



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: Aaron Peskin, Norman Yee, London Breed

Clerk: Erica Major (415) 554-4441

Thursday, July 21, 2016

9:30 AM

City Hall, Legislative Chamber, Room 250

Regular Meeting

Present: 3 - Aaron Peskin, London Breed, and David Campos

Excused: 1 - Norman Yee

The Government Audit and Oversight Committee met in regular session on Thursday, July 21, 2016, with Chair Aaron Peskin presiding.

ROLL CALL AND ANNOUNCEMENTS

Chair Peskin called the meeting to order at 9:46 a.m. On the call of the roll, Chair Peskin and Member Breed were noted present. Vice Chair Yee was noted not present. There was a quorum.

Supervisor Yee Excused from Attendance

Member Breed moved that Supervisor Yee be excused from attending the Government Audit and Oversight Committee meeting of July 21, 2016. The motion carried by the following vote:

Ayes: 2 - Peskin, Breed

Excused: 1 - Yee

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

160551 [Reward for Information About Underpayment of Property Tax - Charles Scoble - \$1,848.17]

Sponsor: Peskin

Ordinance approving Assessor's recommended reward of \$1,848.17 to Charles Scoble for information that led to detection of underpayment of property tax from an unreported change in ownership.

05/17/16; ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 6/16/2016.

05/24/16; REFERRED TO DEPARTMENT. Referred to the Office of the Assessor-Recorder for informational purposes.

Heard in Committee. Speakers: None.

RECOMMENDED by the following vote:

Ayes: 2 - Peskin, Breed

Excused: 1 - Yee

160422 [Fire, Housing, Building Codes - Fire Safety Requirements for Existing Buildings]**Sponsors: Campos; Kim, Yee, Tang, Breed and Wiener**

Ordinance amending the Fire Code and the Housing Code to require building owners provide tenants with an annual written notice of smoke alarm requirements and require building owners file a statement of compliance with annual fire alarm testing and inspection requirements every two years; amending the Fire Code and Building Code to require building owners to upgrade existing fire alarm systems by July 1, 2021, or upon completion of \$50,000 or more of construction work, whichever occurs earlier; amending the Building Code to require owners of Apartment Houses damaged by fire to submit an Action Plan to the City within 30 days of the fire and requiring owners of buildings in Group R occupancies with six or more units to install fire blocks in open accessible attics when performing \$50,000 or more of construction work; affirming the Planning Department's determination under the California Environmental Quality Act; making findings under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward this ordinance to the California Building Standards Commission upon final passage as required by State law.

(Fiscal Impact)

04/26/16; ASSIGNED UNDER 30 DAY RULE to Public Safety and Neighborhood Services Committee, expires on 5/26/2016.

05/02/16; REFERRED TO DEPARTMENT. Referred to Department of Building Inspection and Building Inspection Commission for public hearing and recommendation; Planning Department for comment and recommendation; Fire Commission for public hearing and consideration; and Department of Public Health and Planning Department for informational purposes.

05/06/16; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

05/23/16; RESPONSE RECEIVED. 05/18/2016 - The Building Inspection Commission voted unanimously to support the proposed amendment.

07/06/16; RESPONSE RECEIVED. 6/8/2016 - The Fire Commission voted unanimously to support this legislation with recommendations.

07/13/16; TRANSFERRED to Government Audit and Oversight Committee. 7/13/2016 - President Breed transferred this matter from Public Safety and Neighborhood Services Committee to the Government Audit and Oversight Committee.

Heard in Committee. Speakers: Severin Campell (Budget and Legislative Analyst's Office); presented information and answered questions raised throughout the discussion. Female Speaker; Liliana, Cynyaka, and Yadira Sanchez (Causa Justa Just Cause); Gabriella Guzman; Alicia Sandoval (Housing Rights Committee); Lucas (Causa Justa Just Cause); Charlie Goss (San Francisco Apartment Association); spoke in support of the hearing matter.

