



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

Monday, July 17, 2017

12:00 PM

City Hall, Committee Room 263

Special Meeting

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

The Government Audit and Oversight Committee met in special session on July 17, 2017, with Chair Jane Kim presiding.

ROLL CALL AND ANNOUNCEMENTS

Chair Kim called the meeting to order at 12:05 p.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

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.

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 and Cheryl Adams (Office of the City Attorney); Victor Young and John Carroll (Office of the Clerk of the Board).

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

Ayes: 3 - Kim, Peskin, Breed

170727 [Settlement of Lawsuit - Alfred Fred Pittman - \$30,000]

Ordinance authorizing settlement of the lawsuit filed by Alfred Fred Pittman against the City and County of San Francisco for \$30,000; the lawsuit was filed on June 20, 2013, in United States District Court, Case No. 13-CV-02095; entitled Alfred Fred Pittman v. City and County of San Francisco; the lawsuit involves alleged civil rights violations. (City Attorney)

06/09/17; RECEIVED FROM DEPARTMENT.

06/20/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Kim, Peskin, Breed

170728 [Settlement of Lawsuit - Barbara Burke and Miles Burke - \$65,000]

Ordinance authorizing settlement of the lawsuit filed by Barbara Burke and Miles Burke against the City and County of San Francisco for \$65,000; the lawsuit was filed on May 20, 2015, in San Francisco Superior Court, Case No. CGC-15-545917; entitled Barbara Burke and Miles Burke v. City and County of San Francisco, Does 1-10; the lawsuit involves personal injury from an alleged dangerous condition of public property. (City Attorney)

06/09/17; RECEIVED FROM DEPARTMENT.

06/20/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Vice Chair Peskin moved that this Ordinance be RECOMMENDED AS COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Kim, Peskin, Breed

170729 [Settlement of Lawsuit - San Francisco Apartment Association, et al. - \$130,440]

Ordinance authorizing settlement of the lawsuit filed by San Francisco Apartment Association, Coalition For Better Housing, and San Francisco Association of Realtors against the City and County of San Francisco for \$130,440; the lawsuit was filed on January 28, 2014, in San Francisco Superior Court, Case No. CPF-14-513452; entitled San Francisco Apartment Association, et al. v. City and County of San Francisco; the lawsuit involves a claim for attorney's fees and costs following Petitioners' challenge to Section 317(e)(4) of Ordinance No. 287-13 on the grounds it is preempted by the state Ellis Act. (City Attorney)

06/09/17; RECEIVED FROM DEPARTMENT.

06/20/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Vice Chair Peskin moved that this Ordinance be RECOMMENDED AS COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Kim, Peskin, Breed

170730 [Settlement of Lawsuit - Jose H. Lima Osorio - \$57,500]

Ordinance authorizing settlement of the lawsuit filed by Jose H. Lima Osorio against the City and County of San Francisco for \$57,500; the lawsuit was filed on March 9, 2016, in San Francisco Superior Court, Case No. CGC-16-550862; entitled Jose H. Lima Osorio v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injuries when plaintiff was struck by a vehicle while in the crosswalk. (City Attorney)

06/09/17; RECEIVED FROM DEPARTMENT.

06/20/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Vice Chair Peskin moved that this Ordinance be RECOMMENDED AS COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Kim, Peskin, Breed

170731 [Settlement of Lawsuit - BHR Operations LLC, dba Crowne Plaza and dba Holiday Inn Fisherman's Wharf, et al. - \$1,613,554.74]

Ordinance authorizing settlement of two lawsuits filed by BHR Operations LLC, dba Crowne Plaza and dba Holiday Inn Fisherman's Wharf, et al. against the City and County of San Francisco for \$1,613,554.74 to be distributed as follows: BHR Operations LLC \$379,969.68, Hotel Nikko of San Francisco Inc. \$201,741.40, Datam S.F. LLC \$277,953.69, RP/Kinetic Parc 55 Owner, LLC \$25,601.63, S.F. Hilton LLC \$447,301.52, W2005 Argent Hotel Realty LLC \$42,857.19, British Airways Plc \$163,369.38, Cathay Pacific Airways Ltd \$74,760.25; the lawsuits were filed in San Francisco Superior Court, as Case No. CGC-10-498514 entitled BHR Operations LLC, dba Crowne Plaza and dba Holiday Inn Fisherman's Wharf, et al. v. City and County of San Francisco, et al. filed on April 9, 2010, and Case No. CGC-10-505526 entitled British Airways Plc v. City and County of San Francisco, et al. filed on November 19, 2010; other material terms of the settlement include the City's retaining transient occupancy taxes collected by the Tax Collector, and the plaintiffs' agreement to pay transient occupancy taxes in the future according to the Tax Collector's regulations; the lawsuits involve a dispute between the City and the hotel and airline industry about whether airline crew rooms are exempt from the City's transient occupancy tax. (City Attorney)

06/09/17; RECEIVED FROM DEPARTMENT.

06/20/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Vice Chair Peskin moved that this Ordinance be RECOMMENDED AS COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Kim, Peskin, Breed

170732 [Settlement of Lawsuit - Betsy Isabel Ayala - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by Betsy Isabel Ayala against the City and County of San Francisco for \$75,000; the lawsuit was filed on July 7, 2015, in San Francisco Superior Court, Case No. CGC-15-546742; entitled Betsy Isabel Ayala v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City street. (City Attorney)

06/09/17; RECEIVED FROM DEPARTMENT.

