



**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: Stephanie Cabrera (415) 554-7722*

**Thursday, January 19, 2023**

**10:00 AM**

**Regular Meeting**

**IN-PERSON MEETING**  
**City Hall, Legislative Chamber, Room 250**

**(remote access provided)**  
**(remote public comment provided via teleconference)**

**Present:** 3 - Dean Preston, Connie Chan, and Rafael Mandelman

*The Government Audit and Oversight Committee met in regular session, in-person with remote access and public comment via telephone, on Thursday, January 19, 2023, with Chair Dean Preston presiding. Chair Preston called the meeting to order at 10:02 a.m.*

**Remote Access to Information and Participation**

*The Board of Supervisors and its committees convene hybrid meetings that allow in-person attendance, remote access, and public comment via teleconference. Visit the SFGovTV website at ([www.sfgovtv.org](http://www.sfgovtv.org)) to stream the live meetings and watch meetings on demand or watch live meetings on San Francisco Cable Channels 26, 28, 78 or 99 (depending on your provider). Members of the public may provide public comment in-person or remotely via teleconference (detailed instructions available at: <https://sfbos.org/remote-meeting-call>).*

*Members of the public may submit their comments by email to: [Stephanie.Cabrera@sfgov.org](mailto:Stephanie.Cabrera@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. every first and third Thursday of each month. Committee agendas and their associated documents are available at <https://sfbos.org/committees>.*

*Please visit the Board's website ([www.sfbos.org](http://www.sfbos.org)) regularly to be updated on the current situation as it affects the legislative process. For more information contact the Clerk, Stephanie Cabrera, at (415) 554-7722 or [Stephanie.Cabrera@sfgov.org](mailto:Stephanie.Cabrera@sfgov.org).*

## 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

Stephanie Cabrera, Government Audit and Oversight Committee 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 ([Stephanie.Cabrera@sfgov.org](mailto:Stephanie.Cabrera@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

### **221209 [Urging the City Administrator's Office to Conduct a Disparity Study of the LBE Program]**

#### **Sponsors: Melgar; Dorsey**

Resolution urging the City Administrator's Office to conduct a Local Business Enterprises (LBE) disparity study to analyze disparities in the City and County of San Francisco's contracting to women-owned, minority-owned, and disabled Veteran-owned businesses.

11/29/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

12/05/22; REFERRED TO DEPARTMENT. Referred to the City Administrator's Office for informational purposes and urging them to conduct a study. Referred to the Small Business Commission for review and comment.

*Heard in Committee. Speakers: Supervisor Myrna Melgar (Board of Supervisors); Rachel Cukierman and Anh Ton (Office of the City Administrator); presented information and answered questions raised throughout the discussion. Hanley Chan and Courtney Ellington (Veteran Affairs Commission); Omar Farmer; Anne Cervantes (San Francisco Latino and Black Builders Association); Alex Chu (San Francisco Coalition for Economic Equity); Bruce Giron (National Association of Minority Contractors, Northern California); Dr. Matthew Ajiake (San Francisco African American Chamber of Commerce); Lamar Heystek; spoke in support of the hearing matter.*

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

Ayes: 3 - Preston, Chan, Mandelman

## LITIGATION

*Heard in Committee. Speakers: None.*

*Chair Preston requested File nos. 221181, 221188, 221189, 221190, 221191, 221192, 221193, 221229, 221230, 221231, 221232 be called together*

### 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 (Office of the City Attorney); Erica Major and Stephanie Cabrera (Office of the Clerk of the Board).*

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

Ayes: 3 - Preston, Chan, Mandelman

### **221181 [Settlement of Unlitigated Claim - Grievance: Service Employees International Union, Local 1021 and 2320 Registered Nurses and 2328 Nurse Practitioners - \$236,895.29]**

Resolution approving the settlement of the unlitigated claim filed by Service Employees International Union, Local 1021 on behalf of a class of 2320 Registered Nurses and 2328 Nurse Practitioners against the City and County of San Francisco by the payment of \$236,895.29; the claim was filed on January 30, 2020; the claim involves a labor dispute. (City Attorney)

11/09/22; RECEIVED FROM DEPARTMENT.

11/29/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Preston, Chan, Mandelman

**221188 [Settlement of Lawsuit - Margarita Herrera - \$650,000]**

Ordinance authorizing settlement of the lawsuit filed by Margarita Herrera against the City and County of San Francisco for \$650,000; the lawsuit was filed on July 30, 2019, in San Francisco Superior Court, Case No. CGC-19-578026; entitled Margarita Herrera v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

11/28/22; RECEIVED FROM DEPARTMENT.

12/06/22; 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

**221189 [Settlement of Lawsuit - Dante King - \$562,500]**

Ordinance authorizing settlement of the lawsuit filed by Dante King against the City and County of San Francisco for \$562,500; the lawsuit was filed on September 21, 2022, in San Francisco Superior Court, Case No. CGC-22-601923; entitled Dante King v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

11/28/22; RECEIVED FROM DEPARTMENT.