Member Campos moved that this Ordinance be AMENDED, AMENDMENT OF THE WHOLE BEARING NEW TITLE, by requiring building owners to file Statements of Compliance with the Fire Department and striking the Department of Building Inspection as the required recipient; adding language that in addition to filing the Statement of Compliance, building owners shall post a copy of the most recently filed Statement of Compliance in at least one conspicuous location in a common area on each floor of the building, or if no such common area(s) exist, the building owner shall provide a copy to each residential tenant, no later than 60 days from the date of filing; requiring the Department of Building Inspection to re-inspect premises following a fire that has resulted in the displacement of residential occupants at least every 90 days; and adding other clarifying verbiage. The motion carried by the following vote:

Ayes: 3 - Peskin, Breed, Campos

Excused: 1 - Yee

Ordinance amending the Fire Code and the Housing Code to require building owners provide residential tenants with an annual written notice of smoke alarm requirements and require owners of buildings with three or more dwelling units file a statement of compliance with annual fire alarm testing and inspection requirements every two years; amending the Fire Code and Building Code to require building owners to upgrade existing fire alarm systems by July 1, 2021 or upon completion of \$50,000 or more of construction work, whichever occurs earlier; amending the Building Code to require owners of Apartment Houses damaged by fire to submit an Action Plan to the City within 30 days of the fire, require re-inspection(s) of the premises by the Department of Building Inspection after a fire that has resulted in the displacement of residential occupants, and requiring owners of buildings in Group R occupancies with six or more units to install fire blocks in open accessible attics when performing \$50,000 or more of construction work; affirming the Planning Department's determination under the California Environmental Quality Act; making findings under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward this ordinance to the California Building Standards Commission upon final passage as required by State law. (Fiscal Impact)

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

RECOMMENDED AS AMENDED AS A COMMITTEE REPORT by the following vote:

Ayes: 3 - Peskin, Breed, Campos

Excused: 1 - Yee

160514 [Accept and Expend Grant - State Transportation Development Act, Article 3 - Pedestrian and Bicycle Projects - \$973,909]

Sponsor: Mayor

Resolution authorizing the acceptance and expenditure of a State Transportation Development Act, Article 3, Pedestrian and Bicycle Project grant, in the amount of \$995,524 including \$497,762 for Public Works and \$497,762 for the San Francisco Municipal Transportation Agency, for a three-year period of July 1, 2016, through June 30, 2019.

05/10/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

05/17/16; REFERRED TO DEPARTMENT. Referred to the Municipal Transportation Agency, Public Works, and Bicycle Advisory Committee for informational purposes.

Heard in Committee. Speaker: Rachel Alonso (Public Works); presented information and answered questions raised throughout the discussion.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by striking '\$995,524' and replacing it with '\$973,909' throughout the legislation reflecting the updated amount of funds available for FY2016-2017; on Page 1, Line 5, by striking '\$497,762' and replacing it with '\$486,955'; on Page 1, Line 5, and Page 2, Line 1, by striking '\$497,762' and replacing it with '\$486,954'; on Page 2, Line 19, by striking '\$248,881' and replacing it with '\$243,477'; on Page 2, Line 23, by striking '\$248,881' replacing it with '\$243,478'; on Page 4, Line 4, by striking '\$169,006' replacing it with '\$165,337'; and on Page 4, Line 5, by striking '\$235,889' replacing it with '\$230,767'. The motion carried by the following vote:

Ayes: 2 - Peskin, Breed

Excused: 1 - Yee

Resolution authorizing the acceptance and expenditure of State Transportation Development Act, Article 3, Pedestrian and Bicycle Project funding, in the amount of \$973,909, including \$486,955 for Public Works and \$486,954 for the San Francisco Municipal Transportation Agency, for the period of July 1, 2016 through June 30, 2019.

