



# 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*

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Thursday, November 19, 2020

10:00 AM

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**PUBLIC COMMENT CALL-IN**

**1 (415) 655-0001 / Meeting ID: 146 195 2214**

**Regular Meeting**

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#### **Remote Access to Information and Participation**

*In accordance with Governor Newsom's Executive Order No. N-33-20 declaring a State of Emergency regarding the COVID-19 outbreak and Mayor London N. Breed's Proclamation declaring a Local Emergency issued on February 25, 2020, including the guidance for gatherings issued by the San Francisco Department of Public Health Officer, aggressive directives were issued to reduce the spread of COVID-19. 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](http://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](mailto: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>.*

**PUBLIC COMMENT CALL IN**

**1 (415) 655-0001 / Meeting ID: 146 195 2214**

*As the COVID-19 disease progresses, 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 Assistant Clerk John Carroll at 1 (415) 554-4445.*

#### **ROLL CALL AND ANNOUNCEMENTS**

## AGENDA CHANGES

### REGULAR AGENDA

1. [200822](#) **[Japantown Community Benefit District - Annual Report - FY2018-2019]**  
**Sponsor: Preston**  
Resolution receiving and approving annual report for the Japantown Community Benefit District for FY2018-2019, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's management agreement with the City, Section 3.4.

7/28/20; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

8/5/20; REFERRED TO DEPARTMENT.
2. [201153](#) **[Yerba Buena Community Benefit District - Annual Report - FY2018-2019]**  
**Sponsor: Haney**  
Resolution receiving and approving an annual report for the Yerba Buena Community Benefit District for Fiscal Year (FY) 2018-2019, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's management agreement with the City, Section 3.4.

10/6/20; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

10/14/20; REFERRED TO DEPARTMENT.
3. [201225](#) **[Management Agreement - Owners' Association for Administration/Management - Noe Valley Community Benefit District]**  
**Sponsor: Mandelman**  
Resolution approving a management agreement with the nonprofit Owners' Association for administration/management of the established property-based Community Benefit District known as the "Noe Valley Community Benefit District," pursuant to California Streets and Highways Code, Section 36651, for a period commencing upon Board approval, through June 30, 2035.

10/27/20; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
4. [201226](#) **[Management Agreement - Owners' Association for Administration/Management - Castro Community Benefit District]**  
**Sponsor: Mandelman**  
Resolution approving a management agreement with the nonprofit Owners' Association for administration/management of the established property-based Community Benefit District known as the "Castro Community Benefit District," pursuant to California Streets and Highways Code, Section 36651, for a period commencing upon Board approval, through June 30, 2035.

10/27/20; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

5. [201229](#) **[Management Agreement - Owners' Association for Administration/Management - Fisherman's Wharf Landside Community Benefit District]**  
**Sponsor: Peskin**  
Resolution approving a management agreement with the nonprofit Owners' Association for administration/management of the established property-based Community Benefit District known as the "Union Square Business Improvement District," pursuant to California Streets and Highways Code, Section 36651, for a period commencing upon Board approval, through June 30, 2035.  
  
10/27/20; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
6. [201176](#) **[Mills Act Historical Property Contract - 450 Pacific Avenue]**  
Resolution approving a historical property contract between Pacific Stables Property Owner LLC, the owners of 450 Pacific Avenue, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor-Recorder to execute and record the historical property contract. (Historic Preservation Commission)  
  
10/15/20; RECEIVED FROM DEPARTMENT.  
  
10/27/20; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
7. [201177](#) **[Mills Act Historical Property Contract - 1315 Waller Street]**  
Resolution approving a historical property contract between AIMKO 2015 Trust, the owners of 1315 Waller Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor-Recorder to execute and record the historical property contract. (Historic Preservation Commission)  
  
10/15/20; RECEIVED FROM DEPARTMENT.  
  
10/27/20; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
8. [201178](#) **[Mills Act Historical Property Contract - 59 Potomac Street]**  
Resolution approving a historical property contract between Jonathan Dascola & Kamariah Sulaiman Dascola, the owners of 59 Potomac Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor-Recorder to execute and record the historical property contract. (Historic Preservation Commission)  
  
10/15/20; RECEIVED FROM DEPARTMENT.  
  
10/27/20; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
9. [201081](#) **[Hearing - Consultant Access and Involvement in Building Permit Process]**  
**Sponsors: Ronen; Haney and Peskin**  
Hearing to review consultant access and involvement in the San Francisco building permit process, in particular situations where a consultant has been charged with criminal conduct; and requesting the Department of Building Inspection and Public Works to report.  
  
9/15/20; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.  
  
9/23/20; REFERRED TO DEPARTMENT.

10. [201158](#) **[Hearing - Budget and Legislative Analyst's Performance Audit - Ethics Commission]**  
**Sponsors: Mar; Yee**  
Hearing on the findings and recommendations of the Budget and Legislative Analyst's 2020 performance audit of the Ethics Commission; and requesting the Budget and Legislative Analyst and Ethics Commission to report.
- 10/6/20; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
- 10/14/20; 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.*

