

City and County of San Francisco Meeting Minutes Government Audit and Oversight Committee

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

Members: Dean Preston, Connie Chan, Rafael Mandelman

Clerk: Alisa Somera (415) 554-4447

Thursday, November 17, 2022

10:00 AM

Regular Meeting

IN-PERSON MEETING City Hall, Legislative Chamber, Room 250

(remote access provided)
(remote public comment provided via teleconference)

President Shamann Walton appointed Supervisor Catherine Stefani, in place of Supervisor Rafael Mandelman, to the Government Audit and Oversight Committee for the regular meeting of November 17, 2022

Present: 3 - Dean Preston, Connie Chan, and Catherine Stefani

Excused: 1 - Rafael Mandelman

The Government Audit and Oversight Committee met in regular session, in-person with remote access and public comment via telephone, on Thursday, November 17, 2022, with Chair Dean Preston presiding. Chair Preston called the meeting to order at 10:04 a.m.

Remote Access to Information and Participation

The Board of Supervisors and its committees convene hybrid meetings that allow in-person attendance, remote access, and public comment via teleconference. Visit the SFGovTV website at (www.sfgovtv.org) to stream the live meetings and watch meetings on demand or watch live meetings on San Francisco Cable Channels 26, 28, 78 or 99 (depending on your provider). Members of the public may provide public comment in-person or remotely via teleconference (detailed instructions available at: https://sfbos.org/remote-meeting-call).

Members of the public may submit their comments by email to: <u>Alisa.Somera@sfgov.org</u>; all comments received will be made a part of the official record. Regularly scheduled Government Audit and Oversight Committee Meetings begin at 10:00 a.m. every first and third Thursday of each month. Committee agendas and their associated documents are available at https://sfbos.org/committees.

Please visit the Board's website (<u>www.sfbos.org</u>) regularly to be updated on the current situation as it affects the legislative process. For more information contact the Clerk, Alisa Somera, at (415) 554-7711 or <u>Alisa.Somera@sfgov.org</u>.

ROLL CALL AND ANNOUNCEMENTS

On the call of the roll, Chair Preston, Vice Chair Chan, and Member Stefani were noted present. Member Mandelman was noted not present. A quorum was present.

** Supervisor Rafael Mandelman Excused from Attendance

Chair Preston moved that Member Mandelman be excused from the Government Audit and Oversight Committee meeting of November 17, 2022. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Stefani

Excused: 1 - Mandelman

AGENDA CHANGES

There were no agenda changes.

COMMUNICATIONS

Stephanie Cabrera, Committee Clerk, instructed members of the public, when general public comment is called, to contribute live comments for up to two minutes in-person or by dialing the provided telephone number. In-person public comment will be taken before remote public comment is called. Those who are providing public comment remotely must dial * 3 to be added to the remote queue to speak. Written comments may be submitted through email (Stephanie.Cabrera@sfgov.org) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

REGULAR AGENDA

221131 [Amending the Budget and Legislative Analyst Services Audit Plan - Delegated Procurement Authority Under Chapter 6 of the Administrative Code and Citywide Conflicts of Interest - FY2022-2023]

Sponsors: Preston: Walton

Motion directing the Budget and Legislative Analyst to conduct two additional performance audits in Fiscal Year (FY) 2022-2023 consisting of 1) a multi-part audit of various departments' delegated authority for public works contracts pursuant to Chapter 6 of the Administrative Code; and 2) how conflicts of interest are managed citywide.

11/01/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speakers: Dan Goncher (Office of the Budget and Legislative Analyst); presented information and answered questions raised throughout the discussion. Eileen Boken; spoke on various concerns relating to the hearing matter.