RECOMMENDED AS AMENDED AS A COMMITTEE REPORT by the following vote:

Ayes: 2 - Peskin, Breed

Excused: 1 - Yee

160793 [Resolution of Intention - Central Market Community Benefit District - Modify the Management Plan and Engineer's Report]**Sponsor: Mayor**

Resolution declaring the intention of the Board of Supervisors to modify the management district plan and engineer's report for the property-based business improvement district (community benefit district) known as the "Central Market Community Benefit District" to remove the district-wide cap on annual assessment revenues; ordering and setting a time and place for a public hearing thereon; approving the form of the Notice of Public Hearing and Assessment Ballot Proceeding and Assessment Ballot; and directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting as required by law.

07/12/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speakers: Chris Corgas (Office of Economic Workforce Development); presented information and answered questions raised throughout the discussion. David Harrison (Central Market Community Benefit District); spoke in support of the hearing matter.

Member Breed moved that this Resolution be AMENDED, AMENDMENT OF THE WHOLE BEARING NEW TITLE, by clarify that the 3% limit on Consumer Price Index does not prohibit the City from updating the assessments under the existing formula to reflect changes to parcels after they were first assessed in 2013; and adding other clarifying verbiage. The motion carried by the following vote:

Ayes: 2 - Peskin, Breed

Excused: 1 - Yee

Resolution declaring the intention of the Board of Supervisors to modify the management district plan and engineer's report for the property-based business improvement district (community benefit district) known as the "Central Market Community Benefit District"; ordering and setting a time and place for a public hearing on September 20, 2016, at 3:00 p.m.; approving the form of the Notice of Public Hearing and Assessment Ballot Proceeding and Assessment Ballot; and directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting as required by law.

RECOMMENDED AS AMENDED AS A COMMITTEE REPORT by the following vote:

Ayes: 2 - Peskin, Breed

Excused: 1 - Yee

160556 [Yerba Buena Community Benefit District - Annual Report to the City - FY2014-2015]**Sponsor: Kim**

Resolution receiving and approving an annual report for the Yerba Buena Community Benefit District for FY2014-2015, 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.

05/17/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

05/24/16; REFERRED TO DEPARTMENT. Referred to the Office of the Controller and the Office of Economic and Workforce Development for informational purposes.

Heard in Committee. Speakers: Chris Corgas (Office of Economic and Workforce Development); Cathy Maupin, Executive Director (Yerba Buena Community Benefit District); presented information and answered questions raised throughout the discussion.

RECOMMENDED by the following vote:

Ayes: 2 - Peskin, Campos

Excused: 1 - Yee

Absent: 1 - Breed

160753 [Civic Center Community Benefit District - Annual Report to the City - FY2014-2015]**Sponsors: Kim; Breed**

Resolution receiving and approving an annual report for the Civic Center Community Benefit District for FY2014-2015, 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. (Department of Economic and Workforce Development)

06/28/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

07/06/16; REFERRED TO DEPARTMENT. Referred to Office of the Controller and Office of Economic and Workforce Development for informational purposes.

Heard in Committee. Speakers: Chris Corgas (Office of Economic and Workforce Development); Don Savoie, Executive Director (Civic Center Community Benefit District); presented information and answered questions raised throughout the discussion.

RECOMMENDED by the following vote:

Ayes: 2 - Peskin, Breed

Excused: 1 - Yee

160754 [North of Market/Tenderloin Community Benefit District - Annual Reports to the City - FYs 2013-2014 and 2014-2015]**Sponsor: Kim**

Resolution receiving and approving annual reports for the North of Market/Tenderloin Community Benefit District for FYs 2013-2014 and 2014-2015, 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. (Department of Economic and Workforce Development)

06/28/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

07/06/16; REFERRED TO DEPARTMENT. Referred to the Office of the Controller and Office of Economic and Workforce Development for informational purposes.