12/06/22; 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

**221190 [Settlement of Lawsuit - Michael Oakes - \$95,000]**

Ordinance authorizing settlement of the lawsuit filed by Michael Oakes against the City and County of San Francisco for \$95,000; the lawsuit was filed on July 10, 2020, in San Francisco Superior Court, Case No. CGC-20-585373; entitled Michael Oakes v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

11/28/22; RECEIVED FROM DEPARTMENT.

12/06/22; 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

**221191 [Settlement of Lawsuit - Jo-Theresa Elias-Jackson - \$92,000]**

Ordinance authorizing settlement of the lawsuit filed by Jo-Theresa Elias-Jackson against the City and County of San Francisco for \$92,000; the lawsuit was filed on April 23, 2021, in United States District Court, Northern District of California, Case No. 3:21-cv-02937-PJH; entitled Jo-Theresa Elias-Jackson v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

11/28/22; RECEIVED FROM DEPARTMENT.

12/06/22; 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

**221192 [Settlement of Unlitigated Claim - Cassandra McQuaid - \$75,000]**

Resolution approving the settlement of the unlitigated claim filed by Cassandra McQuaid against the City and County of San Francisco for \$75,000; the claim was filed on September 10, 2021; the claim involves an employment dispute. (City Attorney)

11/28/22; RECEIVED FROM DEPARTMENT.

12/06/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Preston, Chan, Mandelman

**221193 [Settlement of Unlitigated Claim - Osterweis Capital Management, LLC - \$106,978.79]**

Resolution approving the settlement of the unlitigated claim filed by Osterweis Capital Management, LLC against the City and County of San Francisco for \$106,978.79; the claim was filed on September 26, 2022; the claim involves a refund of gross receipts tax. (City Attorney)

11/28/22; RECEIVED FROM DEPARTMENT.

12/06/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Preston, Chan, Mandelman

**221229 [Settlement of Lawsuit - New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility - \$0]**

Ordinance authorizing settlement of the lawsuit filed by New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility against the City and County of San Francisco for \$0; the lawsuit was filed on April 21, 2021, in United States District Court for the Northern District of California, Case No. 4:21-cv-02871-JST; entitled New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility v. City and County of San Francisco, California; the lawsuit involves the denial of a Conditional Use Authorization to install a wireless telecommunications facility at 590-2nd Avenue; other material terms of the settlement are approval of the Planning Commission's Conditional Use Authorization based on a modification of the proposed facility's design which moves a screened equipment enclosure away from the building edge, rescission of Board of Supervisors Motions Nos. M21-052, M21-053, and M21-75 that disapproved that Conditional Use Authorization, directed the preparation of findings, and made findings pertaining to the same, dismissal of the lawsuit in its entirety with prejudice; and making environmental findings (City Attorney)

11/29/22; RECEIVED FROM DEPARTMENT.

12/13/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

01/13/23; REFERRED TO DEPARTMENT. Referred to the Environmental Review Officer requesting a CEQA determination.

01/13/23; RESPONSE RECEIVED. CEQA determination - Determining that the project is not defined as a CEQA project due to no direct/indirect physical change to the environment.

**Chair Preston moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:**

Ayes: 3 - Preston, Chan, Mandelman

**221230 [Settlement of Unlitigated Claims - A2Z Development USA, Inc. - \$1,399,196]**

Resolution approving the settlement of the unlitigated claims filed by A2Z Development USA, Inc. against the City and County of San Francisco for \$1,399,196; the claims were filed on February 28, 2022; the claims involve a refund of payroll expense and gross receipts taxes. (City Attorney)

12/01/22; RECEIVED FROM DEPARTMENT.

12/13/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Preston, Chan, Mandelman

**221231 [Settlement of Unlitigated Claim - AmerisourceBergen Drug Corporation - \$76,250]**

Resolution approving the settlement of the unlitigated claim filed by AmerisourceBergen Drug Corporation against the City and County of San Francisco for \$76,250; the claim was filed on July 11, 2022; the claim involves an alleged overpayment of Homelessness Gross Receipts Tax penalties and interest for the 2019 tax year. (City Attorney)

12/05/22; RECEIVED FROM DEPARTMENT.

12/13/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Preston, Chan, Mandelman

**221232 [Tolling Agreement - A-N SFD Owner, LLC - Sir Francis Drake Hotel - Real Property Transfer Tax Dispute]**

Resolution approving a Tolling Agreement to extend the statute of limitations for A-N SFD Owner, LLC for the former Sir Francis Drake Hotel to bring potential litigation against the City and County of San Francisco for a refund of real property transfer tax to allow for possible resolution of the matter without litigation. (City Attorney)

12/05/22; RECEIVED FROM DEPARTMENT.

12/13/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

**Chair Preston moved that this Resolution 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 11:17 a.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.*