Chair Preston moved that this Motion be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Stefani

Excused: 1 - Mandelman

221083 [Memorandum of Understanding - Metropolitan Transportation Commission and Bay Area Transit Operators - Next Generation Clipper® System]

Sponsors: Mayor; Ronen and Dorsey

Resolution authorizing the San Francisco Municipal Transportation Agency Director of Transportation to execute the Next Generation Clipper® System Memorandum of Understanding with the Metropolitan Transportation Commission and Bay Area transit operators, including the allocation of operating and maintenance costs for the participating agencies, effective upon approval of this Resolution. (Municipal Transportation Agency)

(Fiscal Impact; No Budget and Legislative Analyst Report)

10/18/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

10/25/22; REFERRED TO DEPARTMENT. Referred to the Municipal Transportation Agency and Metropolitan Transportation Commission for informational purposes.

11/04/22; REFERRED TO DEPARTMENT. Referred to the Youth Commission for comment and recommendation.

11/15/22; RECEIVED FROM DEPARTMENT. Response received from the Youth Commission regarding their recommendations and support of the Memorandum of Understanding.

Heard in Committee. Speakers: Diana Hammons (San Francisco Municipal Transportation Agency); presented information and answered questions raised throughout the discussion.

Chair Preston moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Stefani

Chair Preston Excused from Voting

Chair Preston noted not present at 10:34 a.m.

Vice Chair Chan, seconded by Member Stefani, moved that Chair Preston be excused from voting on File No. 221063. The motion carried by the following vote

Ayes: 2 - Chan, Stefani

Excused: 2 - Preston, Mandelman

221063 [Mills Act Historical Property Contract - 942-944 Fell Street]

Resolution approving a historical property contract between Julie A. Chin, the owner of 942-944 Fell Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor-Recorder to execute and record the historical property contract. (Historic Preservation Commission)

10/18/22; RECEIVED FROM DEPARTMENT.

11/01/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speakers: Gretel Gunther (Planning Department); Julie Chin, Owner (942-944 Fell Street); presented information and answered questions raised throughout the discussion.

Vice Chair Chan moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 2 - Chan, Stefani

Excused: 2 - Preston, Mandelman

Chair Preston noted present at 10:46 a.m.

Chair Preston requested File nos. 220828, 220859, 220889, 220890, 220893, 220894, and 221129 be called together.

220828 [Tourism Improvement District and Moscone Expansion District - Annual Report - FY2020-2021]

Sponsor: Peskin

Resolution receiving and approving the annual report for the Tourism Improvement District and Moscone Expansion District for Fiscal Year (FY) 2020-2021, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's management agreement with the City, Section 3.4. 07/12/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speakers: Mimi Hiraki and Chris Corgas (Office of Economic and Workforce Development); Paul Frentsos (SF Travel); Scott Rowitz, Executive Director (Yerba Buena Community Benefit District); Andrew Robinson, Executive Director (East Cut Community Benefit District); Andrea Aiello, Executive Director (Castro/Upper Market Community Benefit District); Christian Martin, Executive Director (Ocean Avenue Association); Ben Bleiman, Co-Executive Director (Discover Polk Community Benefit District); Chris Schulman, Executive Director (Lower Polk Community Benefit District); presented information and answered questions raised throughout the discussion. Linda Chapman; spoke on various concerns relating to the hearing matter.

Chair Preston moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Stefani Excused: 1 - Mandelman

220859 [Yerba Buena Community Benefit District - Annual Report - FY2020-2021] Sponsor: Dorsey

Resolution receiving and approving an annual report for the Yerba Buena Community Benefit District for Fiscal Year (FY) 2020-2021, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's Management Agreement with the City, Section 3.4.

07/19/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

07/27/22; REFERRED TO DEPARTMENT. Referred to the Office of Economic and Workforce Development for informational purposes.

Heard in Committee. Speakers: Mimi Hiraki and Chris Corgas (Office of Economic and Workforce Development); Paul Frentsos (SF Travel); Scott Rowitz, Executive Director (Yerba Buena Community Benefit District); Andrew Robinson, Executive Director (East Cut Community Benefit District); Andrea Aiello, Executive Director (Castro/Upper Market Community Benefit District); Christian Martin, Executive Director (Ocean Avenue Association); Ben Bleiman, Co-Executive Director (Discover Polk Community Benefit District); Chris Schulman, Executive Director (Lower Polk Community Benefit District); presented information and answered questions raised throughout the discussion. Linda Chapman; spoke on various concerns relating to the hearing matter.

