented information and answered questions raised throughout the discussion. Claudia Stevens; presented information and answered questions raised throughout the discussion.

Member Breed moved that this Resolution be AMENDED, AMENDMENT OF THE WHOLE BEARING SAME TITLE, by adding the Board of Supervisors response to Recommendations Nos. R.5.D, R.7.D, and R.12.D. The motion carried by the following vote:

Ayes: 3 - Peskin, Yee, Breed

RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - Peskin, Yee, Breed

Member Breed was noted not present at 12:01 p.m. and for the remainder of the meeting.

Supervisor Breed Excused from Attendance

Chair Peskin moved that Member Breed be excused from the remainder of the Government Audit and Oversight Committee meeting of September 15, 2016. The motion carried by the following vote:

Ayes: 2 - Peskin, Yee

Excused: 1 - Breed

Chair Peskin requested File Nos. 160617 and 160618 be heard together.

160617 [Hearing - Civil Grand Jury - San Francisco Homeless Health and Housing: A Crisis Unfolding on Our Streets]

Hearing on the recently published 2015-2016 Civil Grand Jury report, entitled "San Francisco Homeless Health and Housing: A Crisis Unfolding on Our Streets." (Clerk of the Board)

07/12/16; REFERRED TO DEPARTMENT. Referred to the Department of Homeless and Supportive Housing, Chief of Police, Office of the Controller, Mayor, and the Director of 311 for their required response to the Civil Grand Jury Report.

07/19/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

09/08/16; RESPONSE RECEIVED. 09/08/2016 - The Mayor's Office submitted a consolidated response for the Department of Homelessness and Supportive Housing, Police Department, City Administrator, and 311, as required by California Penal Code Section 933.03.

09/09/16; RESPONSE RECEIVED. 09/09/2016 - The Office of the Controller submitted their response to the Civil Grand Jury Report as required by California Penal Code Section 933.03.

Heard in Committee. Speakers: Eric Vanderpool, Esq. (2015-2016 Civil Grand Jury); Diana Oliva-Aroche (Mayor's Office); Acting Chief Toney Chaplin and Commander Greg McEachern (Police Department); Cristine Soto DeBerry (District Attorney's Office); Severin Campbell (Budget and Legislative Analyst Office); Joyce Hicks, Director (Office of Citizen Complaints); Christopher Wirowek (Office of the Chief Medical Examiner); presented information and answered questions raised throughout the discussion. Claudia Stevens; presented information and answered questions raised throughout the discussion.

HEARD AND FILED by the following vote:

Ayes: 2 - Peskin, Yee

Excused: 1 - Breed

160618 [Board Response - Civil Grand Jury - San Francisco Homeless Health and Housing: A Crisis Unfolding on Our Streets]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2015-2016 Civil Grand Jury Report, entitled "San Francisco Homeless Health and Housing: A Crisis Unfolding on Our Streets;" and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget. (Government Audit and Oversight Committee)

07/12/16; REFERRED TO DEPARTMENT. Referred to the Department of Homeless and Supportive Housing, Chief of Police, Office of the Controller, Mayor, and the Director of 311 for their required response to the Civil Grand Jury Report.

07/19/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

09/08/16; RESPONSE RECEIVED. 09/08/2016 - The Mayor's Office submitted a consolidated response for the Department of Homelessness and Supportive Housing, Police Department, City Administrator, and 311, as required by California Penal Code Section 933.03.

09/09/16; RESPONSE RECEIVED. 09/09/2016 - The Office of the Controller submitted their response to the Civil Grand Jury Report as required by California Penal Code Section 933.03.

Heard in Committee. Speakers: Eric Vanderpool, Esq. (2015-2016 Civil Grand Jury); Diana Oliva-Aroche (Mayor's Office); Acting Chief Toney Chaplin and Commander Greg McEachern (Police Department); Cristine Soto DeBerry (District Attorney's Office); Severin Campbell (Budget and Legislative Analyst Office); Joyce Hicks, Director (Office of Citizen Complaints); Christopher Wirowek (Office of the Chief Medical Examiner); presented information and answered questions raised throughout the discussion. Claudia Stevens; presented information and answered questions raised throughout the discussion.

Chair Peskin moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, by adding the Board of Supervisors response to Finding Nos. F.A.4, F.D.2 and Recommendation Nos. R.A.1.1, R.A.4 and R.D.2. The motion carried by the following vote:

Ayes: 2 - Peskin, Yee
Excused: 1 - Breed

RECOMMENDED AS AMENDED by the following vote:

Ayes: 2 - Peskin, Yee
Excused: 1 - Breed

LITIGATION

Heard in Committee. Speaker: Jack Frazier; spoke in support in File No. 160739.

