



**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, Catherine Stefani, Connie Chan*

*Clerk: Stephanie Cabrera (415) 554-7722*

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Thursday, March 16, 2023

10:00 AM

Regular Meeting

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

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

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

*The Government Audit and Oversight Committee met in regular session, in-person with remote access and public comment via telephone, on Thursday, March 16, 2023, with Chair Dean Preston presiding. Chair Preston called the meeting to order at 10:05 a.m.*

## **Remote Access to Information and Participation**

*The Board of Supervisors and its committees convene hybrid meetings that allow in-person attendance, in-person public comment (prioritized before remote public comment), remote access, and remote public comment via teleconference (<https://sfbos.org/remote-meeting-call>). Members of the public may submit their comments by email to: [Stephanie.Cabrera@sfgov.org](mailto:Stephanie.Cabrera@sfgov.org); all comments received will be made a part of the official record.*

*Live watch San Francisco Cable Channels 26, 28, 78 or 99 (depending on your provider) or stream meetings on the SFGovTV website ([www.sfgovtv.org](http://www.sfgovtv.org)). Regularly scheduled Government Audit and Oversight Committee Meetings begin at 10:00 a.m. every 1st and 3rd Thursday of each month. Committee agendas and their associated documents are available at <https://sfbos.org/committees>.*

*Visit the Board's website ([www.sfbos.org](http://www.sfbos.org)) for additional information or contact the Clerk, Stephanie Cabrera, at (415) 554- 7722 or [Stephanie.Cabrera@sfgov.org](mailto:Stephanie.Cabrera@sfgov.org).*

## ROLL CALL AND ANNOUNCEMENTS

*On the call of the roll, Chair Preston, Vice Chair Stefani, and Member Chan were noted present. A quorum was present. A quorum of the Committee was present.*

## AGENDA CHANGES

*There were no agenda changes.*

## COMMUNICATIONS

*Stephanie Cabrera, Government Audit and Oversight Committee Clerk, instructed members of the public, that when general public comment is called, to contribute live comments in-person or by dialing the telephone number published on the agenda and scrolling across the screen. Clerk Cabrera further announced that 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](mailto: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

\*\*\* **230166** **[Police Code - Displaced Worker Protections Under Certain Service Contracts]**

**Sponsors: Safai; Chan, Preston and Stefani**

Ordinance amending the Police Code to require an awarding authority, following the termination or end of a contract for janitorial, security, or building maintenance services in San Francisco, to provide information to facilitate the successor contractor's retention of the terminated or ending contractor's employees; to strengthen enforcement by permitting the City Attorney or an aggrieved employee to bring a civil action against the awarding authority for injunctive relief; to further strengthen enforcement by authorizing the Office of Labor Standards Enforcement (OLSE) to, among other things, promulgate rules, investigate possible violations, and order interim or final relief, including backpay, administrative penalties, costs of investigation, and interest; and to establish procedures for a person subject to an OLSE investigation to appeal the OLSE's determination of violation.

02/14/23; ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 3/16/2023.

02/27/23; REFERRED TO DEPARTMENT. Referred to the Police Department, Office of the City Attorney and Office of Labor Standards for informational purposes.

*Heard in Committee. Speakers: Supervisor Ahsha Safai (Board of Supervisors); Olga Miranda (SEIU 1021); presented information and answered questions raised throughout the discussion. Speaker; Noe Lenares; spoke in support of the hearing matter.*

**Chair Preston moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 2, Line 16, by deleting 'and'; Page 2, Line 21, by deleting '21C.2'; Page 6, Line 12, by deleting 'employer' and adding 'contractor, subcontractor, and awarding authority'; and Page 6, Line 14, by deleting 'an employer' and adding 'a contractor, subcontractor, and awarding authority,'. The motion carried by the following vote:**

Ayes: 3 - Preston, Stefani, Chan

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

Ayes: 3 - Preston, Stefani, Chan

**221284 [Urging Internet Service Providers to Provide Truly Affordable Internet for Senior and Disabled San Franciscans]****Sponsors: Preston; Chan, Walton, Melgar and Ronen**

Resolution urging internet service providers, such as AT&T, Verizon, Comcast, and similar companies to provide affordable internet connections to seniors and people with disabilities in San Francisco.

12/13/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

12/19/22; REFERRED TO DEPARTMENT. Referred to the Public Utilities Commission and Department Disability and Aging Services for informational purposes.