11. [201161](#) **[California Code of Civil Procedure, Section 998 - Offer to Compromise Litigation - Penny Mims - \$50,000]**  
Ordinance authorizing the service of an Offer to Compromise under Code of Civil Procedure, Section 998, in the lawsuit filed by Penny Mims against the City and County of San Francisco and Dorian Carr, to include a payment from the City of up to \$50,000 plus reasonable attorneys' fees and costs to be determined by the Court; the lawsuit was filed on March 3, 2020, in San Francisco Superior Court, Case No. CGC-20-583388; entitled Penny Mims v. City and County of San Francisco, Dorian Carr, et al.; the lawsuit involves an employment dispute. (City Attorney)
- 10/5/20; RECEIVED FROM DEPARTMENT.
- 10/20/20; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
12. [201162](#) **[Settlement of Lawsuit - Jeffrey Juarez - \$45,000]**  
Ordinance authorizing settlement of the lawsuit filed by Jeffrey Juarez against the City and County of San Francisco for \$45,000; the lawsuit was filed on September 1, 2016, in Superior Court of the State of California, County of San Francisco, Case No. CGC-16-554000, entitled Jeffrey Juarez v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)
- 10/5/20; RECEIVED FROM DEPARTMENT.
- 10/20/20; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

13. [201236](#) **[Settlement of Lawsuit - Taulib Ikhara - \$75,000]**  
Ordinance authorizing settlement of the lawsuit filed by Taulib Ikhara against the City and County of San Francisco for \$75,000; the lawsuit was filed on September 20, 2019, in U.S. District Court for the Northern District of California, Case No. 19-cv-04138 TSH; entitled Taulib Ikhara v. City and County of San Francisco, et al.; the lawsuit involves allegations of civil rights violations. (City Attorney)  
  
10/29/20; RECEIVED FROM DEPARTMENT.  
  
11/10/20; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
14. [201238](#) **[Settlement of Lawsuit - Jeffrey McElroy - \$30,000]**  
Ordinance authorizing settlement of the lawsuit filed by Jeffrey McElroy against the City and County of San Francisco for \$30,000; the lawsuit was filed on September 3, 2019, in United States District Court, Case No. 19-cv-5528; entitled Jeffrey McElroy v. City and County of San Francisco, et al.; the lawsuit involves an alleged illegal search and use of excessive force. (City Attorney)  
  
10/29/20; RECEIVED FROM DEPARTMENT.  
  
11/10/20; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
15. [201239](#) **[Settlement of Lawsuit - Svetlana Hovhannisyan - \$120,000]**  
Ordinance authorizing settlement of the lawsuit filed by Svetlana Hovhannisyan against the City and County of San Francisco for \$120,000; the lawsuit was filed on September 26, 2018, in San Francisco Superior Court, Case No. CGC-18-570140; entitled Svetlana Hovhannisyan v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury based on claims including medical negligence and elder abuse. (City Attorney)  
  
10/29/20; RECEIVED FROM DEPARTMENT.  
  
11/10/20; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
16. [201240](#) **[Settlement of Lawsuit - Rudy Perez Mejia - \$150,000]**  
Ordinance authorizing settlement of the lawsuit filed by Rudy Perez Mejia against the City and County of San Francisco for \$150,000; the lawsuit was filed on April 17, 2017, in San Francisco Superior Court, Case No. CGC-17-558193; entitled Rudy Perez Mejia v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from a vehicle accident. (City Attorney)  
  
10/29/20; RECEIVED FROM DEPARTMENT.  
  
11/10/20; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
17. [201241](#) **[Settlement of Lawsuit - Richard Denton - \$400,000]**  
Ordinance authorizing settlement of the lawsuit filed by Richard Denton against the City and County of San Francisco for \$400,000; the lawsuit was filed on September 26, 2013, in San Francisco Superior Court, Case No. CGC 13-534508; entitled Richard Denton v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)  
  
11/2/20; RECEIVED FROM DEPARTMENT.  
  
11/10/20; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

18. [201164](#) **[Settlement of Unlitigated Claim - James Neidel - \$67,917]**  
Resolution approving the settlement of the unlitigated claim filed by James Neidel against the City and County of San Francisco for \$67,917; the claim was filed on December 11, 2019; the claim involves property damage arising from sewer main pipe overflow as a result of heavy rain. (City Attorney)

10/2/20; RECEIVED FROM DEPARTMENT.

10/20/20; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

19. [201242](#) **[Settlement of Unlitigated Claim - Flint Paul - \$150,000]**  
Resolution approving the settlement of the unlitigated claim filed by Flint Paul against the City and County of San Francisco for \$150,000; the claim was filed on July 23, 2018; the claim involves an employment dispute. (City Attorney)

10/29/20; RECEIVED FROM DEPARTMENT.

11/10/20; 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

## 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.*

### [201264](#) **[Emergency Ordinance - Public Health Emergency Leave]**

**Sponsor: Mar**

Reenactment of emergency ordinance (Ordinance No. 59-20) to temporarily require private employers with 500 or more employees to provide public health emergency leave during the public health emergency related to COVID-19.

(Pursuant to Charter, Section 2.107, this matter requires the affirmative vote of two-thirds of the Board of Supervisors (8 votes) for passage.)

11/3/20; ASSIGNED UNDER 30 DAY RULE to the Government Audit and Oversight Committee.

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### 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](mailto: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.

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**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.

所有常規及特別市參事委員會會議 (Board meetings) 除委員會會議 (Committee meetings) 將予以提供西班牙文, 菲律賓文, 及中文的語言服務, 但須在會議前最少48小時作出請求, 旨在確保服務屆時可予以提供。更多資訊或請求有關服務, 請致電 (415) 554-7719聯絡Linda Wong.

**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 pagpulong ng Board, at Komite ng Board. Sa kasalukuyan, mayroong serbisyo sa wikang Pilipino na maaaring hilingin, 48 oras (o mas maaga) bago ng pagpulong 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](http://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](mailto: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](mailto: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](http://sfethics.org).