



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, Connie Chan, Rafael Mandelman

Clerk: John Carroll (415) 554-4445

Thursday, January 20, 2022

10:00 AM

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PUBLIC COMMENT CALL-IN

1 (415) 655-0001 / Meeting ID: 2492 838 5397 # #

Regular Meeting

A quorum of the Board of Supervisors may be present at this committee meeting. If a quorum is present, the meeting will also constitute a Special Meeting of the Board of Supervisors. However, the meeting will be conducted in all respects as a committee meeting, and any substantive decision will constitute a recommendation of the committee rather than an action taken by the Board. The Clerk will make a note of the special meeting in the committee minutes, and discussion will be limited to items noticed on this agenda.

Remote Access to Information and Participation

On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely (via Microsoft Teams) and will allow remote public comment via teleconference. Visit the SFGovTV website at (www.sfgovtv.org) to stream the live meetings, or to watch meetings on demand. Members of the public are encouraged to participate remotely via detailed instructions on participating via teleconference available at: <https://sfbos.org/remote-meeting-call>.

Members of the public may participate by phone or may 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 Thursdays of each month. Committee agendas and their associated documents are available at <https://sfbos.org/committees>.

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Please visit the Board's website (www.sfbos.org) regularly to be updated on the current situation as it affects the legislative process. For more information contact the Clerk, John Carroll, at (415) 554-4445.

ROLL CALL AND ANNOUNCEMENTS

AGENDA CHANGES

COMMUNICATIONS

REGULAR AGENDA

1. [211160](#) **[Hearing - Hiring Report on the Implementation of Mental Health SF]**
Sponsors: Ronen; Peskin
Hearing on the report of the implementation of Mental Health SF, including positions funded in the Fiscal Years (FYs) 2020-2021 and 2021-2022 budgets, when the hiring process started for each position, when each position was actually filled, and how many positions continue to be vacant; and requesting the Department of Human Resources and Department of Public Health to report.

11/2/21; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

11/10/21; REFERRED TO DEPARTMENT.

2. [220049](#) **[Public Defender's "MAGIC" (Mobilization for Adolescent Growth in our Communities) Programs in the Bayview and Fillmore/Western Addition Neighborhoods]**
Sponsors: Walton; Preston
Resolution authorizing the Public Defender's "MAGIC" (Mobilization for Adolescent Growth in our Communities) Programs in the Bayview and Fillmore/Western Addition Neighborhoods, and expressing the Board of Supervisors' continued support for those programs.

1/11/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

3. [211316](#) **[Hearing - Public Integrity Audit - SFPUC's Social Impact Partnership Program]**
Sponsors: Mar; Stefani and Preston
Hearing on the findings and recommendations of the Office of the Controller's City Services Auditor (CSA) Audit Division performance audit of the Social Impact Partnership (SIP) Program of the San Francisco Public Utilities Commission (SFPUC); and requesting the SFPUC, CSA, and Sjoberg Evashenk Consulting, Inc. to report.

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

12/22/21; 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.*

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

4. [211220](#) **[Settlement of Lawsuit - Peninsula Corridor Joint Powers Board - \$975,000]**
Ordinance authorizing settlement of the lawsuit filed by Peninsula Corridor Joint Powers Board against the City and County of San Francisco for \$975,000; the lawsuit was filed on February 14, 2019, in the Superior Court of California, County of San Francisco, Case No. CGC-19-573781; entitled Peninsula Corridor Joint Powers Board v. Golden Bay Fence Plus Iron Works, Inc., et al.; the lawsuit involves alleged trespass onto the Peninsula Corridor Joint Powers Board's real property and damage to that property, including the severing of subsurface fiber optic lines; other material terms of the settlement are the Peninsula Corridor Joint Powers Board, in exchange for the payment of the settlement sum, agrees to dismiss the lawsuit in its entirety with prejudice and negotiate in good faith a lease for the City's use of real property located at or near 1920 Evans Street in San Francisco. (City Attorney)
11/15/21; RECEIVED FROM DEPARTMENT.
11/30/21; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
5. [211221](#) **[Settlement of Lawsuit - Dacari Spiers - \$700,000]**
Ordinance authorizing settlement of the lawsuit filed by Dacari Spiers against the City and County of San Francisco for \$700,000; the lawsuit was filed on March 6, 2020, in United States District Court, Northern District of California, Case No. 20-cv-01357-JSC; entitled Dacari Spiers v. City and County of San Francisco, et al.; the lawsuit involves an alleged civil rights violation. (City Attorney)
11/15/21; RECEIVED FROM DEPARTMENT.
11/30/21; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

6. [211222](#) **[Settlement of Lawsuit - Brendan Mannix - \$225,000]**
Ordinance authorizing settlement of the lawsuit filed by Brendan Mannix against the City and County of San Francisco for \$225,000; the lawsuit was filed on August 16, 2018, in San Francisco Superior Court, Case No. CGC-18-568967; entitled Brendan Mannix v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

11/15/21; RECEIVED FROM DEPARTMENT.