*Heard in Committee. Speakers: Peter Estes and Dasom Nah (Senior & Disability Action); Cammy Blackstone (AT&T); Sophia Garcia (Verizon); Dillon Auyoung (Comcast); Reymond LaChaux (Mayor's Office of Housing and Community Development); Brian Roberts (Department of Technology); presented information and answered questions raised throughout the discussion. Kelvin Chan (Asian Pacific American Community Center); Jordan Davis; Elmira Lagundi; Maria Guadalupe Garcia; Ligia Montano; Stephen Minor; Maya; Kari Gray; Itzel Romero (Senior & Disability Action); Anakh Sul Rama; Yan; Christina; Luis (Senior & Disability Action); Alyssa Matross; Natividad Galinato (Senior & Disability Action); Jean Barish; Ben Mok (Community Youth Center); John Wing (Self Help for the Elderly); Denise Dory (Senior & Disability Action); Tracy Rosenberg, Executive Director (Media Alliance); Rebecca; Kathy Lipscomb (Senior & Disability Action); Andrew Broderick (SF Tech Council); Jessica Lehman, Executive Director (Senior & Disability Action); Evelyn Posmentier; Karla Suomala (SF Tech Council); Francis Payne; Leonardo Sosa; 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, Stefani, Chan

## LITIGATION

Chair Preston requested File Nos. 230045, 230046, 230047, 230048, 230092, 230119, 230188, 230189, 230190, 230191, 230194 and 230195 be called together

Heard in Committee. Speakers: None.

### **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 (Office of the City Attorney); 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, Stefani, Chan

### **230045 [Settlement of Lawsuit - Andrea Cervantes - \$400,000]**

Ordinance authorizing settlement of the lawsuit filed by Andrea Cervantes against the City and County of San Francisco for \$400,000; the lawsuit was filed on August 10, 2020, in San Francisco Superior Court, Case No. CGC-20-586083; entitled Andrea Cervantes v. City and County of San Francisco et al.; the lawsuit involves an employment dispute. (City Attorney)

01/13/23; RECEIVED FROM DEPARTMENT.

01/31/23; 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, Stefani, Chan

**230046 [Settlement of Lawsuit - Erica Zweig - \$85,000]**

Ordinance authorizing settlement of the lawsuit filed by Erica Zweig against the City and County of San Francisco for \$85,000; the lawsuit was filed on August 20, 2021, in San Francisco Superior Court, Case No. CGC-21-594634; entitled Erica Zweig v. City and County of San Francisco; the lawsuit involves an alleged trip and fall on a City Street. (City Attorney)

01/20/23; RECEIVED FROM DEPARTMENT.

01/31/23; 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, Stefani, Chan

**230047 [Settlement of Unlitigated Claim - SF Vertigo LLC - \$3,367,576]**

Resolution approving the settlement of the unlitigated claim filed by SF Vertigo LLC against the City and County of San Francisco by payment of \$3,367,576; the claim was filed on November 16, 2022; the claim involves allegations of property damage to the Hotel Vertigo 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)

01/13/23; RECEIVED FROM DEPARTMENT.

01/31/23; 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, Stefani, Chan

**230048 [Settlement of Unlitigated Claim - Tapjoy, Inc. - \$54,242.10]**

Resolution approving the settlement of the unlitigated claim filed by Tapjoy, Inc. against the City and County of San Francisco for \$54,242.10; the claim was filed on September 3, 2022; the claim involves a refund of Gross Receipts Tax. (City Attorney)

01/19/23; RECEIVED FROM DEPARTMENT.

01/31/23; 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, Stefani, Chan

**230092 [Settlement of Unlitigated Claims - U.S. Department of Health and Human Services - City to Receive \$277,894.52]**

Resolution approving the settlement of unlitigated claims in favor of the City and County of San Francisco against the U.S. Department of Health and Human Services by payment of \$277,894.52 to the City; the claims were filed on February 8, 2007, January 16, 2013, and August 18, 2017; the claims involve underpayment of Medicare costs by the U.S. Department of Health and Human Services for direct graduate medical education and indirect medical education. (City Attorney) 01/30/23; RECEIVED FROM DEPARTMENT.

02/07/23; 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, Stefani, Chan

**\*\* 230119 [Settlement of Lawsuit - William Bailey - \$52,500]**

Ordinance authorizing settlement of the lawsuit filed by William Bailey against the City and County of San Francisco for \$52,500; the lawsuit was filed on October 27, 2020, in San Francisco Superior Court, Case No. CGC-20-587323; entitled William Bailey v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

02/01/23; RECEIVED FROM DEPARTMENT.