Heard in Committee. Speakers: Chris Corgas (Office of Economic and Workforce Development); Steve Gibson, Interim Executive Director (North of Market/Tenderloin Community Benefit District); presented information and answered questions raised throughout the discussion.

RECOMMENDED by the following vote:

Ayes: 2 - Peskin, Campos

Excused: 2 - Yee, Breed

President Breed appointed Supervisor David Campos, in place of Supervisor Norman Yee, to the Government Audit and Oversight Committee for the Regular Meeting of July 21, 2016, from 10:00 a.m. through the remainder of the meeting.

Supervisor Breed Excused from Attendance

Member Campos moved that Supervisor Breed be excused beginning at 11:06 a.m. and through the remainder of the Government Audit and Oversight Committee meeting of July 21, 2016. The motion carried by the following vote:

Ayes: 2 - Peskin, Campos

Excused: 2 - Yee, Breed

Member Breed was noted not present at 11:06 a.m. and for the remainder of the meeting.

LITIGATION

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 lawsuits and claims in which proposed settlements are being considered by the Committee. 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.

Persons in attendance: Jon Givner, Deputy City Attorney (Office of the City Attorney) and Erica Major (Office of the Clerk of the Board).

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

Member Campos moved to convene in closed session. The motion carried by the following vote:

Ayes: 2 - Peskin, Campos

Excused: 2 - Yee, Breed

160661 **[Settlement of Lawsuit - Wayne Kappelman - \$176,275]**

Ordinance authorizing settlement of the lawsuit filed by Wayne Kappelman against the City and County of San Francisco for \$176,275; the lawsuit was filed on September 2, 2014, in United States District Court, Northern District of California, Case No. 14-CV-04434 MEJ; entitled Wayne Kappelman v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

05/31/16; RECEIVED FROM DEPARTMENT.

06/14/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Peskin moved that this Ordinance be CONTINUED TO THE CALL OF THE CHAIR. The motion carried by the following vote:

Ayes: 2 - Peskin, Campos

Excused: 2 - Yee, Breed

160703 **[Settlement of Lawsuit - Muaadh Alawadhi and Suad Mahyoub - \$156,250]**

Ordinance authorizing settlement of the lawsuit filed by Muaadh Alawadhi and Suad Mahyoub against the City and County of San Francisco for \$156,250; the lawsuit was filed on January 7, 2015, in San Francisco Superior Court, Case No. CGC-15-543559; entitled Muaadh Alawadhi, et al. v. City and County of San Francisco, et al.; the lawsuit involves alleged medical negligence; other material terms of the settlement are co-defendant Regents of the University of California to pay \$156,250. (City Attorney)

06/16/16; RECEIVED FROM DEPARTMENT.

06/28/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Peskin, Campos

Excused: 2 - Yee, Breed

160704 [Settlement of Lawsuit - Ricardo Palikiko-Garcia, Stanley Harris, and Keith Dwayne Richardson - \$90,000]

Ordinance authorizing settlement of the lawsuit filed by Ricardo Palikiko-Garcia, Stanley Harris, and Keith Dwayne Richardson against the City and County of San Francisco for \$90,000; the lawsuit was filed on March 16, 2016, in United States District Court for the Northern District of California, Case No. C16-1305 JCS; entitled Ricardo Palikiko-Garcia, et al. v. City and County of San Francisco, et al.; the lawsuit involves allegations of excessive force, cruel and unusual punishment, and egregious government conduct. (City Attorney)

06/16/16; RECEIVED FROM DEPARTMENT.

