



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: Jane Kim, Aaron Peskin, London Breed

Clerk: Erica Major (415) 554-4441

Monday, July 17, 2017

12:00 PM

City Hall, Committee Room 263

Special Meeting

ROLL CALL AND ANNOUNCEMENTS

AGENDA CHANGES

REGULAR AGENDA

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 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.*

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

1. **170727** **[Settlement of Lawsuit - Alfred Fred Pittman - \$30,000]**
Ordinance authorizing settlement of the lawsuit filed by Alfred Fred Pittman against the City and County of San Francisco for \$30,000; the lawsuit was filed on June 20, 2013, in United States District Court, Case No. 13-CV-02095; entitled Alfred Fred Pittman v. City and County of San Francisco; the lawsuit involves alleged civil rights violations. (City Attorney)

6/9/17; RECEIVED FROM DEPARTMENT.

6/20/17; 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 July 18, 2017.

2. **170728** **[Settlement of Lawsuit - Barbara Burke and Miles Burke - \$65,000]**
Ordinance authorizing settlement of the lawsuit filed by Barbara Burke and Miles Burke against the City and County of San Francisco for \$65,000; the lawsuit was filed on May 20, 2015, in San Francisco Superior Court, Case No. CGC-15-545917; entitled Barbara Burke and Miles Burke v. City and County of San Francisco, Does 1-10; the lawsuit involves personal injury from an alleged dangerous condition of public property. (City Attorney)

6/9/17; RECEIVED FROM DEPARTMENT.

6/20/17; 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 July 18, 2017.

3. **170729** **[Settlement of Lawsuit - San Francisco Apartment Association, et al. - \$130,440]**
Ordinance authorizing settlement of the lawsuit filed by San Francisco Apartment Association, Coalition For Better Housing, and San Francisco Association of Realtors against the City and County of San Francisco for \$130,440; the lawsuit was filed on January 28, 2014, in San Francisco Superior Court, Case No. CPF-14-513452; entitled San Francisco Apartment Association, et al. v. City and County of San Francisco; the lawsuit involves a claim for attorney's fees and costs following Petitioners' challenge to Section 317(e)(4) of Ordinance No. 287-13 on the grounds it is preempted by the state Ellis Act. (City Attorney)

6/9/17; RECEIVED FROM DEPARTMENT.

6/20/17; 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 July 18, 2017.

4. [170730](#) **[Settlement of Lawsuit - Jose H. Lima Osorio - \$57,500]**
Ordinance authorizing settlement of the lawsuit filed by Jose H. Lima Osorio against the City and County of San Francisco for \$57,500; the lawsuit was filed on March 9, 2016, in San Francisco Superior Court, Case No. CGC-16-550862; entitled Jose H. Lima Osorio v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injuries when plaintiff was struck by a vehicle while in the crosswalk. (City Attorney)
- 6/9/17; RECEIVED FROM DEPARTMENT.
- 6/20/17; 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 July 18, 2017.*
5. [170731](#) **[Settlement of Lawsuit - BHR Operations LLC, dba Crowne Plaza and dba Holiday Inn Fisherman's Wharf, et al. - \$1,613,554.74]**
Ordinance authorizing settlement of two lawsuits filed by BHR Operations LLC, dba Crowne Plaza and dba Holiday Inn Fisherman's Wharf, et al. against the City and County of San Francisco for \$1,613,554.74 to be distributed as follows: BHR Operations LLC \$379,969.68, Hotel Nikko of San Francisco Inc. \$201,741.40, Datam S.F. LLC \$277,953.69, RP/Kinetic Parc 55 Owner, LLC \$25,601.63, S.F. Hilton LLC \$447,301.52, W2005 Argent Hotel Realty LLC \$42,857.19, British Airways Plc \$163,369.38, Cathay Pacific Airways Ltd \$74,760.25; the lawsuits were filed in San Francisco Superior Court, as Case No. CGC-10-498514 entitled BHR Operations LLC, dba Crowne Plaza and dba Holiday Inn Fisherman's Wharf, et al. v. City and County of San Francisco, et al. filed on April 9, 2010, and Case No. CGC-10-505526 entitled British Airways Plc v. City and County of San Francisco, et al. filed on November 19, 2010; other material terms of the settlement include the City's retaining transient occupancy taxes collected by the Tax Collector, and the plaintiffs' agreement to pay transient occupancy taxes in the future according to the Tax Collector's regulations; the lawsuits involve a dispute between the City and the hotel and airline industry about whether airline crew rooms are exempt from the City's transient occupancy tax. (City Attorney)
- 6/9/17; RECEIVED FROM DEPARTMENT.
- 6/20/17; 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 July 18, 2017.*
6. [170732](#) **[Settlement of Lawsuit - Betsy Isabel Ayala - \$75,000]**
Ordinance authorizing settlement of the lawsuit filed by Betsy Isabel Ayala against the City and County of San Francisco for \$75,000; the lawsuit was filed on July 7, 2015, in San Francisco Superior Court, Case No. CGC-15-546742; entitled Betsy Isabel Ayala v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City street. (City Attorney)
- 6/9/17; RECEIVED FROM DEPARTMENT.
- 6/20/17; 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 July 18, 2017.*

7. [170734](#) **[Settlement of Unlitigated Claim - Everlane Inc. - \$117,726.22]**
Resolution approving the settlement of the unlitigated claim filed by Everlane Inc. against the City and County of San Francisco for \$117,726.22; claim was filed on January 26, 2017; the claim involves property damage arising from flooding. (City Attorney)

6/9/17; RECEIVED FROM DEPARTMENT.