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.

Persons in attendance: Jon Givner and Karen Kirby (Office of the City Attorney); Denny Kern (Recreation and Park Department); Erica Major (Office of the Clerk of the Board).

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

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

Ayes: 2 - Peskin, Yee

Excused: 1 - Breed

160661 [Settlement of Lawsuit - Wayne Kappelman - \$176,275]

Ordinance authorizing settlement of the lawsuit filed by Wayne Kappelman against the City and County of San Francisco for \$176,275; the lawsuit was filed on September 2, 2014, in United States District Court, Northern District of California, Case No. 14-CV-04434 MEJ; entitled Wayne Kappelman v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

05/31/16; RECEIVED FROM DEPARTMENT.

06/14/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

07/21/16; CONTINUED TO CALL OF THE CHAIR.

RECOMMENDED.. by the following vote:

Ayes: 2 - Peskin, Yee

Excused: 1 - Breed

160739 [Settlement of Lawsuit - Jack K. Frazier - \$4,990,000]

Ordinance authorizing settlement of the lawsuit filed by Jack K. Frazier against the City and County of San Francisco for \$4,990,000; the lawsuit was filed on October 28, 2013, in San Francisco Superior Court, Case No. CGC-13-535089; entitled Jack K. Frazier v. City and County of San Francisco, et al.; the lawsuit involves personal injury due to collision with fire truck; other material terms of the settlement are that defendant Michael Quinn pay plaintiff \$10,000. (City Attorney)

06/23/16; RECEIVED FROM DEPARTMENT.

07/12/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Peskin, Yee

Excused: 1 - Breed

160784 [Settlement of Lawsuit and Supplemental Appropriation - Allied Insurance Company - \$60,000]

Ordinance authorizing settlement of the lawsuit filed by Allied Insurance Company against the City and County of San Francisco for \$60,000; the lawsuit was filed on January 22, 2015, in San Francisco Superior Court, Case No. CGC-15-543789; entitled Allied Insurance Company v. The City and County of San Francisco, et al.; the lawsuit involves alleged property damage arising from flooding. (City Attorney)

07/07/16; RECEIVED FROM DEPARTMENT.

07/19/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE by the following vote:

Ayes: 2 - Peskin, Yee

Excused: 1 - Breed

Ordinance authorizing settlement of the lawsuit filed by Allied Insurance Company against the City and County of San Francisco for \$60,000; the lawsuit was filed on January 22, 2015, in San Francisco Superior Court, Case No. CGC-15-543789; entitled Allied Insurance Company v. The City and County of San Francisco, et al.; the lawsuit involves alleged property damage arising from flooding; and appropriating \$60,000 from the Water Enterprise fund balance for such purpose. (City Attorney)

RECOMMENDED AS AMENDED by the following vote:

Ayes: 2 - Peskin, Yee

Excused: 1 - Breed

160785 [Settlement of Lawsuit and Supplemental Appropriation - Raymond Kruse and Ashley Kruse - \$325,000]

Ordinance authorizing settlement of the lawsuit filed by Raymond Kruse and Ashley Kruse against the City and County of San Francisco for \$325,000; the lawsuit was filed on September 17, 2014, in San Francisco Superior Court, Case No. CGC-14-541704; entitled Raymond Kruse, et al. v. Precision Engineering, Inc., et al.; the lawsuit involves alleged property damage arising from flooding. (City Attorney)

07/07/16; RECEIVED FROM DEPARTMENT.

07/19/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE by the following vote:

Ayes: 2 - Peskin, Yee

Excused: 1 - Breed

Ordinance authorizing settlement of the lawsuit filed by Raymond Kruse and Ashley Kruse against the City and County of San Francisco for \$325,000; the lawsuit was filed on September 17, 2014, in San Francisco Superior Court, Case No. CGC-14-541704; entitled Raymond Kruse, et al. v. Precision Engineering, Inc., et al.; the lawsuit involves alleged property damage arising from flooding; and appropriating \$325,000 from the Water Enterprise fund balance for such purpose. (City Attorney)

RECOMMENDED AS AMENDED by the following vote:

Ayes: 2 - Peskin, Yee

Excused: 1 - Breed

160819 [Settlement of Lawsuit - Travis Ian Hall - \$40,000]

Ordinance authorizing settlement of the lawsuit filed by Travis Ian Hall against the City and County of San Francisco for \$40,000; the lawsuit was filed on September 9, 2015, in United States District Court, Case No. 15-cv-4092; entitled Travis Ian Hall v. City and County of San Francisco, et al.; the lawsuit involves alleged civil rights violations. (City Attorney)

07/14/16; RECEIVED FROM DEPARTMENT.

