



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: Jane Kim, Aaron Peskin, London Breed

Clerk: Erica Major (415) 554-4441

Wednesday, May 3, 2017

10:00 AM

City Hall, Legislative Chamber, Room 250

Regular Meeting

Present: 3 - Jane Kim, Aaron Peskin, and London Breed

The Government Audit and Oversight Committee met in regular session on Monday, May 3, 2017, with Chair Jane Kim presiding.

ROLL CALL AND ANNOUNCEMENTS

Chair Kim called the meeting to order at 10:05 a.m. On the call of the roll, Chair Kim, Vice Chair Peskin, and Member Breed were noted present. There was a quorum.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

170278 [Civic Center Community Benefit District - Annual Report for FY2015-2016]

Sponsor: Kim

Resolution receiving and approving an annual report for the Civic Center Community Benefit District for FY2015-2016, 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.

03/14/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

03/22/17; 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); Dan Savoie, Executive Director (Civic Center Community Benefit District); presented information and answered questions raised throughout the discussion.

Member Breed moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Kim, Peskin, Breed

170355 [Central Market Community Benefit District - Annual Report for Calendar Year 2015]**Sponsor: Kim**

Resolution receiving and approving an annual report for the Central Market Community Benefit District for calendar year 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.

04/04/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

04/11/17; 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); Tracy Everwine, Executive Director (Central Market Community Benefit District); presented information and answered questions raised throughout the discussion.

Member Breed moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Kim, Peskin, Breed

170312 [Hearing - Implementation and Compliance of Language Access Ordinance]**Sponsor: Fewer**

Hearing on departmental compliance with the Language Access Ordinance, including a review of the 2017 Language Access Ordinance Annual Compliance Report implementation and recommendations; and requesting the Office of Civic Engagement and Immigrant Affairs to report.

03/21/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

03/27/17; REFERRED TO DEPARTMENT. Referred to the Office of Civic Engagement and Immigrant Affairs for informational purposes and requesting the department to report.

Heard in Committee. Speakers: Chelsea Boilard (Office of Supervisor Sandra Lee Fewer); Adrienne Pon, Executive Director (Office of Civic Engagement and Immigrant Affairs); Annette Wong (Chinese for Affirmative Action); Ana DeCarolis (Mujeres Unidas y Activas); Kati Barahona (Central American Resource Center); Clementine Ntshaykolo (African Advocacy Network); John Murray (Human Services Agency); Commander David Lazar and Kim Li (Police Department); Ron Weigelt, Arlena Winn (Department of Public Health); Lulu Feliciano, Kathleen Sakelaris and Deanna Desedas (San Francisco Municipal Transportation Agency); Beverly Ng (Recreation and Park Department); Christina Varner (Residential Rent Stabilization and Arbitration Board); presented information and answered questions raised throughout the discussion. Herbert Weiner; Susan Gard (Department of Human Resources); Miriam (Mujeres Unidas y Activas); spoke on various concerns relating to the hearing matter.

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

Ayes: 3 - Kim, Peskin, Breed

170452 [Supporting Organizing Efforts by Workers Employed by Commuter Shuttle Services]**Sponsors: Safai; Cohen, Peskin and Ronen**

Resolution supporting organizing efforts by workers employed by commuter shuttle services, such as Chariot, in the City and County of San Francisco.

04/18/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

04/25/17; REFERRED TO DEPARTMENT. Referred to the San Francisco Municipal Transportation Agency and San Francisco International Airport for informational purposes.

Heard in Committee. Speakers: Supervisor Ahsha Safai (Board of Supervisors); presented information and answered questions raised throughout the discussion. Doug Bloch (Teamsters Joint Council 7); Herbert Weiner; spoke on various concerns relating to the hearing matter.

Member Breed moved that this Resolution be CONTINUED TO CALL OF THE CHAIR. The motion carried by the following vote:

Ayes: 3 - Kim, Peskin, Breed

Vice Chair Peskin was noted absent at 12:13 p.m. and for the remainder of the meeting.

