



# 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: Jessica Perkinson (415) 554-7722*

Thursday, September 15, 2022

10:00 AM

Regular Meeting

#### IN-PERSON MEETING

City Hall, Legislative Chamber, Room 250

#### REMOTE ACCESS

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#### PUBLIC COMMENT CALL-IN

1 (415) 655-0001 / Meeting ID: 2490 644 7603 # #

### Remote Access to Information and Participation

*The Board of Supervisors and its committees will convene hybrid meetings that will allow in-person attendance, remote access, and public comment via teleconference. Visit the SFGovTV website at ([www.sfgovtv.org](http://www.sfgovtv.org)) to stream the live meetings and watch meetings on demand or watch live meetings on San Francisco Cable Channels 26, 28, 78 or 99 (depending on your provider). Members of the public may provide public comment in-person at the above noticed location or remotely via teleconference (detailed instructions available at: <https://sfbos.org/remote-meeting-call>). Individuals who wish to share documents during a hearing must provide them to the Clerk 48 hours in advance ([jessica.perkinson@sfgov.org](mailto:jessica.perkinson@sfgov.org)); equipment is not available to share hard copy documents received in-person.*

*Members of the public attending in-person may be required to wear masks or adhere to current orders, please visit [https://sfbos.org/in\\_person\\_meeting\\_guidelines](https://sfbos.org/in_person_meeting_guidelines) for the current guidelines.*

*Members of the public may also submit their comments by email to: [jessica.perkinson@sfgov.org](mailto:jessica.perkinson@sfgov.org); all comments received will be made a part of the official record. Regularly scheduled Government Audit and Oversight Meetings begin at 10:00 a.m. every first and third Thursday 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: \_\_\_\_\_ # #

(Press \*3 to enter the speaker line)

*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 the Clerk, Jessica Perkinson, at (415) (415) 554-7722 or [jessica.perkinson@sfgov.org](mailto:jessica.perkinson@sfgov.org).*

## ROLL CALL AND ANNOUNCEMENTS

## AGENDA CHANGES

## COMMUNICATIONS

## REGULAR AGENDA

1. [220505](#) **[Hearing - Civil Grand Jury Report - Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program]**  
Hearing on the 2021-2022 Civil Grand Jury Report, entitled "Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program" (Clerk of the Board)  
  
4/11/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.  
  
7/21/22; CONTINUED.  
  
7/29/22; RESPONSE RECEIVED.
  
2. [220506](#) **[Board Response - Civil Grand Jury Report - Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program]**  
Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2021-2022 Civil Grand Jury Report, entitled "Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program;" and urging the Mayor to cause the implementation of accepted findings and recommendations through her department heads and through the development of the annual budget. (Clerk of the Board)  
  
4/11/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.  
  
7/21/22; CONTINUED.  
  
*The Chair intends to entertain a motion to refer this item to the full Board as a Committee Report for consideration on September 20, 2022.*

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3. [220720](#) **[Hearing - Civil Grand Jury Report - “Buried Problems and a Buried Process - The Hunters Point Naval Shipyard in a Time of Climate Change.”]**  
**Sponsors: Walton; Chan**  
Hearing on the report released on June 1, 2022, by the Civil Grand Jury titled, “Buried Problems and a Buried Process - The Hunters Point Naval Shipyard in a Time of Climate Change,” for departments to review and report back to the Board of Supervisors on what each agency’s response to the recommendations are; and requesting San Francisco Public Utilities Commission, Department of Public Health, Environmental Protection Agency, Navy, and other related agencies to report.  
  