6/20/17; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
8. [170735](#) **[Settlement of Unlitigated Claim - Adam Holm, dba Pseudo Studio - \$33,202.60]**
Resolution approving the settlement of the unlitigated claim filed by Adam Holm, dba Pseudo Studio against the City and County of San Francisco for \$33,202.60; the claim was filed on February 21, 2017; the claim involves property damage arising from flooding. (City Attorney)

6/9/17; RECEIVED FROM DEPARTMENT.

6/20/17; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
9. [170752](#) **[Settlement of Lawsuit - Zhen Qiang Zhang - \$75,000]**
Ordinance authorizing settlement of the lawsuit filed by Zhen Qiang Zhang against the City and County of San Francisco for \$75,000; the lawsuit was filed on November 13, 2014, in San Francisco Superior Court, Case No. CGC-14-542708; entitled Zhen Qiang Zhang v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

6/16/17; RECEIVED FROM DEPARTMENT.

6/27/17; 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 July 18, 2017.
10. [170753](#) **[Settlement of Lawsuit - Pedro Figueroa Zarceno - \$190,000]**
Ordinance authorizing settlement of the lawsuit filed by Pedro Figueroa Zarceno against the City and County of San Francisco for \$190,000; the lawsuit was filed on January 17, 2017, in United States District Court for the Northern District of California, Case No. 17-cv-00229 JST; entitled Pedro Figueroa Zarceno v. City and County of San Francisco, et al.; the lawsuit involves unlawful arrest. (City Attorney)

6/16/17; RECEIVED FROM DEPARTMENT.

6/27/17; 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 July 18, 2017.

11. [170754](#) **[Settlement of Lawsuit - Stuart Kohler - \$75,000]**
Ordinance authorizing settlement of the lawsuit filed by Stuart Kohler against the City and County of San Francisco for \$75,000; the lawsuit was filed on November 8, 2016, in United States District Court, Case No. 16-CV-6502; entitled Stuart Kohler v. City and County of San Francisco et al.; the lawsuit involves alleged civil rights violations. (City Attorney)

6/16/17; RECEIVED FROM DEPARTMENT.

6/27/17; 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 July 18, 2017.
12. [170794](#) **[Settlement of Lawsuit - Sarah Loomis - \$95,000]**
Ordinance authorizing settlement of the lawsuit filed by Sarah Loomis against the City and County of San Francisco for \$95,000; the lawsuit was filed on February 19, 2016, in San Francisco Superior Court, Case No. CGC-16-550399; entitled Sarah Loomis v. Nathaniel David Mansker, City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from vehicle collision. (City Attorney)

6/26/17; RECEIVED FROM DEPARTMENT.

7/11/17; 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 July 18, 2017.
13. [170795](#) **[Settlement of Lawsuit - Sonia Meyerson - \$52,500]**
Ordinance authorizing settlement of the lawsuit filed by Sonia Meyerson against the City and County of San Francisco for \$52,500; the lawsuit was filed on April 22, 2015, in San Francisco Superior Court, Case No. CGC-15-545451; entitled Sonia Meyerson v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City street. (City Attorney)

6/26/17; RECEIVED FROM DEPARTMENT.

7/11/17; 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 July 18, 2017.
14. [170796](#) **[Settlement of Lawsuit - Bernard Sandoval - \$120,000]**
Ordinance authorizing settlement of the lawsuit filed by Bernard Sandoval against the City and County of San Francisco for \$120,000; the lawsuit was filed on June 25, 2015, in San Francisco Superior Court, Case No. CGC 15-546562; entitled Bernard Sandoval v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

6/26/17; RECEIVED FROM DEPARTMENT.

7/11/17; 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 July 18, 2017.

15. [170797](#) [Settlement of Lawsuit - Paula Ginsburg - \$225,000]

Ordinance authorizing settlement of the lawsuit filed by Paula Ginsburg against the City and County of San Francisco for \$225,000; the lawsuit was filed on February 17, 2016, in San Francisco Superior Court, Case No. CGC-16-550470; entitled Paula Ginsburg v. City and County of San Francisco, and Does 1 to 25, Inclusive; the lawsuit involves alleged personal injury on a City sidewalk adjacent to Alta Plaza Park. (City Attorney)

6/27/17; RECEIVED FROM DEPARTMENT.

7/11/17; 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 July 18, 2017.

[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 in this committee 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 placed on the overhead for display should clearly state such and subsequently 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 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 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.

LAPTOP COMPUTER FOR PRESENTATIONS: Contact City Hall Media Services at (415) 554-7490 to coordinate the use of the laptop computer for presentations. Presenters should arrive 30 minutes prior to the meeting to test their presentations on the computer.

AGENDA PACKET: Available for review in the Office of the Clerk of the Board, City Hall, 1 Dr. Carlton B Goodlett Place, Room 244, or 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: Requests must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Peggy Nevin at (415) 554-5184. **AVISO EN ESPAÑOL:** La solicitud para un traductor debe recibirse antes de mediodía de el viernes anterior a la reunion. Llame a Derek Evans (415) 554-7702. **Paunawa:** Ang mga kahilingan ay kailangang matanggap sa loob ng 48 oras bago mag miting upang matiyak na matutugunan ang mga hiling. Mangyaring tumawag ka sa (415) 554-5184.

翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7719

Disability Access

The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible. Meetings are real-time captioned and are cablecast open-captioned on SFGovTV, the Government Channel 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Wilson Ng at (415) 554-5184 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 5R, 6, 7, 7R, 7X, 9, 9R, 19, 21, 47, and 49. For more information about MUNI accessible services, call (415) 701-4485.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

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 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 <http://www.sfbos.org/sunshine>

Lobbyist Registration and Reporting 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>