Vice Chair Peskin Excused from Attendance

Member Breed moved that Vice Chair Peskin be excused beginning at 12:13 p.m. and from the remainder of the Government Audit and Oversight Committee meeting of May 3, 2017. The motion carried by the following vote.

Ayes: 2 - Kim, Breed

Excused: 1 - Peskin

170491 [Hearing - Promoting Public Safety and Ensuring Timely Communication and Response in Event of a City-Wide Power Failure]**Sponsors: Breed; Peskin**

Hearing on the causes and response to the massive power failure on April 21, 2017, which impacted wide swaths of San Francisco, to improve strategies for agencies to communicate and coordinate in response to threats to public safety; and requesting the Department of Emergency Management, San Francisco Public Utilities Commission, Public Works, San Francisco Municipal Transportation Agency, Police Department, Fire Department, and Pacific Gas and Electric Company to report.

04/25/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speakers: Papia Gambelin and Barry Anderson (Pacific Gas and Electric Company); Anne Kronenberg, Executive Director (Department of Emergency Management); Deputy Chief Mikail Ali (Police Department); Joanne Hayes-White, Chief (Fire Department); Mary Ellen Carroll (Public Utilities Commission); Jeff Flynn (San Francisco Municipal Transportation Agency); presented information and answered questions raised throughout the discussion. Herbert Weiner; David Breis; John McKnight (The Salvation Army); Jeff Ellis; spoke on various concerns relating to the hearing matter.

Member Breed moved that this Hearing be HEARD AND FILED. The motion carried by the following vote:

Ayes: 2 - Kim, Breed

Excused: 1 - Peskin

170251 [Hearing - Controller's Year-End Performance and Benchmarking Reports]**Sponsor: Peskin**

Hearing on the departmental performance results outlined in the Controller's Office year-end performance and benchmarking reports; and requesting the Controller's Office to present.

03/07/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

03/14/17; REFERRED TO DEPARTMENT. Referred to the Office of the Controller for informational purposes and requesting the Department to report.

Heard in Committee. Speakers: None.

Member Breed moved that this Hearing be CONTINUED TO CALL OF THE CHAIR. The motion carried by the following vote:

Ayes: 2 - Kim, Breed

Excused: 1 - Peskin

LITIGATION

Speakers: Richard Costa (Protect our Benefits); spoke in support of File No. 170318.

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.

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

Persons in attendance: Jon Givner (Office of the City Attorney); Erica Major and John Carroll (Office of the Clerk of the Board).

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

Ayes: 2 - Kim, Breed

Excused: 1 - Peskin

170317 [Settlement of Lawsuit - Laurie Kassel - \$102,915.40]

Ordinance authorizing settlement of the lawsuit filed by Laurie Kassel against the City and County of San Francisco for \$102,915.40; the lawsuit was filed on December 27, 2016, in San Francisco Superior Court, Case No. CGC 16-556160; entitled Laurie Kassel v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

03/16/17; RECEIVED FROM DEPARTMENT.

04/04/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Member Breed moved that this Ordinance be RECOMMENDED... The motion carried by the following vote:

Ayes: 2 - Kim, Breed

Excused: 1 - Peskin

170318 [Settlement of Lawsuit - Protect Our Benefits - \$750,000]

Ordinance authorizing settlement of the plaintiff's claim for attorney's fees and costs in the lawsuit filed by Protect Our Benefits against the City and County of San Francisco for \$750,000; the lawsuit was filed on February 25, 2013, in San Francisco Superior Court, Case No. CPF-13-512788; entitled Protect Our Benefits v. City & County of San Francisco; the lawsuit involves Supplemental Cost of Living Adjustment pension benefits payable to San Francisco Employees' Retirement System retirees. (City Attorney)

03/20/17; RECEIVED FROM DEPARTMENT.