6/7/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
4. [220721](#) **[Board Response - Civil Grand Jury Report - Buried Problems and a Buried Process: The Hunters Point Naval Shipyard in a Time of Climate Change]**  
Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2021-2022 Civil Grand Jury Report, entitled “Buried Problems and a Buried Process: The Hunters Point Naval Shipyard in a Time of Climate Change;” and urging the Mayor to cause the implementation of accepted findings and recommendations through her department heads and through the development of the annual budget. (Clerk of the Board)  
  
7/12/22; 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 September 20, 2022.*
5. [220722](#) **[Hearing - Board Response - Civil Grand Jury Report - "Safe and Accessible Parks for All"]**  
Hearing on the 2021-2022 Civil Grand Jury Report, entitled "Safe and Accessible Parks for All." (Clerk of the Board)  
  
7/12/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.  
  
8/24/22; RESPONSE RECEIVED.
6. [220723](#) **[Board Response - Civil Grand Jury Report - Safe and Accessible Parks for All]**  
Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2021-2022 Civil Grand Jury Report, entitled “Safe and Accessible Parks for All;” and urging the Mayor to cause the implementation of accepted findings and recommendations through her department heads and through the development of the annual budget. (Clerk of the Board)  
  
7/12/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.  
  
8/24/22; RESPONSE RECEIVED.  
  
*The Chair intends to entertain a motion to refer this item to the full Board as a Committee Report for consideration on September 20, 2022.*

## LITIGATION

### Conference with City Attorney

7. [220798](#) **[Tolling Agreement - PK Domestic Property LLC - Hotel Adagio - Real Property Transfer Tax Dispute]**  
Resolution approving a Tolling Agreement to extend the statute of limitations for PK Domestic Property LLC for Hotel Adagio to bring potential litigation against the City and County of San Francisco for a refund of real property transfer tax to allow for possible resolution of the matter without litigation. (City Attorney)  
  
7/11/22; RECEIVED FROM DEPARTMENT.  
  
7/19/22; 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 September 20, 2022.*
8. [220799](#) **[Tolling Agreement - Park Intermediate Holdings LLC - Hyatt Centric Hotel - Real Property Transfer Tax Dispute]**  
Resolution approving a Tolling Agreement to extend the statute of limitations for Park Intermediate Holdings LLC for the Hyatt Centric Hotel to bring potential litigation against the City and County of San Francisco for a refund of real property transfer tax to allow for possible resolution of the matter without litigation. (City Attorney)  
  
7/11/22; RECEIVED FROM DEPARTMENT.  
  
7/19/22; 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 September 20, 2022.*
9. [220800](#) **[Tolling Agreement - PK Domestic Property LLC - Le Meridien Hotel - Real Property Transfer Tax Dispute]**  
Resolution approving a Tolling Agreement to extend the statute of limitations for PK Domestic Property LLC for the Le Meridien Hotel to bring potential litigation against the City and County of San Francisco for a refund of real property transfer tax to allow for possible resolution of the matter without litigation. (City Attorney)  
  
7/11/22; RECEIVED FROM DEPARTMENT.  
  
7/19/22; 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 September 20, 2022.*