06/28/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Peskin, Campos

Excused: 2 - Yee, Breed

160705 [Settlement of Lawsuit - Blue Cross of California and Anthem Blue Cross Life and Health Insurance Company - City to Receive \$6,250,000 and Future Payments]

Ordinance authorizing settlement of the lawsuit filed by the City Attorney, acting on behalf of the People of the State of California, against Blue Cross of California dba Anthem Blue Cross, Anthem Blue Cross Life and Health Insurance Company (collectively, "Blue Cross") and Health Net of California for the payment by Blue Cross of \$6,250,000 in restitution and civil penalties for under-reimbursing Zuckerberg San Francisco General Hospital and Trauma Center ("ZSFG") for emergency medical care provided to Blue Cross's insureds prior to July 1, 2015, and for the payment of additional amounts for such emergency medical care provided between July 1, 2015, and June 30, 2019; the lawsuit was filed on May 24, 2011, in San Francisco Superior Court, Case No. 11-511181; entitled People of the State of California v. Blue Cross of California, et al.; other material terms of said settlement are that Blue Cross and the City will enter into a prompt payment agreement under which Blue Cross agrees to pay and ZSFG agrees to accept certain specified rates for treatment provided by ZSFG to Blue Cross's insureds for emergency medical services rendered from July 1, 2015, through at least June 30, 2019. (City Attorney)

06/14/16; RECEIVED FROM DEPARTMENT.

06/28/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Peskin, Campos

Excused: 2 - Yee, Breed

160706 [Settlement of Lawsuit - State Farm General Insurance Company - \$90,000]

Ordinance authorizing settlement of the lawsuit filed by State Farm General Insurance Company against the City and County of San Francisco for \$90,000; the lawsuit was filed on February 13, 2014, in San Francisco Superior Court, Case No. CGC-14-537478; entitled State Farm General Insurance Company v. City and County of San Francisco; the lawsuit involves alleged property damage arising from flooding. (City Attorney)

06/14/16; RECEIVED FROM DEPARTMENT.

06/28/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Peskin, Campos

Excused: 2 - Yee, Breed

160707 [Settlement of Lawsuit - Paul Walker - \$80,000]

Ordinance authorizing settlement of the lawsuit filed by Paul Walker against the City and County of San Francisco for \$80,000; the lawsuit was filed on November 10, 2015, in United States District Court, Northern District, Case No. CV-15-5129-JCS; entitled Paul Walker v. City and County of San Francisco; the lawsuit involves alleged Americans with Disabilities Act violations. (City Attorney)

06/14/16; RECEIVED FROM DEPARTMENT.

06/28/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Peskin, Campos

Excused: 2 - Yee, Breed

160708 [Settlement of Lawsuit - Mery Perez - \$87,500]

Ordinance authorizing settlement of the lawsuit filed by Mery Perez against the City and County of San Francisco for \$87,500; the lawsuit was filed on February 9, 2015, in San Francisco Superior Court, Case No. CGC-15-544024; entitled Mery Perez v. City and County of San Francisco; the lawsuit involves a medical malpractice claim; other material terms of the settlement are that co-defendant Dr. Derrick Lung is to pay \$87,500. (City Attorney)

06/14/16; RECEIVED FROM DEPARTMENT.

06/28/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Peskin, Campos

Excused: 2 - Yee, Breed

160709 [Settlement of Lawsuit - People of the State of California - \$250,000]

Ordinance authorizing settlement of the lawsuit filed by the People of the State of California against the City and County of San Francisco for \$250,000; the lawsuit will be filed in Alameda County Superior Court; and be entitled People of the State of California v. San Francisco Public Utilities Commission and the City and County of San Francisco; the lawsuit involves alleged violations of California pollution prevention and hazardous materials laws at Public Utilities Commission facilities near Sunol in Alameda. (City Attorney)

06/14/16; RECEIVED FROM DEPARTMENT.

06/28/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Peskin, Campos

Excused: 2 - Yee, Breed

160713 [Settlement of Unlitigated Claim - Isis, also known as Isis Bastet - \$59,155]

Resolution approving the settlement of the unlitigated claim filed by Isis, also known as Isis Bastet, against the City and County of San Francisco for \$59,155; the claim was filed on March 10, 2016; the claim involves an employment dispute. (City Attorney)

06/16/16; RECEIVED FROM DEPARTMENT.

