



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: John Carroll (415) 554-4445

Wednesday, October 4, 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 October 4, 2017, with Chair Jane Kim presiding.

ROLL CALL AND ANNOUNCEMENTS

Chair Kim called the meeting to order at 10:06 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

170664 [Hearing - Civil Grand Jury Report - Educational Parity in Custody Report Ensuring Equality of Women's Education in the San Francisco Jail System]

Hearing on the recently-published 2016-2017 Civil Grand Jury report, entitled "Educational Parity in Custody Report Ensuring Equality of Women's Education in the San Francisco Jail System." (Clerk of the Board)

07/10/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

09/11/17; RESPONSE RECEIVED. The Office of the Sheriff submitted a response to the Civil Grand Jury Report.

Heard in Committee. Speakers: Kathie Lowry and Rae Raucci (2016-2017 Civil Grand Jury); Sheriff Vicki Hennessy (Sheriff's Department); presented information and answered questions raised throughout the discussion. Adam Raskin; Michael Skahill; spoke on various concerns relating to the hearing matter.

Vice Chair Peskin moved that this Hearing be HEARD AND FILED. The motion carried by the following vote:

Ayes: 3 - Kim, Peskin, Breed

Chair Kim requested File Nos. 170666 and 170667 called together.

170666 [Hearing - Civil Grand Jury Report - Planning to Make Our Parks Even Better]

Hearing on the recently-published 2016-2017 Civil Grand Jury report, entitled "Planning to Make Our Parks Even Better." (Clerk of the Board)

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

09/08/17; RESPONSE RECEIVED. The Office of the Mayor submitted a consolidated response to the Civil Grand Jury Report from the Mayor's Office and the Recreation and Parks Department.

09/29/17; RESPONSE RECEIVED. The Recreation and Park Department submitted the Recreation and Park Commission's response to the Civil Grand Jury Report.

Heard in Committee. Speakers: Kathie Lowry and Charles Head (2016-2016 Civil Grand Jury); Dawn Kamalanathan (Recreation and Parks Department); presented information and answered questions raised throughout the discussion. Pratibha Tekkey (Tenderloin Housing Clinic); Stephen Tennis; Curtis Bradford (Tenderloin Neighborhood Development Corporation); Laura Sinai; Enrique (La Voz Latina); Anna; spoke on various concerns relating to the hearing matter.

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

Ayes: 3 - Kim, Peskin, Breed

170667 [Board Response - Civil Grand Jury Report - Planning to Make Our Parks Even Better]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2016-2017 Civil Grand Jury Report, entitled "Planning to Make Our Parks Even Better;" and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget. (Clerk of the Board)

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

09/08/17; RESPONSE RECEIVED. The Office of the Mayor submitted a consolidated response to the Civil Grand Jury Report from the Mayor's Office and the Recreation and Parks Department.

09/29/17; RESPONSE RECEIVED. The Recreation and Park Department submitted the Recreation and Park Commission's response to the Civil Grand Jury Report.

Heard in Committee. Speakers: Kathie Lowry and Charles Head (2016-2016 Civil Grand Jury); Dawn Kamalanathan (Recreation and Parks Department); presented information and answered questions raised throughout the discussion. Pratibha Tekkey (Tenderloin Housing Clinic); Stephen Tennis; Curtis Bradford (Tenderloin Neighborhood Development Corporation); Laura Sinai; Enrique (La Voz Latina); Anna; spoke on various concerns relating to the hearing matter.

Chair Kim moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, by adding Board of Supervisors' responses to Finding No. F3, and Recommendation No. 3.2. The motion carried by the following vote:

Ayes: 3 - Kim, Peskin, Breed

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

Ayes: 3 - Kim, Peskin, Breed

LITIGATION

Chair Kim requested Files Nos. 170903, 170924, 170925, 170926, 170927, 170670, and 171005 be called together.

Speakers: Ellen Lee Zhou spoke on various concerns relating to the hearing matters.