Chair Preston moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Stefani Excused: 1 - Mandelman

220889 [East Cut Community Benefit District - Annual Report - FY2020-2021] Sponsor: Dorsev

Resolution receiving and approving an annual report for The East Cut Community Benefit District for Fiscal Year (FY) 2020-2021, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's management agreement with the City, Section 3.4.

07/26/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

07/29/22; REFERRED TO DEPARTMENT. Referred to the Office of Economic and Workforce Development for informational purposes.

Heard in Committee. Speakers: Mimi Hiraki and Chris Corgas (Office of Economic and Workforce Development); Paul Frentsos (SF Travel); Scott Rowitz, Executive Director (Yerba Buena Community Benefit District); Andrew Robinson, Executive Director (East Cut Community Benefit District); Andrea Aiello, Executive Director (Castro/Upper Market Community Benefit District); Christian Martin, Executive Director (Ocean Avenue Association); Ben Bleiman, Co-Executive Director (Discover Polk Community Benefit District); Chris Schulman, Executive Director (Lower Polk Community Benefit District); presented information and answered questions raised throughout the discussion. Linda Chapman; spoke on various concerns relating to the hearing matter.

Chair Preston moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Stefani

Excused: 1 - Mandelman

220890 [Castro/Upper Market Community Benefit District - Annual Report - FY2020-2021] Sponsor: Mandelman

Resolution receiving and approving an annual report for the Castro/Upper Market Community Benefit District for Fiscal Year (FY) 2020-2021, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's management agreement with the City, Section 3.4.

07/26/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

07/29/22; REFERRED TO DEPARTMENT. Referred to Office of Economic and Workforce Development for informational purposes.

Heard in Committee. Speakers: Mimi Hiraki and Chris Corgas (Office of Economic and Workforce Development); Paul Frentsos (SF Travel); Scott Rowitz, Executive Director (Yerba Buena Community Benefit District); Andrew Robinson, Executive Director (East Cut Community Benefit District); Andrea Aiello, Executive Director (Castro/Upper Market Community Benefit District); Christian Martin, Executive Director (Ocean Avenue Association); Ben Bleiman, Co-Executive Director (Discover Polk Community Benefit District); Chris Schulman, Executive Director (Lower Polk Community Benefit District); presented information and answered questions raised throughout the discussion. Linda Chapman; spoke on various concerns relating to the hearing matter.

Chair Preston moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Stefani

220893 [Ocean Avenue Community Benefit District - Annual Report - FY2020-2021] Sponsors: Melgar; Safai

Resolution receiving and approving an annual report for the Ocean Avenue Community Benefit District for Fiscal Year (FY) 2020-2021, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's management agreement with the City, Section 3.4.

07/26/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

07/29/22; REFERRED TO DEPARTMENT. Referred to the Office of Economic and Workforce Development for informational purposes.

Heard in Committee. Speakers: Mimi Hiraki and Chris Corgas (Office of Economic and Workforce Development); Paul Frentsos (SF Travel); Scott Rowitz, Executive Director (Yerba Buena Community Benefit District); Andrew Robinson, Executive Director (East Cut Community Benefit District); Andrea Aiello, Executive Director (Castro/Upper Market Community Benefit District); Christian Martin, Executive Director (Ocean Avenue Association); Ben Bleiman, Co-Executive Director (Discover Polk Community Benefit District); Chris Schulman, Executive Director (Lower Polk Community Benefit District); presented information and answered questions raised throughout the discussion. Linda Chapman; spoke on various concerns relating to the hearing matter.

Chair Preston moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Stefani

Excused: 1 - Mandelman

220894 [Discover Polk Community Benefit District - Annual Report - FY2020-2021] Sponsor: Peskin

Resolution receiving and approving an annual report for the Discover Polk Community Benefit District for Fiscal Year (FY) 2020-2021, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's management agreement with the City, Section 3.4.