06/28/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Peskin, Campos

Excused: 2 - Yee, Breed

160738 [Settlement of Lawsuit - Gary Frank and Debbie Frank - \$245,000]

Ordinance authorizing settlement of the lawsuit filed by Gary Frank and Debbie Frank against the City and County of San Francisco for \$245,000; the lawsuit was filed on September 16, 2014, in San Francisco Superior Court, Case No. CGC-14-541671; entitled Gary Frank and Debbie Frank v. City and County of San Francisco, et al.; the lawsuit involves alleged property damage arising from flooding. (City Attorney)

06/23/16; RECEIVED FROM DEPARTMENT.

07/12/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Peskin, Campos

Excused: 2 - Yee, Breed

160740 [Settlement of Unlitigated Claims - Jacobs Engineering Group, Inc. - \$168,556]

Resolution approving the settlement of the unlitigated claims between Jacobs Engineering Group, Inc. ("Jacobs") and the City and County of San Francisco for \$168,556; no formal claim has been filed; the potential claim involves Jacobs' demand for payment of the entire withheld contract balance of \$337,111 under its Construction Management Services Agreement with the City, Contract No. CS-914 (the "CM Contract") related to water pipeline installation contract as part of the City's Water System Improvement Program; additional material terms of the settlement are the parties' mutual release of claims. (City Attorney)

06/23/16; RECEIVED FROM DEPARTMENT.

07/12/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Peskin, Campos

Excused: 2 - Yee, Breed

160770 [Settlement of Lawsuit - Sadeq Naji - \$30,000]

Ordinance authorizing settlement of the lawsuit filed by Sadeq Naji against the City and County of San Francisco for \$30,000; the lawsuit was filed on February 3, 2015, in San Francisco Superior Court, Case No. CGC 15-543936; entitled Sadeq Naji v. City and County of San Francisco; San Francisco Public Library; the lawsuit involves an employment dispute. (City Attorney)

06/27/16; RECEIVED FROM DEPARTMENT.

07/12/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Peskin, Campos

Excused: 2 - Yee, Breed

160771 [Settlement of Unlitigated Claim - United States Environmental Protection Agency - Yosemite Slough Sediment Site]

Resolution approving settlement of United States Environmental Protection Agency's ("EPA") unlitigated claim against the City and County of San Francisco; no formal claim has been filed; the settlement resolves EPA's claims against the City to perform pre-design technical studies in support of cleanup of the Yosemite Slough Sediment Site; the settlement requires the City and three other government entities to perform four technical studies at an estimated cost of \$225,000 to be divided equally between four parties; additional material terms of the settlement are that the City will contract with a third party environmental consultant for performance of the studies, the City will assume responsibility for completion of the work pursuant to the settlement agreement, the City will assume responsibility and indemnify EPA for any stipulated penalties or claims arising in connection with performance of the work under the agreement, and the City will reimburse EPA for 25% of future response costs. (City Attorney)

06/27/16; RECEIVED FROM DEPARTMENT.

07/12/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Peskin, Campos

Excused: 2 - Yee, Breed

160772 [Settlement of Unlitigated Claim - Landmark American Insurance Company and RSUI Indemnity Company - City to Receive \$700,000]

Resolution approving settlement of the unlitigated claim of the City and County of San Francisco against Landmark American Insurance Company and RSUI Indemnity Company for \$700,000; the claim involves attorney's fees and costs incurred by the City defending claims and actions related to the water main break in the area of the 2600 and 2700 blocks of 15th Avenue and the 300 and 400 blocks of Wawona Street on February 27, 2013. (City Attorney)

06/30/16; RECEIVED FROM DEPARTMENT.

07/12/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Peskin, Campos

Excused: 2 - Yee, Breed

Deputy City Attorney Jon Givner 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.

[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.

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

Ayes: 2 - Peskin, Campos

Excused: 2 - Yee, Breed

ADJOURNMENT

There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 11:36 a.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.