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) 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

170903 [Settlement of Lawsuit - Andre Price, Kenneth Farris, Jr., Abdelaziz Aineb - \$100,000]

Ordinance authorizing settlement of the lawsuit filed by Andre Price, Abdelaziz Aineb, and Kenneth Farris, Jr. against the City and County of San Francisco for \$100,000; the lawsuit was filed on December 22, 2014, in San Francisco Superior Court, Case No. CGC-14-543349; entitled Andre Price, et al. v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

08/30/17; RECEIVED.

09/12/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Kim, Peskin, Breed

170924 [Settlement of Lawsuit - Linda Chen - \$350,000]

Ordinance authorizing settlement of the lawsuit filed by Linda Chen against the City and County of San Francisco for \$350,000; the lawsuit was filed on November 7, 2014, in San Francisco Superior Court, Case No. CGC 14-542604; entitled Linda Chen v. San Francisco Police Department, et al.; the lawsuit involves an employment dispute. (City Attorney)

07/21/17; RECEIVED FROM DEPARTMENT.

09/05/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Kim, Peskin, Breed

170925 [Settlement of Lawsuit - Peter Firestone - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Peter Firestone against the City and County of San Francisco for \$50,000; the lawsuit was filed on October 24, 2014, in San Francisco Superior Court, Case No. CGC-14-542359; entitled Peter Firestone v. Xuong Lu, et al.; the lawsuit involves alleged personal injury from vehicle collision; other material terms of the settlement are co-defendants to pay \$60,000. (City Attorney)

07/31/17; RECEIVED FROM DEPARTMENT.

09/05/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Kim, Peskin, Breed

170926 [Settlement of Lawsuit - Daniel Levin, Maria Levin, Park Lane Associates, L.P., San Francisco Apartment Association, and Coalition for Better Housing - \$259,800]

Ordinance authorizing settlement of the lawsuit filed by Daniel Levin, Maria Levin, Park Lane Associates, L.P., San Francisco Apartment Association, and Coalition for Better Housing against the City and County of San Francisco for \$259,800; the lawsuit was filed on July 24, 2014, in the United States District Court for the Northern District of California, Case No. 3:14-cv-3352-CRB; entitled Daniel Levin et al. v. City and County of San Francisco; the lawsuit involves whether Ordinance No. 54-14, which required landlords to provide increased relocation payments to displaced tenants following certain types of evictions, unlawfully took plaintiffs' property. (City Attorney)

08/03/17; RECEIVED FROM DEPARTMENT.

09/05/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Kim, Peskin, Breed

170927 [Settlement of Lawsuit - Pacific Rod & Gun Club - City to Receive \$8,250,000]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Pacific Rod & Gun Club for \$8,250,000; the lawsuit was filed on March 27, 2014, in San Francisco Superior Court, Case No. CGC-14-538294; entitled City and County of San Francisco v. Pacific Rod & Gun Club; the City sued its former tenant Pacific Rod & Gun Club for nuisance and breach of contract to recover the City's hazardous material remediation expenses resulting from the Club's use of shotgun shells containing lead and arsenic and targets containing asphalt compounds at a gun range that it operated on City property on Lake Merced from 1933 to 2015. (City Attorney)

08/18/17; RECEIVED FROM DEPARTMENT.

09/05/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Kim, Peskin, Breed

170670 [Settlement of Unlitigated Claim - 1fb.net, Inc. - \$37,740.98]

Resolution approving the settlement of the unlitigated claim filed by 1fb.net, Inc. against the City and County of San Francisco for \$37,740.98; the claim was filed on March 13, 2017; the claim involves a refund of payroll expense taxes. (City Attorney)

07/31/17; RECEIVED FROM DEPARTMENT.

09/05/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Kim, Peskin, Breed

171005 [Settlement of Unlitigated Claim - Ronald Terry - \$89,500]

Resolution approving the settlement of the unlitigated claim filed by Ronald Terry against the City and County of San Francisco for \$89,500; the claim was filed on September 27, 2016; the claim involves an employment dispute. (City Attorney)

09/18/17; RECEIVED FROM DEPARTMENT.

09/26/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Kim moved that this Resolution be RECOMMENDED.. 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 12:19 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.