07/26/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Peskin, Yee

Excused: 1 - Breed

160822 [Settlement of Unlitigated Claim - Capital One N.A. - \$33,145.03]

Resolution approving the settlement of the unlitigated payroll expense tax claim filed by Capital One N.A. against the City and County of San Francisco for \$33,145.03; claim was filed on July 27, 2015. (City Attorney)

07/14/16; RECEIVED FROM DEPARTMENT.

07/26/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Peskin, Yee

Excused: 1 - Breed

160823 [Settlement of Unlitigated Claim - Capital One Services II, LLC - \$108,301.61]

Resolution approving the settlement of the unlitigated claim for a payroll expense tax refund filed by Capital One Services II, LLC against the City and County of San Francisco for \$108,301.61; claim was filed on July 27, 2015. (City Attorney)

07/14/16; RECEIVED FROM DEPARTMENT.

07/26/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Peskin, Yee

Excused: 1 - Breed

160922 [Settlement of Lawsuit - Federal Insurance Company - \$273,853.76]

Ordinance authorizing settlement of the lawsuit filed by Federal Insurance Company against the City and County of San Francisco for \$273,853.76; the lawsuit was filed on December 11, 2014, in San Francisco Superior Court, Case No. CGC-14-543173; entitled Federal Insurance Company, et al. v. San Francisco Independent Taxi Association dba Yevgeniy Komarov, et al.; the lawsuit involves a motor vehicle accident causing damage to City and adjacent real property; co-defendant and cross-defendant San Francisco Independent Taxi doing, business as Yevgeniy Komarov, will pay \$500,000. (City Attorney)

08/08/16; RECEIVED FROM DEPARTMENT.

09/06/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Peskin, Yee

Excused: 1 - Breed

160923 [Settlement of Lawsuit - 691 O'Farrell, LLC - City to Receive \$273,853.76]

Ordinance authorizing partial settlement of the cross-complaint filed by the City and County of San Francisco against 691 O'Farrell, LLC, for \$273,853.76; the cross-complaint was filed on March 20, 2015, in San Francisco Superior Court, Case No. CGC-14-543173; entitled City and County of San Francisco v. San Francisco Independent Taxi Association DBA Yevgeniy Komarov, et al.; the lawsuit involves a motor vehicle accident causing damage to City and adjacent real property. (City Attorney)

08/08/16; RECEIVED FROM DEPARTMENT.

09/06/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Peskin, Yee

Excused: 1 - Breed

160924 [Dismissal of Lawsuit - Sunol Valley Golf and Recreation Company]

Ordinance authorizing dismissal of the lawsuit filed by the City and County of San Francisco against Sunol Valley Golf and Recreation; the lawsuit was filed on June 18, 2014, amended complaint filed June 2, 2016, in Alameda Superior Court, Case No. RG14729649; entitled City and County of San Francisco, through the Public Utilities Commission v. Sunol Valley Golf and Recreation Company, related to termination of lease agreement entered into in September 2003 between the Public Utilities Commission and Sunol Valley Golf and Recreation Company for Parcels 61 and 65, consisting of two 18-hole golf courses and a two-story building in Alameda County. (City Attorney)

08/17/16; RECEIVED FROM DEPARTMENT.

09/06/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Peskin, Yee

Excused: 1 - Breed

160931 [Settlement of Lawsuit and Supplemental Appropriation - CSAA Insurance Exchange - \$700,000]

Ordinance authorizing settlement of the lawsuit filed by CSAA Insurance Exchange against the City and County of San Francisco for \$700,000; the lawsuit was filed on June 17, 2014, in San Francisco Superior Court, Case No. CGC-14-539993; entitled CSAA Insurance Exchange v. City and County of San Francisco, et al.; the lawsuit involves alleged property damage arising from the break of the Public Utilities Commission's water transmission pipeline on 15th Avenue between West Portal Avenue and Wawona Street in San Francisco; and appropriating \$700,000 from the Water Enterprise fund balance for such purpose. (City Attorney)

08/26/16; RECEIVED FROM DEPARTMENT.

