



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: Gordon Mar, Aaron Peskin, Matt Haney

Clerk: John Carroll (415) 554-4445

Thursday, May 7, 2020

10:00 AM

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PUBLIC COMMENT CALL-IN

1 (888) 204-5984 / Access Code: 3501008

Regular Meeting

In accordance with Governor Gavin Newsom's statewide order for all residents to "Stay at Home" - and the numerous local and state proclamations, orders and supplemental directions - aggressive directives have been issued to slow down and reduce the spread of the COVID-19 virus. On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely and allow for remote public comment, pursuant to the lifted restrictions on videoconferencing and teleconferencing. Therefore, Board of Supervisors meetings that are held through videoconferencing will allow remote public comment.

Watch San Francisco Cable Channel 26 or visit the SFGovTV website (www.sfgovtv.org) to stream the live meetings or watch them on demand. Members of the public are encouraged to participate remotely by submitting comments (www.sfbos.org/participate-and-submit-comments-remotely).

PUBLIC COMMENT CALL IN

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As the COVID-19 disease progresses, please visit the Board's website (www.sfbos.org) regularly to be updated on the current situation as it affects the legislative process and the Board of Supervisors.

ROLL CALL AND ANNOUNCEMENTS

AGENDA CHANGES

REGULAR AGENDA

1. [200113](#) **[Planning, Building Codes - Reauthorization and Extension of Fee Waiver - Legalization of Unauthorized Dwelling Units]**

Sponsor: Mar

Ordinance amending the Planning and Building Codes to reauthorize the waiver of fees related to granting legal status to existing dwelling units constructed without required permits and extending the waiver through December 31, 2024; requiring annual reports on the fee waiver program; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

(Fiscal Impact)

2/4/20; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

2/11/20; REFERRED TO DEPARTMENT.

2/12/20; REFERRED TO DEPARTMENT.

2/21/20; RESPONSE RECEIVED.

2/28/20; RESPONSE RECEIVED.

3/4/20; TRANSFERRED to the Government Audit and Oversight Committee.

4/30/20; RESPONSE RECEIVED.

2. [200400](#) **[Municipal Elections Code - Expanded Vote-by-Mail for the November 3, 2020 Election - Voter's Choice Act]**

Sponsors: Ronen; Haney, Preston and Walton

Ordinance amending the Municipal Elections Code to require the Department of Elections to expand use of vote-by-mail ballots at the November 3, 2020, Consolidated General Election; to report to the Board of Supervisors regarding planning for that election; and to report to the Board regarding implementation of the Voter's Choice Act in future San Francisco elections.

(Fiscal Impact)

4/21/20; ASSIGNED to the Rules Committee.

4/29/20; REFERRED TO DEPARTMENT.

4/30/20; TRANSFERRED to the Government Audit and Oversight Committee.

3. [200379](#) **[Resolution of Intention - Renewal and Expansion - Castro Community Benefit District]**
Sponsor: Mandelman
Resolution declaring the intention of the Board of Supervisors to renew and expand a property-based business improvement district known as the “Castro Community Benefit District” and levy a multi-year assessment on all parcels in the district; approving the management district plan and engineer’s report and proposed boundaries map for the district; ordering and setting a time and place for a public hearing of the Board of Supervisors, sitting as a Committee of the Whole, on July 14, 2020, at 3:00 p.m.; approving the form of the Notice of Public Hearing and Assessment Ballot Proceeding, and Assessment Ballot; directing environmental findings; and directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting, as required by law.
- 4/14/20; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
4/22/20; REFERRED TO DEPARTMENT.
4. [200380](#) **[Resolution of Intention - Renewal and Expansion - Fisherman’s Wharf Landside Community Benefit District]**
Sponsor: Peskin
Resolution declaring the intention of the Board of Supervisors to renew and expand a property-based business improvement district known as the “Fisherman’s Wharf Landside Community Benefit District” and levy a multi-year assessment on all parcels in the district; approving the management district plan and engineer’s report and proposed boundaries map for the district; ordering and setting a time and place for a public hearing of the Board of Supervisors, sitting as a Committee of the Whole, on July 14, 2020, at 3:00 p.m.; approving the form of the Notice of Public Hearing and Assessment Ballot Proceeding, and Assessment Ballot; directing environmental findings; and directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting, as required by law.
- 4/14/20; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
4/22/20; REFERRED TO DEPARTMENT.
5. [200331](#) **[Lease Agreement - Avis Budget Car Rental, LLC - On-Airport Rental Car Operations - \$11,076,378 Minimum Annual Guarantee]**
Resolution approving the On-Airport Rental Car Operations Lease No. 18-0343, between Avis Budget Car Rental, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, for a term of five years with two two-year options to extend, and a minimum annual guarantee of \$11,076,378 for the first year of the Lease, to commence upon Board approval. (Airport Commission)
- 3/30/20; RECEIVED FROM DEPARTMENT.
4/7/20; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

