



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: Monique Crayton

(415) 554-7750 ~ monique.crayton@sfgov.org

Thursday, June 20, 2024

10:00 AM

City Hall, Committee Room 263

Regular Meeting

ROLL CALL AND ANNOUNCEMENTS

COMMUNICATIONS

AGENDA CHANGES

REGULAR AGENDA

1. [240639](#) **[Business and Tax Regulations Code - Transient Occupancy Tax Exemption Increase]**
Sponsor: Peskin
Ordinance amending the Business and Tax Regulations Code to increase the daily transient occupancy tax exemption amount from less than \$52 to less than \$60; to increase the weekly transient occupancy tax exemption amount from less than \$130 to less than \$149; and to require review in the September 2027 - September 2029 time frame by the Controller of the exemption amounts for the purpose of considering adjustments in the amounts.

6/4/24; ASSIGNED to the Budget and Finance Committee.

6/11/24; TRANSFERRED to the Government Audit and Oversight Committee.

6/12/24; REFERRED TO DEPARTMENT.

6/12/24; REFERRED TO DEPARTMENT.

LITIGATION

Conference with City Attorney

*[Convene in Closed Session - Existing Litigation - City as Plaintiff and/or Defendant]
Motion that the Government Audit and Oversight Committee of the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing 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.*

2. [240435](#) **[Settlement of Unlitigated Claims - U.S. Department of Health and Human Services - City to Receive \$441,521.39]**

Resolution approving the settlement of unlitigated claims in favor of the City and County of San Francisco against the U.S. Department of Health and Human Services by payment of \$441,521.39 to the City; the administrative claims were filed on December 29, 2016, and August 16, 2016; the claims involve underpayment of Medicare costs by the U.S. Department of Health and Human Services for outlier payments under the Medicare Inpatient Prospective Payer System for Federal Fiscal Years 2005-2006. (City Attorney)

4/24/24; RECEIVED FROM DEPARTMENT.

5/7/24; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

The Chair intends to entertain a motion to refer this item to the full Board as a Committee Report for consideration on June 25, 2024.
3. [240468](#) **[Settlement of Lawsuit - Jean Agustin - \$75,000]**

Ordinance authorizing settlement of the lawsuit filed by Jean Agustin against the City and County of San Francisco for \$75,000; the lawsuit was filed on February 1, 2023, in San Francisco Superior Court, Case No. CGC-23-604409; entitled Jean Agustin v. City and County of San Francisco; the lawsuit involves alleged personal injury occurring on a City sidewalk. (City Attorney)

4/30/24; RECEIVED FROM DEPARTMENT.

5/14/24; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
4. [240491](#) **[Settlement of Unlitigated Claim - Cindy Ngo - \$37,342.76]**

Resolution approving the settlement of the unlitigated claim filed by Cindy Ngo against the City and County of San Francisco for \$37,342.76; the claim was filed on December 29, 2023; the claim involves alleged personal injuries from a fall on a City sidewalk. (City Attorney)

5/13/24; RECEIVED.

5/21/24; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

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5. [240571](#) **[Settlement of Lawsuit - Rahul Seth, M.D. - City to Receive \$170,000]**
Ordinance authorizing settlement of the lawsuit filed by Rahul Seth, M.D. against the City and County of San Francisco for a payment to the City of \$170,000; the lawsuit was filed on April 19, 2022, in San Francisco Superior Court, Case No. CGC-22-599250; entitled Rahul Seth, M.D. v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City street. (City Attorney)
5/13/24; RECEIVED FROM DEPARTMENT.
6/4/24; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
6. [240572](#) **[Settlement of Lawsuit - Vincent Keith Bell - \$500,000]**
Ordinance authorizing settlement of the lawsuit filed by Vincent Keith Bell against the City and County of San Francisco for \$500,000; the lawsuit was filed on December 16, 2013, in United States District Court-Northern District of California, Case No. 13-cv-05820; entitled Vincent Keith Bell v. Ken Lee, et al.; the lawsuit involves alleged civil rights violation. (City Attorney)
5/21/24; RECEIVED FROM DEPARTMENT.
6/4/24; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
7. [240573](#) **[Settlement of Lawsuit - Denise Wear - \$45,000]**
Ordinance authorizing settlement of the lawsuit filed by Denise Wear against the City and County of San Francisco for \$45,000; the lawsuit was filed on January 20, 2022, in San Francisco Superior Court, Case No. CGC-22-597744; entitled Denise Wear v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City sidewalk. (City Attorney)
5/21/24; RECEIVED FROM DEPARTMENT.
6/4/24; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
8. [240574](#) **[Settlement of Lawsuit - Wendy Offen and Stephen Offen - \$140,000]**
Ordinance authorizing settlement of the lawsuit filed by Wendy Offen and Stephen Offen against the City and County of San Francisco for \$140,000; the lawsuit was filed on December 13, 2021, in San Francisco Superior Court, Case No. CGC-21-597078; entitled Wendy Offen and Stephen Offen v. City and County of San Francisco; the lawsuit involves an alleged injury on a City sidewalk. (City Attorney)
5/23/24; RECEIVED FROM DEPARTMENT.
6/4/24; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
9. [240579](#) **[Tolling Agreement - Maplebear, Inc. - Gross Receipts, Homelessness Gross Receipts, and Payroll Expense Tax Dispute - \$2,204,716]**
Resolution approving a Tolling Agreement to extend the statute of limitations for Maplebear, Inc. (doing business as Instacart) to bring potential litigation against the City and County of San Francisco for a refund of \$2,204,716 of gross receipts, homelessness gross receipts, and payroll expense taxes to allow for possible resolution of the matter without litigation. (City Attorney)
5/23/24; RECEIVED FROM DEPARTMENT.
6/4/24; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