09/06/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Peskin, Yee

Excused: 1 - Breed

160932 [Settlement of Lawsuit and Supplemental Appropriation - Civil Service Employees Insurance Company - \$439,500]

Ordinance authorizing settlement of the lawsuit filed by Civil Service Employees Insurance Company against the City and County of San Francisco for \$439,500; the lawsuit was filed on April 2, 2014, in San Francisco Superior Court, Case No. CGC-14-538389; entitled Civil Service Employees Insurance Company v. City and County of San Francisco, et al.; the lawsuit involves alleged property damage arising from the break of the Public Utilities Commission's water transmission pipeline on 15th Avenue between West Portal Avenue and Wawona Street in San Francisco; and appropriating \$439,500 from the Water Enterprise fund balance for such purpose. (City Attorney)

08/26/16; RECEIVED FROM DEPARTMENT.

09/06/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Peskin, Yee

Excused: 1 - Breed

160933 [Settlement of Lawsuit and Supplemental Appropriation - Encompass Insurance Company - \$1,250,000]

Ordinance authorizing settlement of the lawsuit filed by Encompass Insurance Company against the City and County of San Francisco for \$1,250,000; the lawsuit was filed on April 2, 2014, in San Francisco Superior Court, Case No. CGC-14-538395; entitled Encompass Insurance Company v. City and County of San Francisco, et al.; the lawsuit involves alleged property damage arising from the break of the Public Utilities Commission's water transmission pipeline on 15th Avenue between West Portal Avenue and Wawona Street in San Francisco; and appropriating \$1,250,000 from the Water Enterprise fund balance for such purpose. (City Attorney)

08/26/16; RECEIVED FROM DEPARTMENT.

09/06/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Peskin, Yee

Excused: 1 - Breed

160934 [Settlement of Lawsuit and Supplemental Appropriation - Stacey A. Lawrence - \$224,000]

Ordinance authorizing settlement of the lawsuit filed by Stacey A. Lawrence against the City and County of San Francisco for \$224,000; the lawsuit was filed on May 8, 2015, in San Francisco Superior Court, Case No. CGC-14-542269; entitled Stacey A. Lawrence v. City and County of San Francisco, et al.; the lawsuit involves alleged property damage arising from the break of the Public Utilities Commission's water transmission pipeline on 15th Avenue between West Portal Avenue and Wawona Street in San Francisco; and appropriating \$224,000 from the Water Enterprise fund balance for such purpose. (City Attorney)

08/26/16; RECEIVED FROM DEPARTMENT.

09/06/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Peskin, Yee

Excused: 1 - Breed

160935 [Settlement of Unlitigated Claim and Supplemental Appropriation - California Department of Fish and Wildlife - \$300,263.26]

Ordinance authorizing settlement of the claim by the California Department of Fish and Wildlife, Office of Spill Prevention and Response against the City and County of San Francisco for \$300,263.26; regarding discharges of chlorinated water to San Mateo Creek, and appropriating \$300,263.26 from the Water Enterprise fund balance for such purpose. (City Attorney)

08/26/16; RECEIVED FROM DEPARTMENT.

09/06/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Peskin, Yee

Excused: 1 - Breed

160936 [Settlement of Lawsuit - Laudenia Pleitez - \$95,000]

Ordinance authorizing settlement of the lawsuit filed by Laudenia Pleitez against the City and County of San Francisco for \$95,000; the lawsuit was filed on June 17, 2013, in San Francisco Superior Court, Case No. CGC 13-532162; entitled Foo Soo Li and Laudenia Pleitez v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

08/26/16; RECEIVED FROM DEPARTMENT.

09/06/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Peskin, Yee

Excused: 1 - Breed

160937 [Settlement of Lawsuit - Foo Soo Li - \$99,000]

Ordinance authorizing settlement of the lawsuit filed by Foo Soo Li against the City and County of San Francisco for \$99,000; the lawsuit was filed on June 17, 2013, in San Francisco Superior Court, Case No. CGC 13-532162; entitled Foo Soo Li and Laudenia Pleitez v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

08/26/16; RECEIVED FROM DEPARTMENT.

09/06/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Peskin, Yee

Excused: 1 - Breed

160938 [Settlement of Lawsuit and Supplemental Appropriation - Karen Caldwell - \$155,000]

Ordinance authorizing settlement of the lawsuit filed by Karen Caldwell against the City and County of San Francisco for \$155,000; the lawsuit was filed on April 10, 2014, in San Francisco Superior Court, Case No. CGC-14-538566; entitled Karen Caldwell v. City and County of San Francisco, et al.; the lawsuit involves alleged property damage arising from the break of the Public Utilities Commission's water transmission pipeline on 15th Avenue between West Portal Avenue and Wawona Avenue in San Francisco; and appropriating \$155,000 from the Water Enterprise fund balance for such purpose. (City Attorney)

08/26/16; RECEIVED FROM DEPARTMENT.