6. [200332](#) **[Lease Agreement - Enterprise Rent-A-Car Co of San Francisco, LLC - On-Airport Rental Car Operations - \$16,087,548 Minimum Annual Guarantee]**
Resolution approving the On-Airport Rental Car Operations Lease No. 18-0342, between Enterprise Rent-A-Car Co of San Francisco, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, for a term of five years with two two-year options to extend, and a minimum annual guarantee of \$16,087,548 for the first year of the Lease, to commence following Board approval. (Airport Commission)

3/30/20; RECEIVED FROM DEPARTMENT.

4/7/20; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
7. [200333](#) **[Lease Agreement - The Hertz Corporation - On-Airport Rental Car Operations - \$16,501,462 Minimum Annual Guarantee]**
Resolution approving the On-Airport Rental Car Operations Lease No. 18-0341, between The Hertz Corporation, as tenant, and the City and County of San Francisco, acting by and through its Airport Commission, for a term of five years with two two-year options to extend, and a minimum annual guarantee of \$16,501,462 for the first year of the Lease, to commence following Board approval. (Airport Commission)

3/30/20; RECEIVED FROM DEPARTMENT.

4/7/20; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
8. [200334](#) **[Lease Agreement - Sixt Rent a Car, LLC - On-Airport Rental Car Operations - \$3,501,004.32 Minimum Annual Guarantee]**
Resolution approving the On-Airport Rental Car Operations Lease No. 18-0344, between Sixt Rent a Car, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, for a term of five years with two two-year options to extend, and a minimum annual guarantee of \$3,501,004.32 for the first year of the Lease, to commence following Board approval. (Airport Commission)

3/30/20; RECEIVED FROM DEPARTMENT.

4/7/20; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

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.

9. [200260](#) **[Settlement of Lawsuit - Henry McKenzie - \$400,000]**
Ordinance authorizing settlement of the lawsuit filed by Henry McKenzie against the City and County of San Francisco for \$400,000; the lawsuit was filed on November 24, 2018, in the United States District Court Northern District of California, Case No. 4:18-cv-7141 DMR; entitled Henry McKenzie v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

3/6/20; RECEIVED FROM DEPARTMENT.

3/17/20; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

4/16/20; CONTINUED TO CALL OF THE CHAIR.
10. [200330](#) **[Settlement of Lawsuit - The Hertz Corporation, Enterprise Rent-A-Car Co. of San Francisco LLC, Avis Budget Car Rental, LLC, and Sixt Rent A Car LLC - \$500,000]**
Ordinance authorizing settlement of the lawsuit filed by The Hertz Corporation, Enterprise Rent-A-Car Co. of San Francisco LLC, Avis Budget Car Rental, LLC, and Sixt Rent A Car LLC, against the City and County of San Francisco for \$500,000 (payment to Sixt Rent A Car LLC only); the lawsuit was filed on September 24, 2019, in San Mateo Superior Court, Case No. 19-CIV-05663; entitled The Hertz Corporation et al. v. City and County of San Francisco et al.; the lawsuit involves a challenge to the City's application of prevailing wage requirements for City-owned off-street parking lots, garages, and vehicle storage facilities to leases for the use of the Rental Car Center at the San Francisco International Airport, and the Airport Commission's failure to seek approval by the Board of Supervisors of leases that do not require such payment of prevailing wages applicable to. (City Attorney)

3/30/20; RECEIVED FROM DEPARTMENT.

4/7/20; 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

NOTE: Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the general plan amendments or planning code and zoning map amendments described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

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

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 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 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.

COPYRIGHT: 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 utilize chamber digital, audio and visual technology may not display copyrighted or encrypted content during public proceedings.

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 Wilson Ng 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 Wilson Ng at (415) 554-5184. **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 <<mailto: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>

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.