

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

SUBPOENA

To: **Derrick Roorda**
BuroHappold Engineering
535 Mission Street, Suite 1771
San Francisco, CA 94105

Pursuant to Section 16.114 of the San Francisco Charter and California Government Code Sections 25170 and 37104, the San Francisco Board of Supervisors hereby commands you to appear at **10:00 a.m. on October 18, 2017** at the following location:

City Hall
1 Dr. Carlton B. Goodlett Place
Legislative Chamber, Room 250
San Francisco, CA 94102

- To provide oral information and respond to questions at a public hearing of the Board of Supervisors' Government Audit and Oversight Committee regarding your participation in and knowledge regarding the design, engineering, review, and approval process for the project at 301 Mission Street in San Francisco.
- To produce and permit inspection and copying of all documents, records, and other materials in your possession related to those two projects.

If you have any questions regarding compliance with this subpoena, contact:

Angela Calvillo, Clerk of the Board of Supervisors, Tel. (415) 554-5184

Failure to comply with the commands of this subpoena may subject you to enforcement proceedings before the Superior Court of the State of California.

Date: 9/28/17

By: Angela Calvillo
Angela Calvillo, Clerk of the Board



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Certified Copy

Motion

170998 [Issuance of Subpoena Duces Tecum - Derrick Roorda]

Sponsor: Peskin

Motion directing the Clerk of the Board of Supervisors to issue a subpoena duces tecum to Derrick Roorda, requiring him to appear at the Government Audit & Oversight Committee on October 4, 2017, at 10:00 a.m., to provide oral information at the hearing of File No. 160975 and respond to questions regarding the design, engineering, and cost benefit analysis for the project at 301 Mission Street; and requiring him to produce documents, correspondence, records, and other materials in his possession related to that project.

9/19/2017 Board of Supervisors - APPROVED

Ayes: 8 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Sheehy and Yee
Excused: 3 - Farrell, Safai and Tang

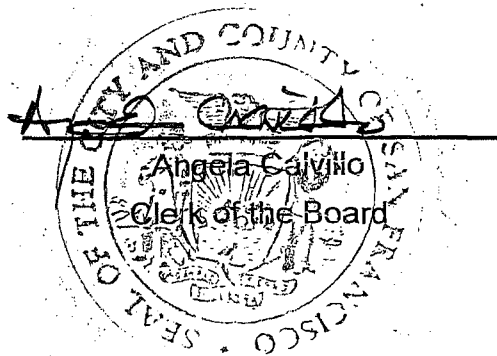
STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

CLERK'S CERTIFICATE

I do hereby certify that the foregoing Motion is a full, true, and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City and County of San Francisco.

September 21, 2017
Date



1 [Issuance of Subpoena Duces Tecum - Derrick Roorda]

2
3 **Motion directing the Clerk of the Board of Supervisors to issue a subpoena duces**
4 **tecum to Derrick Roorda, requiring him to appear at the Government Audit & Oversight**
5 **Committee on October 4, 2017, at 10:00 a.m., to provide oral information at the hearing**
6 **of File No. 160975 and respond to questions regarding the design, engineering, and**
7 **cost benefit analysis for the project at 301 Mission Street; and requiring him to produce**
8 **documents, correspondence, records, and other materials in his possession related to**
9 **that project.**

10
11 WHEREAS, News accounts in August 2016 revealed that the high-rise building at 301
12 Mission Street, commonly known as the Millennium Tower, was settling differentially at double
13 the anticipated amount predicted for the entire life of the project, and has sunk a total of 17
14 inches since its 2009 completion; and

15 WHEREAS, Recent legal filings indicate that the Millennium Tower will tilt another ten
16 inches to the west by 2019; and

17 WHEREAS, Mr. Roorda previously served as the Senior Associate Principal of
18 DeSimone Consulting Engineers, Inc. starting in 1997, where he designed and shepherded
19 the approvals of the 60-story Millennium Tower, which upon its completion in 2009 was the
20 tallest concrete structure on the west coast, as well as the tallest residential building west of
21 Chicago; and

22 WHEREAS, A shorter and less heavy project at 80 Natoma with a similar mat
23 foundation was ultimately halted for reasons that included concerns about the structure's
24 performance during a seismic event; and

1 WHEREAS, During the approximate time period from 2005 through 2007, DeSimone
2 Consulting Engineers retained a two-member peer review panel to vet the structural and
3 seismic soundness of Mr. Roorda's calculations and design specifications, a process which
4 specifically omitted the involvement of a geotechnical engineer, and which eventually led to
5 the recommendation that a foundation permit be issued for the project; and

6 WHEREAS, Supervisor Aaron Peskin, Member of the Government Audit and Oversight
7 Committee, has requested that Mr. Roorda attend a hearing of the Committee to respond to
8 questions regarding his intimate knowledge of the 301 Mission project and provide the
9 Committee with relevant records in his possession, but Mr. Roorda has not yet indicated his
10 willingness to participate; and

11 WHEREAS, A draft subpoena requiring Mr. Roorda to attend a hearing of the
12 Committee and to produce documents is on file with the Clerk of the Board of Supervisors in
13 File No. 170998; now, therefore, be it