09/06/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Peskin, Yee

Excused: 1 - Breed

160939 [Settlement of Lawsuit - Beverley Shungu-Omba - \$30,000]

Ordinance authorizing settlement of the lawsuit filed by Beverley Shungu-Omba against the City and County of San Francisco for \$30,000; the lawsuit was filed on April 16, 2015, in San Francisco Superior Court, Case No. CGC-15-545348; entitled Beverley Shungu-Omba v. City and County of San Francisco, et al.; the lawsuit involves an alleged personal injury on a City street. (City Attorney)

08/29/16; RECEIVED FROM DEPARTMENT.

09/06/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Peskin, Yee

Excused: 1 - Breed

160940 [Settlement of Lawsuit - Kathleen Carroll - \$162,500]

Ordinance authorizing settlement of the lawsuit filed by Kathleen Carroll against the City and County of San Francisco for \$162,500; the lawsuit was filed on March 2, 2015, in San Francisco Superior Court, Case No. CGC-15-544452; entitled Kathleen Carroll v. The City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City sidewalk. (City Attorney)

08/29/16; RECEIVED FROM DEPARTMENT.

09/06/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Peskin, Yee

Excused: 1 - Breed

160941 [Settlement of Administrative Civil Liability Complaint - California Regional Water Quality Control Board - \$27,000]

Resolution approving settlement of an administrative civil liability complaint proposed by California Regional Water Quality Control Board against the City and County of San Francisco for \$27,000; the complaint is entitled Administrative Civil Liability Complaint for Assessment of Mandatory Minimum Penalties, San Francisco Public Utilities Commission, Lower Cherry Aqueduct Mobile Plant Project, Tuolumne County; the matter involves alleged violations of wastewater discharge permit limitations and the California Water Code. (City Attorney)

08/29/16; RECEIVED FROM DEPARTMENT.

09/06/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Peskin, Yee

Excused: 1 - Breed

160942 [Settlement of Unlitigated Claim - San Mateo County Parks Department - \$54,688]

Resolution approving the settlement of the unlitigated claim filed by San Mateo County Parks Department against the City and County of San Francisco for \$54,688; the claim was filed on May 3, 2016; the claim involves alleged property damages and lost revenues arising from flooding. (City Attorney)

08/26/16; RECEIVED FROM DEPARTMENT.

09/06/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Peskin, Yee

Excused: 1 - Breed

160943 [Settlement of Unlitigated Claim - Melvin Galvez - \$35,339.44]

Resolution approving the settlement of the unlitigated claim filed by Melvin Galvez against the City and County of San Francisco for \$35,339.44; the claim was filed on July 9, 2015; the claim involves an employment dispute. (City Attorney)

08/26/16; RECEIVED FROM DEPARTMENT.

09/06/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Peskin, Yee

Excused: 1 - Breed

Deputy City Attorney Jon Givner 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.

[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.

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

Ayes: 2 - Peskin, Yee

Excused: 1 - Breed

160425 [Administrative Code - Ban on City-Funded Travel to and City Contracts Involving States With Anti-LGBT Laws]**Sponsors: Wiener; Campos and Farrell**

Ordinance amending the Administrative Code to prohibit City-funded travel to states that have enacted laws after June 26, 2015, reversing anti-discrimination protections for LGBT individuals or permitting discrimination against LGBT individuals, and to prohibit City contracting with companies headquartered in states that have enacted such laws, or where work on the contract would be performed in such states.

04/26/16; ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 5/26/2016.

05/03/16; REFERRED TO DEPARTMENT. Referred to the Department of Public Health, Department of Human Resources, Office of the City Administrator, Office of the Controller, Office of the Contract Administrator, Office of the Treasurer and Tax Collector, Public Utilities Commission, and Public Works for informational purposes.

08/02/16; SUBSTITUTED AND ASSIGNED to Government Audit and Oversight Committee.

08/11/16; REFERRED TO DEPARTMENT. Referred to the Department of Public Health, Department of Human Resources, Office of the City Administrator, Office of the Controller, Office of the Contract Administrator, Office of the Treasurer and Tax Collector, Public Utilities Commission, and Public Works for informational purposes.

Heard in Committee. Speakers: Supervisor Scott Wiener (Board of Supervisors); presented information and answered questions raised throughout the discussion. Rebecca Rolfe, Executive Director (San Francisco LGBT Community Center); Lou Fischer (LGBT Democratic Club); spoke in support of the hearing matter.

RECOMMENDED by the following vote:

Ayes: 2 - Peskin, Yee

Excused: 1 - Breed

ADJOURNMENT

There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 1:35 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.