07/26/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

07/29/22; REFERRED TO DEPARTMENT. Referred to the Office of Economic and Workforce Development for informational purposes.

Heard in Committee. Speakers: Mimi Hiraki and Chris Corgas (Office of Economic and Workforce Development); Paul Frentsos (SF Travel); Scott Rowitz, Executive Director (Yerba Buena Community Benefit District); Andrew Robinson, Executive Director (East Cut Community Benefit District); Andrea Aiello, Executive Director (Castro/Upper Market Community Benefit District); Christian Martin, Executive Director (Ocean Avenue Association); Ben Bleiman, Co-Executive Director (Discover Polk Community Benefit District); Chris Schulman, Executive Director (Lower Polk Community Benefit District); presented information and answered questions raised throughout the discussion. Linda Chapman; spoke on various concerns relating to the hearing matter.

Chair Preston moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Stefani

221129 [Lower Polk Community Benefit District - Annual Report - FY2020-2021] Sponsors: Peskin; Preston

Resolution receiving and approving an annual report for the Lower Polk Community Benefit District for Fiscal Year (FY) 2020-2021, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's management agreement with the City, Section 3.4.

11/01/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speakers: Mimi Hiraki and Chris Corgas (Office of Economic and Workforce Development); Paul Frentsos (SF Travel); Scott Rowitz, Executive Director (Yerba Buena Community Benefit District); Andrew Robinson, Executive Director (East Cut Community Benefit District); Andrea Aiello, Executive Director (Castro/Upper Market Community Benefit District); Christian Martin, Executive Director (Ocean Avenue Association); Ben Bleiman, Co-Executive Director (Discover Polk Community Benefit District); Chris Schulman, Executive Director (Lower Polk Community Benefit District); presented information and answered questions raised throughout the discussion. Linda Chapman; spoke on various concerns relating to the hearing matter.

Supervisor Preston requested to be added as a co-sponsor.

Chair Preston moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Stefani

LITIGATION

Heard in Committee. Speakers: None.

Chair Preston requested File nos. 220729, 221048, 221049, 221050, 221051, 221052, and 221066 be called together

Conference with City Attorney

[Convene in Closed Session - Existing Litigation - City as Plaintiff and/or Defendant]
Motion that the Government Audit and Oversight Committee of the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing litigation and anticipated litigation. Administrative Code Section 67.10(d) permit this closed session.

Discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the pending lawsuits and claims listed below.

After a closed session, if one occurs, the Committee shall adopt a motion either to disclose or not to disclose.

The Deputy City Attorney reported that the Government Audit and Oversight Committee has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding settlements in the lawsuits or claims listed above.

Persons in attendance: Anne Pearson and Ari Baruth (Office of the City Attorney); Alisa Somera and Stephanie Cabrera (Office of the Clerk of the Board).

Chair Preston moved to convene in closed session. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Stefani

220729 [Settlement of Lawsuit - Phi Associates (Drisco Hotel) to Make Payments to Benefit the Swords to Plowshares Veterans Academy \$2,500,000]

Ordinance authorizing settlement of the lawsuit filed by Phi Associates L.P., against the City and County of San Francisco for payments by Phi Associates of \$2,500,000 to provide construction loan repayment, and fund capital improvements and operating reserves, and thereby support affordable housing for veterans at the Veterans Academy located at 1030 Girard Road, San Francisco, operated by Swords to Plowshares ("Veterans Academy"), in exchange for the release of 16 Residential Hotel rooms from regulation under the Hotel Conversion Ordinance; the lawsuit was filed on March 17, 2021, in San Francisco Superior Court, Case No. CPF-21-517409, entitled Phi Assoc., L.P. v. City and County of San Francisco; the lawsuit involves petitioner's challenge to the City's enforcement of the Hotel Conversion Ordinance at the Drisco Hotel, located at 2901 Pacific Avenue, San Francisco. (City Attorney)

09/16/22; RECEIVED FROM DEPARTMENT.