10. [220786](#) **[Settlement of Lawsuit - Khalid Barrow - \$42,500]**  
Ordinance authorizing settlement of the lawsuit filed by Khalid Barrow against the City and County of San Francisco for \$42,500; the lawsuit was filed on June 19, 2020, in United States District Court, Case No. 20-cv-04099; entitled Khalid Barrow v. City and County of San Francisco, et al.; the lawsuit involves an alleged civil rights violation. (City Attorney)  
6/30/22; RECEIVED FROM DEPARTMENT.  
7/12/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
11. [220788](#) **[Settlement of Unlitigated Claims - Gap, Inc. - \$9,190,511.54]**  
Resolution approving the settlement of the unlitigated claims filed by Gap, Inc. against the City and County of San Francisco for \$9,190,511.54; the claims were filed on March 9, 2021; the claims involve a refund of gross receipts, homelessness gross receipts, payroll expense, and commercial rents taxes for the 2019 tax year. (City Attorney)  
6/23/22; RECEIVED FROM DEPARTMENT.  
7/12/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
12. [220794](#) **[Settlement of Lawsuit - Phris M. Keaton - \$45,000]**  
Ordinance authorizing settlement of the lawsuit filed by Phris M. Keaton against the City and County of San Francisco for \$45,000; the lawsuit was filed on April 21, 2021, in San Francisco Superior Court, Case No. CGC-21-591264; entitled Phris M. Keaton v. Garret Edwards, et al.; the lawsuit involves alleged personal injury due to excessive force by Sheriff's Deputy. (City Attorney)  
7/8/22; RECEIVED FROM DEPARTMENT.  
7/19/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
13. [220797](#) **[Settlement of Unlitigated Claim - Benefit Cosmetics LLC - \$228,182.93]**  
Resolution approving the settlement of the unlitigated claim filed by Benefit Cosmetics LLC against the City and County of San Francisco for \$228,182.93; the claim was filed on November 9, 2021; the claim involves a refund of gross receipts and homelessness gross receipts taxes. (City Attorney)  
7/8/22; RECEIVED FROM DEPARTMENT.  
7/19/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
14. [220809](#) **[Settlement of Lawsuit - Eric Taylor - \$37,500]**  
Ordinance authorizing settlement of the lawsuit filed by Eric Taylor against the City and County of San Francisco for \$37,500; the lawsuit was filed on November 24, 2020, in San Francisco Superior Court, Case No. CGC-20-587959; entitled Eric Taylor v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)  
7/8/22; RECEIVED FROM DEPARTMENT.  
7/19/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

15. [220840](#) **[Settlement of Lawsuit - Linda Howdyshell - \$750,000]**  
Ordinance authorizing settlement of the lawsuit filed by Linda Howdyshell against the City and County of San Francisco for \$750,000; the lawsuit was filed on October 28, 2020, in San Francisco Superior Court, Case No. CGC-20-587334; entitled Linda Howdyshell v. City and County of San Francisco; the lawsuit involves alleged personal injury due to a fall from a retaining wall on a raised planter adjacent to a City sidewalk. (City Attorney)  
7/18/22; RECEIVED FROM DEPARTMENT.  
7/26/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
16. [220842](#) **[Settlement of Lawsuit - Theresa Moorehouse - \$150,000]**  
Ordinance authorizing settlement of the lawsuit filed by Theresa Moorehouse against the City and County of San Francisco for \$150,000; the lawsuit was filed on October 7, 2020, in San Francisco Superior, Case No. CGC-20-587190; entitled Theresa Moorehouse v. City and County of San Francisco, et al.; the lawsuit involves an alleged trip and fall on a City sidewalk. (City Attorney)  
7/18/22; RECEIVED FROM DEPARTMENT.  
7/26/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
17. [220846](#) **[Settlement of Unlitigated Claims - Webcor Construction, L.P. - City to Receive \$361,412]**  
Resolution approving the settlement of unlitigated claims through the payment of \$361,412 by Webcor Construction, L.P. to the City and County of San Francisco; the claims arise from Webcor's work on Public Works Contract No. 6694A, the San Francisco General Hospital Rebuild Program, and involve claimed defects to or problems with flooring and doors at the hospital; additional material terms of the settlement are that the City will release Webcor from responsibility for any and all demands, damages, obligations, causes of action, suits, and costs related to the subject claims. (City Attorney)  
7/14/22; RECEIVED FROM DEPARTMENT.  
7/26/22; 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

*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

These items are available for review at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, Reception Desk or at <https://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) 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. Hard copy documents may not be shared during in-person meetings.

**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 and will be shared with the Members.

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**AGENDA PACKET:** Available on the internet at <https://www.sfbos.org/meetings>. Meetings are cablecast on SFGovTV, the Government Channel, at [www.sfgovtv.org](http://www.sfgovtv.org) or Cable Channels 26, 78 or 99 (depending on your provider). For USB copies 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 No. 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, at [www.sfgovtv.org](http://www.sfgovtv.org) or Cable Channels 26, 78 or 99 (depending on your provider). 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 [sof@sfgov.org](mailto:sof@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 <https://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 <https://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 <https://sfethics.org>.