

BOARD of SUPERVISORS



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MEMORANDUM

GOVERNMENT AUDIT AND OVERSIGHT COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Gordon Mar, Chair
Government Audit and Oversight Committee

FROM: John Carroll, Assistant Clerk

DATE: August 21, 2020

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, August 25, 2020

The following file should be presented as COMMITTEE REPORT at the regular Board meeting on Tuesday, August 25, 2020. This resolution was acted upon at the regular Government Audit and Oversight Committee meeting on Thursday, August 20, 2020, at 10:00 a.m., by the votes indicated.

Item No. 21 File No. 200854

Ordinance authorizing settlement of the lawsuit filed on behalf of the State of California, the City and County of San Francisco, and 189 other California governmental entities against Verizon Wireless for \$839,356 and against AT&T Mobility National Accounts LLC for \$1,322,417 for a total settlement of \$2,161,773; the lawsuit was filed on July 5, 2012, in Sacramento County Superior Court, Case No. 34-2012-00127517; entitled State of California et al., ex rel. OnTheGo Wireless, LLC v. Verizon Wireless and AT&T Mobility National Accounts LLC; the lawsuit involves alleged violations of the California False Claims Act.

RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Gordon Mar - Aye
 Supervisor Aaron Peskin - Aye
 Supervisor Matt Haney - Aye

Cc: Board of Supervisors
Angela Calvillo, Clerk of the Board
Alisa Somera, Legislative Deputy
Anne Pearson, Deputy City Attorney

File No. 200854

Committee Item No. 6

Board Item No. 1

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight
Board of Supervisors Meeting:

Date: August 20, 2020
Date: September 1, 2020

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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 type="checkbox"/> | <input 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 |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

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|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Committee Report Request Memo – August 14, 2020</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Prepared by: John Carroll
Prepared by: John Carroll

Date: August 14, 2020
Date: August 21, 2020

1 [Settlement of Lawsuit - Verizon Wireless and AT&T Mobility - City to Receive \$2,161,773]

2

3 **Ordinance authorizing settlement of the lawsuit filed on behalf of the State of**
4 **California, the City and County of San Francisco, and 189 other California**
5 **governmental entities against Verizon Wireless for \$839,356 and against AT&T Mobility**
6 **National Accounts LLC for \$1,322,417 for a total settlement of \$2,161,773; the lawsuit**
7 **was filed on July 5, 2012, in Sacramento County Superior Court, Case**
8 **No. 34-2012-00127517; entitled State of California et al., ex rel. OnTheGo Wireless , LLC**
9 **v. Verizon Wireless and AT&T Mobility National Accounts LLC; the lawsuit involves**
10 **alleged violations of the California False Claims Act.**

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

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14 Section 1. Pursuant to Charter, Section 6.102(5), the Board of Supervisors hereby
15 authorizes the City Attorney to settle the action entitled State of California et al., ex rel.
16 OnTheGo Wireless, LLC v. Verizon Wireless and AT&T Mobility National Accounts LLC,
17 Sacramento County Superior Court, Case No. 34-2012-00127517, by the payment
18 of \$839,356 by Verizon Wireless and \$1,322,417 by AT&T Mobility National Accounts LLC, for
19 a total settlement payment to the City and County of San Francisco of \$2,161,773. The
20 lawsuit involves allegations that Verizon Wireless and AT&T Mobility National Accounts LLC
21 failed to optimize cell phone plans as required by their contracts, and therefore overcharged
22 San Francisco and all of the other public entities in violation of the California False Claims Act.

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23 Section 2. The above-named action was filed in Sacramento County Superior Court on
24 July 5, 2012, and the following parties were named in the lawsuit: The State of California, the
25 City and County of San Francisco, and 189 other California government entities, as plaintiffs;

1 OnTheGo Wireless, LLC, as qui tam plaintiff; and Verizon Wireless and AT&T Mobility
2 National Accounts LLC, as defendants.

3

4 APPROVED AS TO FORM AND
5 RECOMMENDED:

RECOMMENDED:

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6 DENNIS J. HERRERA
7 City Attorney

Department of Technology

7

8 /s/ Theresa L. Mueller
9 THERESA L. MUELLER
10 Chief Energy and Telecommunications
11 Deputy

8 /s/ Linda Gerull
9 LINDA GERULL
10 Executive Director and Chief Information
11 Officer

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Member, Board of Supervisors
District 4

City and County of San Francisco

GORDON MAR

DATE: August 14, 2020

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Mar 
Chairperson

RE: Government Audit and Oversight Committee
COMMITTEE REPORT

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 that each be considered by the full Board on Tuesday, August 25, 2020, as Committee Reports:

File No. 200912 [Emergency Ordinance - Grocery Store, Drug Store, Restaurant, and On-Demand Delivery Service Employee Protections]

Reenactment of emergency ordinance (Ordinance No. 74-20, reenacted by Ordinance No. 110-20) to temporarily require grocery store, drug store, restaurant, and on-demand delivery service employers to provide health and scheduling protections to employees during the public health emergency related to COVID-19.

File No. 200819 [Contract Amendment - Retroactive - 1231 Market Street Owner L.P. - Hotel Rooms and Associated Services - Not to Exceed \$35,608,542]

Resolution retroactively approving a third amendment to an emergency agreement between the Human Services Agency and 1231 Market Street Owner L.P., for the City's continued use of 459 hotel rooms and associated services; increasing the contract amount by \$25,618,542 for a total amount not to exceed \$35,608,542; and extending the booking period for a potential total term of April 8, 2020, through July 1, 2021.

File No. 200816 [Emergency Ordinance - Temporary Right to Reemployment Following Layoff Due to COVID-19 Pandemic]

Reenactment of emergency ordinance (Ordinance No. 104-20) temporarily creating a right to reemployment for certain employees laid off due to the COVID-19 pandemic if their employer seeks to fill the same position previously held by a laid-off worker, or a substantially similar position, as defined.



Member, Board of Supervisors
District 4

City and County of San Francisco

GORDON MAR

File No. 200854 [Settlement of Lawsuit - Verizon Wireless and AT&T Mobility - City to Receive \$2,161,773]

Ordinance authorizing settlement of the lawsuit filed on behalf of the State of California, the City and County of San Francisco, and 189 other California governmental entities against Verizon Wireless for \$839,356 and against AT&T Mobility National Accounts LLC for \$1,322,417 for a total settlement of \$2,161,773; the lawsuit was filed on July 5, 2012, in Sacramento County Superior Court, Case No. 34-2012-00127517; entitled State of California et al., ex rel. OnTheGo Wireless, LLC v. Verizon Wireless and AT&T Mobility National Accounts LLC; the lawsuit involves alleged violations of the California False Claims Act.

These matters will be heard in the Government Audit and Oversight Committee during a regular meeting on August 20, 2020, at 10:00 a.m.