10. [240580](#) **[Settlement of Unlitigated Claims - GSW Arena LLC - \$281,289.76]**
Resolution approving the settlement of the unlitigated claims filed by GSW Arena LLC against the City and County of San Francisco for \$281,289.76; the claims were filed on August 4, 2023, and April 3, 2024; the claims involve a refund of gross receipts, homelessness gross receipts, and commercial rents taxes. (City Attorney)
5/23/24; RECEIVED FROM DEPARTMENT.
6/4/24; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
11. [240581](#) **[Settlement of Unlitigated Claim - Bay Area Air Quality Management District - \$42,125]**
Resolution approving settlement of the unlitigated claim filed by the Bay Area Air Quality Management District (BAAQMD) against the City and County of San Francisco for \$42,125; the claim involves the resolution of notices of violation issued by the Bay Area Air Quality Management District to the City and County of San Francisco concerning alleged violations of testing requirements governing onsite boilers at the Hall of Justice facility located at 850 Bryant Street; other material terms of the settlement include the resolution of all claims between BAAQMD and the City and County of San Francisco with regard to the dispute, with each party to bear their own costs. (City Attorney)
5/23/24; RECEIVED FROM DEPARTMENT.
6/4/24; 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.)

The Levine Act

Pursuant to California Government Code, Section 84308, Members of the Board who have received campaign contributions totaling more than \$250 may be required to disclose that fact on the record of the proceeding. Parties and their paid agents may also be required to disclose on the record any campaign contributions made to a Member of the Board that meets the following qualifications for disclosure. A Member of the Board of Supervisors is disqualified and must recuse themselves on any agenda item involving business, professional, trade, and land use licenses or permits and all other entitlements for use, if they received more than \$250 in campaign contributions from the applicant or contractor, an agent of the applicant or contractor, or any financially interested participant within the 12 months prior to the final decision; and for 12 months following the date of the final decision, a Member of the Board shall not accept, solicit, or direct a campaign contribution of \$250 or more from the applicant or contractor, an agent of the applicant or contractor, or any financially interested participant. The foregoing statements do not constitute legal advice. Parties, participants, and their agents are urged to consult their own legal counsel regarding the requirements of the law. For more information about these disclosures, visit www.sfethics.org.

Agenda Item Information

Each item on the Consent or Regular agenda may include the following 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 or at www.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; or 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. 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 for the official public record. 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.

LANGUAGE INTERPRETERS: Language services are available in Spanish, Chinese and Filipino for requests made at least two (2) business days in advance of the meeting, to help ensure availability. For more information or to request services, contact (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

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 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. 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.

Meetings are real-time captioned and cablecast open-captioned on SFGovTV (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 call (415) 554-5184.

Know Your Rights Under The Sunshine Ordinance

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) or to report a violation of the ordinance, contact by mail Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102; phone at (415) 554-7724; fax at (415) 554-5163; or by email at sotf@sfgov.org. Citizens may obtain a free copy of the Sunshine Ordinance by printing the San Francisco Administrative Code, Chapter 67, on the Internet at 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 (Campaign & Governmental Conduct Code, Section 2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; (415) 252-3100; fax (415) 252-3112; website 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 www.sfethics.org.