04/04/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Member Breed moved that this Ordinance be RECOMMENDED... The motion carried by the following vote:

Ayes: 2 - Kim, Breed

Excused: 1 - Peskin

170319 [Settlement of Lawsuit - Yelp Inc. - \$599,000]

Ordinance authorizing settlement of the lawsuit filed by Yelp Inc. against the City and County of San Francisco for \$599,000; the lawsuit was filed on February 23, 2017, in San Francisco Superior Court, Case No. CGC-17-557250; entitled Yelp Inc. v. City and County of San Francisco et al.; the lawsuit involves a refund of payroll expense taxes and gross receipts taxes. (City Attorney)

03/20/17; RECEIVED FROM DEPARTMENT.

04/04/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Member Breed moved that this Ordinance be RECOMMENDED... The motion carried by the following vote:

Ayes: 2 - Kim, Breed

Excused: 1 - Peskin

170320 [Settlement of Lawsuit - Leslie Stewart - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by Leslie Stewart against the City and County of San Francisco for \$75,000; the lawsuit was filed on September 10, 2015, in San Francisco Superior Court, Case No. CGC-15-547872; entitled Leslie Stewart v. City and County of San Francisco; the lawsuit involves alleged personal injury on a City street. (City Attorney)

03/27/17; RECEIVED FROM DEPARTMENT.

04/04/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Member Breed moved that this Ordinance be RECOMMENDED... The motion carried by the following vote:

Ayes: 2 - Kim, Breed

Excused: 1 - Peskin

170324 [Settlement of Unlitigated Claim - The University Club - \$287,500]

Resolution approving the settlement of the unlitigated claim filed by The University Club against the City and County of San Francisco for \$287,500; claim was filed on November 28, 2016; the claim involves a transfer tax refund. (City Attorney)

03/16/17; RECEIVED FROM DEPARTMENT.

04/04/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Member Breed moved that this Resolution be RECOMMENDED... The motion carried by the following vote:

Ayes: 2 - Kim, Breed

Excused: 1 - Peskin

170325 [Settlement of Unlitigated Claim - Credit Suisse Securities (USA) LLC - \$1,068,909]

Resolution approving the settlement of the unlitigated claim filed by Credit Suisse Securities (USA) LLC against the City and County of San Francisco for \$1,068,909; the claim was filed on May 12, 2016; the claim involves a refund of payroll expense taxes. (City Attorney)

03/27/17; RECEIVED FROM DEPARTMENT.

04/04/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Member Breed moved that this Resolution be RECOMMENDED... The motion carried by the following vote:

Ayes: 2 - Kim, Breed

Excused: 1 - Peskin

170389 [Settlement of Lawsuit - Maryam Mozafari - \$70,000]

Ordinance authorizing settlement of the lawsuit filed by Maryam Mozafari against the City and County of San Francisco for \$70,000; the lawsuit was filed on June 16, 2015, in San Francisco Superior Court, Case No. CGC-15-546389; entitled Maryam Mozafari v. City and County of San Francisco; the lawsuit involves alleged personal injury on a City sidewalk adjacent to Alta Plaza Park. (City Attorney) 04/07/17; RECEIVED FROM DEPARTMENT.

04/18/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Member Breed moved that this Ordinance be RECOMMENDED... The motion carried by the following vote:

Ayes: 2 - Kim, Breed

Excused: 1 - Peskin

170431 [Settlement of Unlitigated Grievance - Sheriff's Managers and Supervisors Association - \$542,546.95]

Resolution approving the settlement of the unlitigated grievance filed by the Sheriff's Managers and Supervisors Association, on behalf of its members, against the City and County of San Francisco for \$542,546.95; the grievance was filed on September 25, 2015; the grievance involves an employment dispute. (City Attorney)

04/17/17; RECEIVED FROM DEPARTMENT.

04/25/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Member Breed moved that this Resolution be RECOMMENDED... The motion carried by the following vote:

Ayes: 2 - Kim, Breed

Excused: 1 - Peskin

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

Ayes: 2 - Kim, Breed

Excused: 1 - Peskin

ADJOURNMENT

There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 1:42 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.