06/20/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Vice Chair Peskin moved that this Ordinance be RECOMMENDED AS COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Kim, Peskin, Breed

170734 [Settlement of Unlitigated Claim - Everlane Inc. - \$117,726.22]

Resolution approving the settlement of the unlitigated claim filed by Everlane Inc. against the City and County of San Francisco for \$117,726.22; claim was filed on January 26, 2017; the claim involves property damage arising from flooding. (City Attorney)

06/09/17; RECEIVED FROM DEPARTMENT.

06/20/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Kim, Peskin, Breed

170735 [Settlement of Unlitigated Claim - Adam Holm, dba Pseudo Studio - \$33,202.60]

Resolution approving the settlement of the unlitigated claim filed by Adam Holm, dba Pseudo Studio against the City and County of San Francisco for \$33,202.60; the claim was filed on February 21, 2017; the claim involves property damage arising from flooding. (City Attorney)

06/09/17; RECEIVED FROM DEPARTMENT.

06/20/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Kim, Peskin, Breed

170752 [Settlement of Lawsuit - Zhen Qiang Zhang - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by Zhen Qiang Zhang against the City and County of San Francisco for \$75,000; the lawsuit was filed on November 13, 2014, in San Francisco Superior Court, Case No. CGC-14-542708; entitled Zhen Qiang Zhang v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

06/16/17; RECEIVED FROM DEPARTMENT.

06/27/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Kim, Peskin, Breed

170753 [Settlement of Lawsuit - Pedro Figueroa Zarceno - \$190,000]

Ordinance authorizing settlement of the lawsuit filed by Pedro Figueroa Zarceno against the City and County of San Francisco for \$190,000; the lawsuit was filed on January 17, 2017, in United States District Court for the Northern District of California, Case No. 17-cv-00229 JST; entitled Pedro Figueroa Zarceno v. City and County of San Francisco, et al.; the lawsuit involves unlawful arrest. (City Attorney)

06/16/17; RECEIVED FROM DEPARTMENT.

06/27/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Vice Chair Peskin moved that this Ordinance be RECOMMENDED AS COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Kim, Peskin, Breed

170754 [Settlement of Lawsuit - Stuart Kohler - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by Stuart Kohler against the City and County of San Francisco for \$75,000; the lawsuit was filed on November 8, 2016, in United States District Court, Case No. 16-CV-6502; entitled Stuart Kohler v. City and County of San Francisco et al.; the lawsuit involves alleged civil rights violations. (City Attorney)

06/16/17; RECEIVED FROM DEPARTMENT.

06/27/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Kim, Peskin, Breed

170794 [Settlement of Lawsuit - Sarah Loomis - \$95,000]

Ordinance authorizing settlement of the lawsuit filed by Sarah Loomis against the City and County of San Francisco for \$95,000; the lawsuit was filed on February 19, 2016, in San Francisco Superior Court, Case No. CGC-16-550399; entitled Sarah Loomis v. Nathaniel David Mansker, City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from vehicle collision. (City Attorney)

06/26/17; RECEIVED FROM DEPARTMENT.

07/11/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Vice Chair Peskin moved that this Ordinance be RECOMMENDED AS COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Kim, Peskin, Breed

170795 [Settlement of Lawsuit - Sonia Meyerson - \$52,500]

Ordinance authorizing settlement of the lawsuit filed by Sonia Meyerson against the City and County of San Francisco for \$52,500; the lawsuit was filed on April 22, 2015, in San Francisco Superior Court, Case No. CGC-15-545451; entitled Sonia Meyerson v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City street. (City Attorney)

06/26/17; RECEIVED FROM DEPARTMENT.

07/11/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Vice Chair Peskin moved that this Ordinance be RECOMMENDED AS COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Kim, Peskin, Breed

170796 [Settlement of Lawsuit - Bernard Sandoval - \$120,000]

Ordinance authorizing settlement of the lawsuit filed by Bernard Sandoval against the City and County of San Francisco for \$120,000; the lawsuit was filed on June 25, 2015, in San Francisco Superior Court, Case No. CGC-15-546562; entitled Bernard Sandoval v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

06/26/17; RECEIVED FROM DEPARTMENT.

07/11/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Kim, Peskin, Breed

170797 [Settlement of Lawsuit - Paula Ginsburg - \$225,000]

Ordinance authorizing settlement of the lawsuit filed by Paula Ginsburg against the City and County of San Francisco for \$225,000; the lawsuit was filed on February 17, 2016, in San Francisco Superior Court, Case No. CGC-16-550470; entitled Paula Ginsburg v. City and County of San Francisco, and Does 1 to 25, Inclusive; the lawsuit involves alleged personal injury on a City sidewalk adjacent to Alta Plaza Park. (City Attorney)

06/27/17; RECEIVED FROM DEPARTMENT.

07/11/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Vice Chair Peskin moved that this Ordinance be RECOMMENDED AS COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Kim, Peskin, Breed

[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.

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

Ayes: 3 - Kim, Peskin, Breed

ADJOURNMENT

There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 1:06 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.