**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: December 7, 2015
- SUBJECT: **COMMITTEE REPORT, BOARD MEETING** Tuesday, December 8, 2015

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, December 8, 2015. This item was acted upon at the Government Audit and Oversight Committee Meeting on December 3, 2015 at 10:30 a.m., by the votes indicated.

#### Item No. 70 File No. 151163

Ordinance authorizing settlement of the lawsuit filed by New Cingular Wireless, LLC, Donald Sipple, John Simon, Karl Simonsen, and Christopher Jacobs against the City and County of San Francisco for \$3,038,832; the lawsuit was filed on May 27, 2011, in Los Angeles Superior Court, Case No. BC462270; entitled Donald Sipple, et al. v. City Of Alameda, et al.; other material terms of said settlement are dismissal of the cross-complaint filed by the City and County of San Francisco against New Cingular Wireless, LLC, and AT&T Mobility, LLC.

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. <u>151163</u>

Committee Item No. <u>11</u> Board Item No. <u>70</u>

# **COMMITTEE/BOARD OF SUPERVISORS**

AGENDA PACKET CONTENTS LIST

Committee:	Government Audit and Oversight		December 3, 2015
	pervisors Meeting Motion Resolution Ordinance Legislative Digest Budget and Legislative Analyst Repo Youth Commission Report Introduction Form Department/Agency Cover Letter and MOU Grant Information Form Grant Budget Subcontract Budget Contract/Agreement Form 126 – Ethics Commission Award Letter Application Public Correspondence	Date .	DEOGRAPHER 8, MS
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Comple	eted by:_	- MM-			Date	DECEMBER 7	2015

### FILE NO. 151163

### ORDINANCE NO.

[Settlement of Lawsuit - New Cingular Wireless, LLC, Donald Sipple, John Simon, Kark Simonsen, and Christopher Jacobs - \$3,038,832]

Ordinance authorizing settlement of the lawsuit filed by New Cingular Wireless, LLC, Donald Sipple, John Simon, Karl Simonsen, and Christopher Jacobs against the City and County of San Francisco for \$3,038,832; the lawsuit was filed on May 27, 2011, in Los Angeles Superior Court, Case No. BC462270; entitled <u>Donald Sipple, et al. v. City</u> <u>Of Alameda, et al.</u>; other material terms of said settlement are dismissal of the crosscomplaint filed by the City and County of San Francisco against New Cingular Wireless, LLC, and AT&T Mobility, LLC.

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

Section 1. Pursuant to Charter, Section 6.102(5), the Board of Supervisors hereby authorizes the City Attorney to settle the action entitled <u>Donald Sipple</u>, et al. v. City Of <u>Alameda, et al.</u>, Los Angeles Superior Court, Case No. BC462270 by the payment of \$3,038,832 and by dismissal of the cross-complaint filed in the same action by the City and County of San Francisco against New Cingular Wireless LLC and AT&T Mobility LLC.

Section 2. The above-named action was filed in Los Angeles Superior Court on May 27, 2011, and the following parties were named in the lawsuit: Plaintiffs New Cingular Wireless LLC, Donald Sipple, John Simon, Karl Simonsen, and Christopher Jacobs; Defendants City and County of San Francisco, City of Alameda, Alameda County, City of Albany, City of Alhambra, City of Arcadia, City of Arcata, City of Baldwin Park, City of Beaumont, City of Bell, City of Bellflower, City of Benecia, City of Berkeley, City of Burbank, City of Calabasas, City of Cathedral, City of Ceres, City of Chico, City of Chula Vista, City of Citrus Heights, City of Claremont, City of Colton, City of Compton, City of Covina, City of

City Attorney BOARD OF SUPERVISORS

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Cudahy, Culver City, City of Cupertino, Daly City, City of Desert Hot Springs, City of Dinuba, City of Downey, City of East Palo Alto, City of El Cerrito, City of El Monte, City of El Segundo, City of Emeryville, City of Eureka, City of Exeter, City of Fairfax, City of Fairfield, City of Gardena, City of Gilrov, City of Glendale, City of Gonzales, City of Greenfield, City of Grover Beach, City of Guadalupe, City of Gustine, City of Hawthorne, City of Hayward, City of Hercules, City of Hermosa Beach, City of Holtville, City of Huntington Park, City of Huntington Beach, City of Huron, City of Indio, City of Inglewood, City of Irwindale, City of La Habra, City of Lakewood, City of La Palma, City of La Verne, City of Lawndale, City of Lindsey, City of Long Beach, City of Los Alamitos, City of Los Altos, City of Los Angeles, Los Angeles County, City of Lynwood, City of Malibu, City of Mammoth Lakes, City of Maywood, City of Menlo Park. City of Modesto, City of Montclair, City of Monterey, City of Monterey Park, City of Moreno Valley. City of Mountain View, City of Norwalk, City of Oakland, City of Orange Cove, City of Oroville, City of Pacific Grove, City of Palm Springs, City of Palo Alto, City of Paramount, City of Pasadena, City of Pico Rivera, City of Piedmont, City of Pinole, City of Placentia, City of Pleasant Hill, City of Pomona, City of Port Hueneme, City of Porterville, City of Rancho Palos Verdes, City of Redondo Beach, Redwood City, City of Rialto, City of Richmond, City of Riverside, City of Sacramento, City of Salinas, City of San Bernardino, City of San Buenaventura (Ventura), City of San Gabriel, City of San Jose, City of San Leandro, City of San Luis Obispo, City of San Marino, City of San Pablo, City of Sanger, City of Santa Ana, City of Santa Barbara, City of Santa Cruz, City of Santa Monica, City of Seal Beach, City of Seaside, City of Sierra Madre, City of Soledad, City of South Pasadena, City of Stanton, City of Stockton, City of Sunnyvale, City of Torrance, City of Tulare, City of Waterford, City of Watsonville, City of Westminster, City of Whittier, City of Winters, and City of Woodlake; Cross-Defendants New Cingular Wireless LLC and AT&T Mobility LLC.