09/27/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

10/20/22; CONTINUED.

11/03/22; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

11/03/22; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

11/03/22; CONTINUED AS AMENDED.

Chair Preston moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Stefani

Excused: 1 - Mandelman

221048 [Settlement of Lawsuit - John LaSalle - \$489,000]

Ordinance authorizing settlement of the lawsuit filed by John LaSalle against the City and County of San Francisco for \$489,000; the lawsuit was filed on January 21, 2021, in San Francisco Superior Court, Case No. CGC-21-589176; entitled John LaSalle v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from collision with City vehicle. (City Attorney)

09/22/22; RECEIVED FROM DEPARTMENT.

10/18/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Stefani

221049 [Settlement of Lawsuit - Crystal Gomez and Martha Gomez - \$60,000]

Ordinance authorizing settlement of the lawsuit filed by Crystal Gomez and Martha Gomez against the City and County of San Francisco for \$60,000; the lawsuit was filed on July 14, 2021, in U.S. District Court for the Northern District of California, Case No. 21-cv-05394 JCS; entitled Crystal Gomez and Martha Gomez v. City and County of San Francisco, et al.; the lawsuit involves alleged civil rights violations. (City Attorney)

09/23/22: RECEIVED FROM DEPARTMENT.

10/18/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Stefani Excused: 1 - Mandelman

221050 [Settlement of Lawsuit - Linda Gebroe - \$40,000]

Ordinance authorizing settlement of the lawsuit filed by Linda Gebroe against the City and County of San Francisco for \$40,000; the lawsuit was filed on May 7, 2021, in San Francisco Superior Court, Case No. CGC-21-591651; entitled Linda Gebroe v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City sidewalk. (City Attorney)

10/04/22; RECEIVED FROM DEPARTMENT.

10/18/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Stefani Excused: 1 - Mandelman

221051 [Settlement of Unlitigated Claim - Onjanette Hudson - \$275,000]

Resolution approving the settlement of the unlitigated claim filed by Onjanette Hudson against the City and County of San Francisco for \$275,000; the claim was filed on December 22, 2021; the claim involves an employee dispute. (City Attorney)

09/30/22; RECEIVED FROM DEPARTMENT.

10/18/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Stefani Excused: 1 - Mandelman

221052 [Settlement of Unlitigated Claim - 100-120 Powell Owner L.P., L.L.C. - \$5,362,325]

Resolution approving the settlement of the unlitigated claim filed by 100-120 Powell Owner L.P., L.L.C. against the City and County of San Francisco for \$5,362,325; the claim was filed on January 14, 2022; the claim involves allegations of property damage to the Hotel Union Square caused by shelter-in-place (SIP) hotel guests during the COVID-19 pandemic and resulting loss of use; other material terms of the settlement include a mutual full and final release, with each party to bear their own costs. (City Attorney)

09/30/22: RECEIVED FROM DEPARTMENT.

10/18/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Resolution be CONTINUED to the Government Audit and Oversight Committee meeting of December 1, 2022. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Stefani

Excused: 1 - Mandelman

221066 [Settlement of Unlitigated Claim - Visa U.S.A. Inc. - \$28,771.32]

Resolution approving the settlement of the unlitigated claim filed by Visa U.S.A. Inc. against the City and County of San Francisco for \$28,771.32; the claim was filed on June 30, 2022; the claim involves a refund of commercial rents taxes. (City Attorney)

10/07/22; RECEIVED FROM DEPARTMENT.

10/25/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Stefani

Excused: 1 - Mandelman

[Elect Not To Disclose]

Motion that the Committee finds that it is in the best interest of the public that the Committee elect at this time not to disclose its closed session deliberations listed above.

Chair Preston moved not to disclose closed session deliberations. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Stefani

Excused: 1 - Mandelman

ADJOURNMENT

There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 1:31 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Government Audit and Oversight Committee on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.