

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

GOVERNMENT AUDIT AND OVERSIGHT COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Norman Yee, Chair
Government Audit and Oversight Committee

FROM: Erica Major, Assistant Committee Clerk

DATE: July 13, 2015

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, July 14, 2015

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, July 14, 2015. This item was acted upon at the Government Audit and Oversight Committee Meeting on July 9, 2015 at 10:30 a.m., by the votes indicated.

Item No. 45 File No. 150613

Ordinance authorizing settlement of the lawsuit filed by Marshall & Swift/Boeckh, LLC, against the City and County of San Francisco for \$395,000; the lawsuit was filed on August 1, 2014, in the U.S. District Court for the Central District of California, Case No. 2:14-CV-6029-MMM (JPRx); entitled Marshall & Swift/Boeckh, LLC, dba Marshall & Swift v. City and County of San Francisco; other material terms of said settlement are termination of San Francisco's licenses to use the Marshall Valuation Service, effective July 1, 2015.

RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Norman Yee - Aye
Supervisor Julie Christensen - Aye
Supervisor London Breed - Aye

cc: Board of Supervisors
Angela Calvillo, Clerk of the Board
Rick Caldeira, Legislative Deputy Director
Jon Givner, Deputy City Attorney

File No. 150613 Committee Item No. 9
Board Item No. 45

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight Date July 9, 2015

Board of Supervisors Meeting Date July 14, 2015
Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
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OTHER (Use back side if additional space is needed)

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Completed by: Erica Major Date July 2, 2015
Completed by: ERICA MAJOR Date JULY 13, 2015

1 [Settlement of Lawsuit - Marshall & Swift/Boeckh, LLC - \$395,000]

2
3 **Ordinance authorizing settlement of the lawsuit filed by Marshall & Swift/Boeckh, LLC,**
4 **against the City and County of San Francisco for \$395,000; the lawsuit was filed on**
5 **August 1, 2014, in the U.S. District Court for the Central District of California, Case No.**
6 **2:14-CV-6029-MMM (JPRx); entitled Marshall & Swift/Boeckh, LLC, dba Marshall & Swift**
7 **v. City and County of San Francisco; other material terms of said settlement are**
8 **termination of San Francisco’s licenses to use the Marshall Valuation Service,**
9 **retroactively effective July 1, 2015.**

10
11 Be it ordained by the People of the City and County of San Francisco:

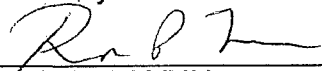
12 Section 1. Pursuant to Charter, Section 6.102(5), the Board of Supervisors hereby
13 authorizes the City Attorney to settle the action entitled Marshall & Swift/Boeckh, LLC, dba
14 Marshall & Swift v. City and County of San Francisco, Central District of California, Case No.
15 2:14-CV-6029-MMM (JPRx) by the payment of \$395,000 and termination of San Francisco’s
16 licenses to use the Marshall Valuation Service, effective July 1, 2015.

17 Section 2. The above-named action was filed in Central District of California on August
18 1, 2014, and the following parties were named in the lawsuit: Marshall & Swift/Boeckh, LLC,
19 dba Marshall & Swift (plaintiff), City and County of San Francisco (defendant).

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APPROVED AS TO FORM AND
RECOMMENDED:

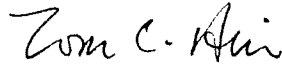
DENNIS J. HERRERA
City Attorney



RONALD P. FLYNN
Chief Deputy City Attorney

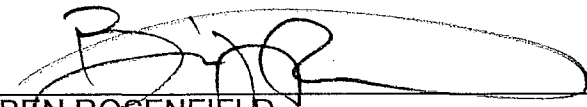
RECOMMENDED:

DEPARTMENT OF BUILDING INSPECTION



TOM C. HUI
Director

FUNDS AVAILABLE:



BEN ROSENFELD
Controller

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Member, Board of Supervisors
District 7



ORIG: COB
GAD Clerk/
Leg-Rep
RECEIVED
City and County of San Francisco
2015 JUL -7 PM 12:39
BJ

NORMAN YEE

DATE: July 6, 2015

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Yee
Chairperson

RE: Government Audit and Oversight Committee
COMMITTEE REPORT

Pursuant to Board Rule 4.20, as Chair of the {Committee Name}, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on {Board Date}, as a Committee Report:

150613 Settlement of Lawsuit - Marshall & Swift/Boeckh, LLC - \$395,000

Ordinance authorizing settlement of the lawsuit filed by Marshall & Swift/Boeckh, LLC, against the City and County of San Francisco for \$395,000; the lawsuit was filed on August 1, 2014, in the U.S. District Court for the Central District of California, Case No. 2:14-CV-6029-MMM (JPRx); entitled Marshall & Swift/Boeckh, LLC, dba Marshall & Swift v. City and County of San Francisco; other material terms of said settlement are termination of San Francisco's licenses to use the Marshall Valuation Service, effective July 1, 2015.