11/30/21; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
7. [211223](#) **[Settlement of Lawsuit - Leadwell Global Property LLC - Stipulated Assessed Value of \$152,600,000]**
Ordinance authorizing settlement of the lawsuit filed by Leadwell Global Property LLC against the City and County of San Francisco for a stipulated assessed value of the real property located at 1 Nob Hill Circle, aka 999 California Street, San Francisco, CA (Assessor's Parcel Block No. 0255, Lot No. 002) (the "Subject Property") of \$152,600,000 as of February 28, 2017, contingent upon the Assessment Appeals Board's approval; the lawsuit was filed on June 26, 2020, in San Francisco Superior Court, Case No. CGC-20-585163; entitled Leadwell Global Property LLC v. City and County of San Francisco, et al.; the lawsuit involves the assessed value of the Subject Property for property tax purposes as of the February 28, 2017 change in ownership date. (City Attorney)

11/19/21; RECEIVED FROM DEPARTMENT.

11/30/21; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
8. [211224](#) **[Settlement of Lawsuit - Noel Clay - \$70,750]**
Ordinance authorizing settlement of the lawsuit filed by Noel Clay against the City and County of San Francisco for \$70,750; the lawsuit was filed on January 16, 2019, in San Francisco Superior Court, Case No. CGC-19-572858; entitled Noel Clay v. City and County of San Francisco, Etelvina Blanco; the lawsuit involves an alleged injury when plaintiff's vehicle collided with a Department of Public Works vehicle. (City Attorney)

11/19/21; RECEIVED FROM DEPARTMENT.

11/30/21; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
9. [211250](#) **[Settlement of Lawsuit - Antoine Fisher, Jayel Whitted, Tonya Lett - \$135,000]**
Ordinance authorizing settlement of the lawsuit filed by Antoine Fisher, Jayel Whitted, and Tonya Lett against the City and County of San Francisco, et al., for \$135,000; the lawsuit was filed on July 2, 2019, in San Francisco Superior Court, Case No. CGC 19-577331; entitled Antoine Fisher, et al., vs. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

11/30/21; RECEIVED FROM DEPARTMENT.

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

10. [220002](#) **[Settlement of Lawsuit - Regina Tatevosyan - \$60,000]**
Ordinance authorizing settlement of the lawsuit filed by Regina Tatevosyan against the City and County of San Francisco for \$60,000; the lawsuit was filed on March 7, 2019, in San Francisco Superior Court, Case No. CGC-19-574376; entitled Regina Tatevosyan v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City sidewalk. (City Attorney)

12/15/21; RECEIVED FROM DEPARTMENT.

1/4/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
11. [211226](#) **[Settlement of Unlitigated Claims - Luxe Valet, Inc. - \$243,233]**
Resolution approving the settlement of the unlitigated claims filed by Luxe Valet, Inc. against the City and County of San Francisco for \$243,233 plus release of outstanding gross receipts tax and payroll expense tax liabilities and related penalties, interest, and fees for tax years 2015-2017; the claims were filed on July 25, 2019, and September 13, 2019; the claims involve a refund of parking, gross receipts, and payroll expense taxes. (City Attorney)

11/19/21; RECEIVED FROM DEPARTMENT.

11/30/21; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
12. [211251](#) **[Settlement of Unlitigated Claim - Peanut Wagon, Inc. - \$68,141.36]**
Resolution approving the settlement of the unlitigated claim filed by Peanut Wagon, Inc. against the City and County of San Francisco for \$68,141.36; the claim was filed on July 15, 2021; the claim involves an alleged overpayment of property taxes. (City Attorney)

11/30/21; RECEIVED FROM DEPARTMENT.

12/14/21; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
13. [211252](#) **[Settlement of Unlitigated Claim - FC 5M M2 Exchange, LLC - \$890,852 plus statutory interest]**
Resolution approving the settlement of the unlitigated claim filed by FC 5M M2 Exchange, LLC against the City and County of San Francisco for \$890,852 plus statutory interest; the claim was filed on May 25, 2021; the claim involves an alleged overpayment of real property transfer taxes. (City Attorney)

12/2/21; RECEIVED FROM DEPARTMENT.

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

[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 will be available for review at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, Reception Desk.

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 ordinances and resolutions are 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) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers, and similar sound-producing 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 the public testimony time limit. 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 a document displayed should provide in advance of the meeting to the Clerk of the Board (bos.legislation@sfgov.org), clearly state such during testimony, and subsequently request the document be removed when they want the screen to return to live coverage of the meeting.

IMPORTANT INFORMATION: The public is encouraged to testify at Committee meetings. Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors. Written communications expected to be made a part of the official file should be submitted to the Clerk of the Board or Clerk of a Committee: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Communications which are not received prior to the hearing may be delivered to the Clerk of the Board or Clerk of the Committee at the hearing and you are encouraged to bring enough copies for distribution to all of its 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 on the internet at <http://www.sfbos.org/meetings>. Meetings are cablecast on SFGovTV, the Government Channel 26. For DVD copies and scheduling call (415) 554-4188.

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

傳譯服務: 所有常規及特別市參事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)

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 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.

The Board of Supervisors and Office of the Clerk of the Board support the Mayor's Office on Disability to help make San Francisco a city where all people enjoy equal rights, equal opportunity, and freedom from illegal discrimination under disability rights laws.

Meetings are real-time captioned and are cablecast open-captioned on SFGovTV, the Government Channel 26. Board and Committee meeting agendas and minutes are available on the Board's website (www.sfbos.org) and adhere to web development guidelines based upon the Federal Access Board's Section 508 Guidelines. To request sign language interpreters, readers, large print agendas or other accommodations, please contact (415) 554-5184 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability. If further assistance is needed, 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 soft@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 sfethics.org.