02/14/23; 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, Stefani, Chan

**230188 [Settlement of Lawsuit - Precious Espinosa - \$75,000]**

Ordinance authorizing settlement of the lawsuit filed by Precious Espinosa against the City and County of San Francisco for \$75,000; the lawsuit was filed on June 15, 2021, in San Francisco Superior Court, Case No. CGC-21-592684; entitled Precious Espinosa v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City sidewalk. (City Attorney)

02/07/23; RECEIVED FROM DEPARTMENT.

02/28/23; 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, Stefani, Chan

**230189 [Settlement of Lawsuit - Charlene Tuchman/Ellen Tuchman Rothmann - City to Receive \$250,000]**

Ordinance authorizing settlement of the lawsuits filed by Charlene Tuchman and by Ellen Tuchman Rothmann, as successor in interest to Charlene Tuchman, against the City and County of San Francisco for a payment to the City of \$250,000; the lawsuits were filed on March 24, 2021, and March 9, 2022, in San Francisco Superior Court, Case Nos. CGC-21-590596 and CGC-22-598595; the lawsuits involve personal injuries sustained on a City sidewalk; other material terms of the settlement are payment of \$250,000 to Plaintiff from 3800 Washington, LLC. (City Attorney)

02/07/23; RECEIVED FROM DEPARTMENT.

02/28/23; 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, Stefani, Chan

**230190 [Settlement of Lawsuit - Jose Chavarria - \$3,000,000]**

Ordinance authorizing settlement of the lawsuit filed by Jose Chavarria against the City and County of San Francisco for \$3,000,000; the lawsuit was filed on September 30, 2020, in San Francisco Superior Court, Case No. CGC-20-586880; entitled Jose Chavarria v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury arising out of police vehicle collision; other material terms of the settlement are City to waive \$33,607.51 offset for unpaid Zuckerberg San Francisco General Hospital bills. (City Attorney)

02/13/23; RECEIVED FROM DEPARTMENT.

02/28/23; 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, Stefani, Chan

**230191 [Settlement of Lawsuit - MJM Management Group - City to Receive \$400,000]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against MJM Management Group for \$400,000; the lawsuit was filed on April 29, 2020, in San Francisco Superior, Case No. CGC-20-584294; entitled City and County of San Francisco v. MJM Management Group, et al.; the lawsuit involves allegations of false claims for reimbursement in connection with property management expenses at Yerba Buena Gardens; consistent with the requirements of the California False Claims Act, a portion of the City's recovery shall be allocated to the qui tam plaintiff and to the City Attorney's Office. (City Attorney)

02/17/23; RECEIVED FROM DEPARTMENT.

02/28/23; 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, Stefani, Chan

**230194 [Settlement of Unlitigated Claims against Walmart Inc. - City to Receive Approximately \$2,600,000 to \$6,800,000 Over 6 Years]**

Resolution authorizing settlement of unlitigated claims on behalf of the City and County of San Francisco and the People of the State of California against Walmart Inc. for abatement funds in the range of \$2,600,000 to \$6,800,000 to be paid over 6 years; the claims relate to Walmart Inc.'s allegedly improper and unlawful dispensing of prescription opioids at its pharmacies, which contributed to the epidemic of opioid abuse and misuse and caused a public nuisance. (City Attorney)

02/17/23; RECEIVED FROM DEPARTMENT.

02/28/23; 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, Stefani, Chan

**230195 [Settlement of Unlitigated Claims against CVS Health Corporation and CVS Pharmacy, Inc. - City to Receive Approximately \$4,500,000 to \$12,000,000 Over 10 Years]**

Resolution authorizing settlement of unlitigated claims on behalf of the City and County of San Francisco and the People of the State of California against CVS Health Corporation and CVS Pharmacy, Inc. for abatement funds in the range of \$4,500,000 to \$12,000,000 to be paid over 10 years; the claims relate to CVS's allegedly improper and unlawful dispensing of prescription opioids at its pharmacies, which contributed to the epidemic of opioid abuse and misuse and caused a public nuisance. (City Attorney)

02/17/23; RECEIVED FROM DEPARTMENT.

02/28/23; 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, Stefani, Chan

*[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, Stefani, Chan

## ADJOURNMENT

*There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 1:05 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.*