This matter will be heard in the Government Audit and Oversight Committee on July 9, 2015, at 10:30 a.m.

Supervisor Norman Yee
District, 7

Major, Erica (BOS)

(COMMITTEE REPORT REQUEST)

From: Scanlon, Olivia (BOS)
Sent: Thursday, July 02, 2015 9:07 AM
To: Major, Erica (BOS)
Subject: Re: GAO Agenda FINAL - July 9, 2015

That is fine

Sent from my iPhone

On Jul 2, 2015, at 8:50 AM, Major, Erica (BOS) <erica.major@sfgov.org> wrote:

Hi Olivia,

Here is the final agenda for the GAO special for July 9th at 10:30 a.m. Let me know if there are any further changes, otherwise I will be posting after your deadline time of 10 a.m.

Best,

Erica Major
Assistant Committee Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102
Phone: (415) 554-4441 | Fax: (415) 554-5163
Erica.Major@sfgov.org | www.sfbos.org

<image001.png> Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

Hi Jen,

Attached is the updated GAO agenda with the updated committee report requests (150626, 150692, and 150613) and the memo consolidated into one memo per your request.

Let me know if I could be of further assistance.

Best,

Erica Major
Assistant Committee Clerk
Board of Supervisors

1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102
Phone: (415) 554-4441 | Fax: (415) 554-5163
Erica.Major@sfgov.org | www.sfbos.org

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<07.09.2015 GAO Agenda FINAL.pdf>

<07.09.2015 Comm Report Request.doc>

<07.09.2015 GAO Agenda FINAL.pdf>

LEGISLATION RECEIVED CHECKLIST

Date 6/4/15 File Number (if applicable) _____

- Legislation for Introduction (**NEW**) ▶▶▶ Legislative Clerk
- Legislation Pending in Committee (**AMENDED**) ▶▶▶ Committee Clerk
- Legislation for Board Agenda (**AMENDED**) ▶▶▶ Deputy Clerk

Supervisor, Mayor, and Departmental Submittals

Grant Ordinance

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** Department Head, Mayor or the Mayor's designee, plus the Controller
- Supporting documents:** 1 full set, and separate **pdf** copies of each in email
 - Cover letter (original)
 - Grant budget/application
 - Grant information form, including signed disability checklist
 - Letter of Intent or grant award letter from funding agency
 - Contract, Leases/Agreements (if applicable)
 - Ethics Form 126 (*if applicable*) in **Word** format
 - Other support documents *as identified in the cover letter and legislation*
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

Ordinance

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** City Attorney (For Settlement of Lawsuits - City Attorney, Department Head, Controller, Commission Secretary)
- Supporting documents:** 1 full set, and separate **pdf** copies of each in email
 - Cover letter (original)
 - Settlement Report/Agreement (for settlements)
 - Other support documents *as identified in the cover letter and legislation*
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

Grant Resolution

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** Department Head, Mayor or the Mayor's designee, plus the Controller
- Supporting documents:** 1 full set, and separate **pdf** copies of each in email
 - Cover letter (original)
 - Grant budget/application
 - Grant information form, including signed disability checklist
 - Letter of Intent or grant award letter from funding agency
 - Contract, Leases/Agreements (if applicable)
 - Ethics Form 126 (*if applicable*) in **Word** format
 - Other support documents *as identified in the cover letter and legislation*
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

Resolution

- Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
- Signature:** None (Note: Required for Settlement of Claims - City Attorney, Department Head, Controller, Commission Secretary)
- Supporting documents:** 1 full set, and separate **pdf** copies of each in email
 - Cover letter (original)
 - Settlement Report/Agreement (for settlements)
 - Other support documents *as identified in the cover letter and legislation*
- E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org**

Joy Perez 654-3869 City Attorney
 Name and Telephone Number Department