

File No. 210329

Committee Item No. 6

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight

Date: April 15, 2021

Board of Supervisors Meeting:

Date: \_\_\_\_\_

#### Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

#### OTHER

- \_\_\_\_\_
- \_\_\_\_\_
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- \_\_\_\_\_
- \_\_\_\_\_

Prepared by: John Carroll

Date: April 9, 2021

Prepared by: John Carroll

Date: \_\_\_\_\_

Prepared by: John Carroll

Date: \_\_\_\_\_

1 [Settlement of Lawsuit - Recology San Francisco, Sunset Scavenger Company, and Golden  
2 Gate Disposal and Recycling Company - San Francisco Refuse Ratepayers to Receive  
\$94,520,000 in Restitution; City to Receive \$7,000,000]

3  
4 **Ordinance authorizing settlement of the lawsuit filed by the City and County of San**  
5 **Francisco against Recology San Francisco, Sunset Scavenger Company, and Golden**  
6 **Gate Disposal and Recycling Company for payment of at least \$94,520,000 in**  
7 **restitution and related interest as well as \$7,000,000 in civil penalties; the lawsuit was**  
8 **filed on March 4, 2021, in San Francisco Superior Court, Case No. CGC-21-590091;**  
9 **entitled People of the State of California, acting by and through Dennis J. Herrera as**  
10 **City Attorney of San Francisco; and City and County of San Francisco v. Recology San**  
11 **Francisco, Sunset Scavenger Company, and Golden Gate Disposal and Recycling**  
12 **Company; the lawsuit involves Defendants’ violations of California’s Unfair**  
13 **Competition Law and San Francisco Campaign and Governmental Conduct Code**  
14 **based on improper overcharging of San Francisco refuse Ratepayers and unlawful**  
15 **gifts and contributions made to city employees and officers or to third-parties at their**  
16 **request; other material terms of the settlement are that Defendants agree to be bound**  
17 **to a four-year injunction to be presented and entered by the court after the settlement**  
18 **agreement is approved.**

19  
20 Be it ordained by the People of the City and County of San Francisco:

21 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby  
22 authorizes the City Attorney to settle the action entitled People of the State of California,  
23 acting by and through Dennis J. Herrera as City Attorney of San Francisco; and City and  
24 County of San Francisco v. Recology San Francisco, Sunset Scavenger Company, and  
25

1 Golden Gate Disposal and Recycling Company, San Francisco Superior Court, Case No.  
2 CGC-21-590091 by the payment of \$94,520,000 in restitution and related interest as well as  
3 \$7,000,000 in civil penalties by Recology San Francisco, Sunset Scavenger Company, and  
4 Golden Gate Disposal and Recycling Company and a four-year injunction which would require  
5 that Defendants cease giving gifts to City employees, disclose certain communications and  
6 gifts to non-profit organizations, and disclose errors and mistakes within thirty days of their  
7 discovery. The lawsuit involves Defendants improper overcharging of San Francisco refuse  
8 Ratepayers and their unlawful gifts and contributions made to city employees and officers.

9 Section 2. The above-named action was filed in San Francisco Superior Court on  
10 March 4, 2021, and the following parties were named in the lawsuit: City and County of San  
11 Francisco and the People of the State of California (collectively "Plaintiffs) and Recology San  
12 Francisco, Sunset Scavenger Company, and Golden Gate Disposal and Recycling Company  
13 (collectively "Defendants").

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1 APPROVED AS TO FORM AND  
2 RECOMMENDED:

3 DENNIS J. HERRERA  
4 City Attorney

5 /s/ Yvonne R. Meré  
6 YVONNE R. MERE  
7 Chief of Complex and Affirmative Litigation

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## LEGISLATION RECEIVED CHECKLIST

Date 3/19/21 File Number (if applicable) \_\_\_\_\_

- |                                     |   |     |                          |
|-------------------------------------|---|-----|--------------------------|
| <input checked="" type="checkbox"/> | Legislation for Introduction ( <b>NEW</b> )         | ▶▶▶ | <b>Legislative Clerk</b> |
| <input type="checkbox"/>            | Legislation Pending in Committee ( <b>AMENDED</b> ) | ▶▶▶ | <b>Committee Clerk</b>   |
| <input type="checkbox"/>            | Legislation for Board Agenda ( <b>AMENDED</b> )     | ▶▶▶ | <b>Deputy Clerk</b>      |

### **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 415-554-3869  
Name and Telephone Number

City Attorney  
Department