14 MOVED, That pursuant to its authority under Charter, Section 16.114, and Government
15 Code, Sections 25170 and 37104, the Board of Supervisors hereby directs the Clerk of the
16 Board to issue a subpoena duces tecum in substantially the form and substance of the draft
17 subpoena referenced above, requiring Mr. Roorda to (1) attend the Government Audit and
18 Oversight Committee meeting at 10:00 a.m. on October 4, 2017, to provide oral information
19 and respond to questions regarding his participation in and knowledge regarding the design,
20 engineering, review, and cost benefit analysis for the project at 301 Mission Street in San
21 Francisco; and (2) produce and permit inspection and copying of all documents, records, and
22 other materials in his possession related to that project; and, be it

23 FURTHER MOVED, That the Clerk of the Board of Supervisors, in consultation with the
24 City Attorney, may amend the draft subpoena prior to issuing it, consistent with the direction in
25 this Motion; and, be it

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FURTHER MOVED, That the Clerk and the Chairperson of the Government Audit and Oversight Committee may in their discretion modify the time and date set forth in the subpoena, and may reissue the subpoena with a modified time and date, in order to accommodate Mr. Roorda's and the Committee's schedules.



City and County of San Francisco

Tails

Motion: M17-146

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 170998

Date Passed: September 19, 2017

Motion directing the Clerk of the Board of Supervisors to issue a subpoena duces tecum to Derrick Roorda, requiring him to appear at the Government Audit & Oversight Committee on October 4, 2017, at 10:00 a.m., to provide oral information at the hearing of File No. 160975 and respond to questions regarding the design, engineering, and cost benefit analysis for the project at 301 Mission Street, and requiring him to produce documents, correspondence, records, and other materials in his possession related to that project.


September 19, 2017 Board of Supervisors - APPROVED

Ayes: 8 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Sheehy and Yee

Excused: 3 - Farrell, Safai and Tang

File No. 170998

I hereby certify that the foregoing Motion was APPROVED on 9/19/2017 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board

Carroll, John (BOS)

From: Pamela Cheeseborough <Pamela.Cheeseborough@sfgov.org>
Sent: Thursday, October 05, 2017 9:57 AM
To: Givner, Jon (CAT); Carroll, John (BOS)
Subject: Confirmation re Service of Subpoena on Derrick Roorda
Attachments: Proof of Service of Roorda Subpoena.pdf

Categories: 170998

You requested tracking info on the service of the Subpoena for Derrick Roorda.

Mr. Roorda was served via UPS through his attorney Michael De Chiara on October 2, 2017. Destiny signed for the package. The tracking number is 1ZR3773V0102562108.

Thank you.

Pamela Cheeseborough
Legal Secretary
Office of the City Attorney
1 Dr. Carlton B. Goodlett Place
CityHall, Room 325
San Francisco, CA 94102
(415) 554-4688 direct
(415) 554-4699 fax

----- Forwarded by Pamela Cheeseborough/CTYATT on 10/05/2017 09:54 AM -----

From: Pamela Cheeseborough/CTYATT
To: Sunny.Angulo@sfgov1.onmicrosoft.com,
Cc: Jon Givner/CTYATT@CTYATT
Date: 09/29/2017 10:32 AM
Subject: Proof of Service of Subpoena for Derrick Roorda

Sunny,

As requested, here's a pdf of the Subpoena for Mr. Roorda.

Pamela Cheeseborough
Legal Secretary
Office of the City Attorney
1 Dr. Carlton B. Goodlett Place
CityHall, Room 325
San Francisco, CA 94102
(415) 554-4688 direct
(415) 554-4699 fax

PROOF OF SERVICE

I, Pamela Cheeseborough, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney's Office of San Francisco, Fox Plaza Building, 1390 Market Street, Fifth Floor, San Francisco, CA 94102.

On September 29, 2017, I served the following document(s):

**SUBPOENA DUCES TECUM FOR DERRICK ROORDA
MOTION M17-146 RE ISSUANCE OF SUBPOENA**

on the following persons at the locations specified:

Michael K. De Chiara, Esq.
Zetlin & De Chiara LLP
801 Second Avenue
New York, NY 10017

in the manner indicated below:

- BY OVERNIGHT DELIVERY:** I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and delivery by overnight courier service. I am readily familiar with the practices of the San Francisco City Attorney's Office for sending overnight deliveries. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be collected by a courier the same day.
- BY ELECTRONIC MAIL:** Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the person(s) at the electronic service address(es) listed above. Such document(s) were transmitted *via* electronic mail from the electronic address: first.last@sfgov.org in portable document format ("PDF") Adobe Acrobat or in Word document format. OR
- BY ELECTRONIC MAIL:** Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be served electronically through **File & ServeXpress** or **TrueFiling** in portable document format ("PDF") Adobe Acrobat.
- BY FACSIMILE:** Based on a written agreement of the parties to accept service by fax, I transmitted true and correct copies of the above document(s) via a facsimile machine at telephone number Fax #' to the persons and the fax numbers listed above. The fax transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine, and a copy of the transmission report is attached or will be filed separately with the court.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct.

Executed September 29, 2017, at San Francisco, California.



Pamela Cheeseborough