1	APPROVED AS TO FORM AND RECOMMENDED:	RECOMMENDED:			
2	DENNIS J. HERRERA	Treasurer/Tax Collector			
3	City Attorney	(	- 65		
4	RONALD P. FLYNN	JOSE CISNER	<u>^</u>		
5	Chief Deputy City Attorney	Treasurer	00		
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THE COUNTY OF STATE

Member, Board of Supervisors

District 7

City and County of San Francisco

#### NORMAN YEE

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DATE:	11/24/2015	-	¥24	
TO:	Angela Calvillo Clerk of the Board of Supervisors			
FROM:	Supervisor Norman Yee MM Chairperson		0	- 15
RE:	Government Audit and Oversight Committee COMMITTEE REPORTS			

Pursuant to Board Rule 4.20, as Chair of the Government Audit and Oversight Committee, I have deemed the following matters are of an urgent nature and request they be considered by the full Board on December 8, 2015, as Committee Reports:

151192 Agreement - Owners' Association for Administration/Management of Greater Rincon Hill Community Benefit District

Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the established property-based Community Benefit District known as the "Greater Rincon Hill Community Benefit District," pursuant to California Streets and Highways Code, Section 36651, for a period commencing upon Board approval, through June 30, 2030.

151108 Agreement - Owners' Association for Administration/Management of Yerba Buena Community Benefit District

Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the established property-based Community Benefit District known as the "Yerba Buena Community Benefit District," pursuant to California Streets and Highways Code, Section 36651, for a period commencing upon Board approval, through June 30, 2030.

151189 Agreement - Owners' Association for Administration/Management of Dogpatch & Northwest Potrero Hill Green Benefit District

Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the established property-based Green Benefit District known as the "Dogpatch & Northwest Potrero Hill Green Benefit District," pursuant to California Streets and Highway Code, Section 36651, for a period commencing upon Board approval, through June 30, 2025. Committee Report Request Government Audit and Oversight Committee Page 2 November 24, 2015

151065 Mills Act Historical Property Contract - 722 Steiner Street

Resolution approving a Mills Act historical property contract between The Trust of Côme Lague and Charlene Li, the owners of 722 Steiner Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor to execute the historical property contract.

151066 Mills Act Historical Property Contract - 807 Montgomery Street

Resolution approving a Mills Act historical property contract between 807 Montgomery, LLC, the owners of 807 Montgomery Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor to execute the historical property contract.

151067 Mills Act Historical Property Contract - 761 Post Street

Resolution approving a Mills Act historical property contract between RLJC San Francisco LP, the owners of 761 Post Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor to execute the historical property contract.

150985 Settlement of Lawsuit - John Russo Industrial Sheetmetal, Inc., dba JRI, Inc. - \$2,100,000

Ordinance authorizing settlement of the lawsuit filed by John Russo Industrial Sheetmetal, Inc., a California corporation, dba JRI, Inc. ("JRI") against the City and County of San Francisco for \$2,100,000 and other material terms; the lawsuit was filed on June 17, 2010, in Alameda County Superior Court Case No. HG10520625, entitled JRI, Inc. v. City and County of San Francisco, et al., related to the contract for the manufacture and delivery of two Aircraft Rescue Fire Fighting vehicles for use at San Francisco International Airport ("Airport"); other material terms of said settlement include that the City will convert the prior termination of JRI's contract for default to a termination for convenience; for five years, JRI will not bid on any Airport contracts, including as a subcontractor, or challenge any Airport procurements; and the parties mutually release all claims relating to the contract or the lawsuit.

151163

Settlement of Lawsuit - New Cingular Wireless, LLC, Donald Sipple, John Simon, Kark Simonsen, and Christopher Jacobs - \$3,038,832

Ordinance authorizing settlement of the lawsuit filed by New Cingular Wireless, LLC, Donald Sipple, John Simon, Karl Simonsen, and Christopher Jacobs against the City and County of San Francisco for \$3,038,832; the lawsuit was filed on May 27, 2011, in Los Angeles Superior Court, Case No. BC462270; entitled Donald Sipple, et al. v. City Of Alameda, et al.; other material terms of said settlement are dismissal of the cross-complaint filed by the City and County of San Francisco against New Cingular Wireless, LLC, and AT&T Mobility, LLC.

These matters will be heard in the Government Audit and Oversight Committee on December 3, 2015, at 10:30 a.m.

EGISLATION RECEIVED CHECKLIST 151163 File Number (if applicable) Date 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 **1 Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format City Attorney (For Settlement of Lawsuits - City Attorney, Department Signature: Head, Controller, Commission Secretary) 1 full set, and separate pdf copies of each in email **F1** Supporting documents: Cover letter (original) Settlement Report/Agreement (for settlements) [] Other support documents as identified in the cover letter and legislation K 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 Name and Telephone Number Department Clerk's Office/Forms/Legislation Received Checklist (1/2015) for more help go to: sfbos.org/about the board/general/legislative process handbook