



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, January 17, 2018

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 January 17, 2018, with Chair Jane Kim presiding.

ROLL CALL AND ANNOUNCEMENTS

Chair Kim called the meeting to order at 10:20 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

151245 [Hearing - Short-Term Residential Rentals Enforcement]

Sponsor: Peskin

Hearing on short-term residential rentals registration and enforcement activity, current staffing levels of the Office of Short-Term Residential Rental Administration and Enforcement, and any need for additional resources of policies to adequately enforce the law; and requesting the Office of Short-Term Residential Rental Administration and Enforcement to report.

12/01/15; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

12/09/15; REFERRED TO DEPARTMENT. Referred to the Office of Short Term Residential Rental Administration and Enforcement for informational purposes.

01/11/16; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Supervisor David Campos (Board of Supervisors); Kevin Guy, Director (Office of Short Term Residential Rental Administration and Enforcement); presented information and answered questions raised throughout the discussion. Jim Lazarus (San Francisco Chamber of Commerce); Keith Baraka (Airbnb host); Tom O'Connor (San Francisco Firefighters, Local 798); Matthew Holtz; Guy Bristow; Jerry Guo (BetterHousingPolicies.org); Alfonso Faustino; Eliana Telles; Giuliana Halasz; Esther Krejci; Lawrence Gordon; Gabriela Sapp (Hispanic Chamber of Commerce); Peter Kwan; Michael Chen; Debbie Eller; Ashley Valdespiwo; Female Speaker; Joel Lee; Female Speaker; Linda Litehiser; Cecelia Khoo; Dr. Lisa Fromer; Reed Eller; Keith Freedman; Jennifer Fieber (San Francisco Tenants Union); Tony Robles (Senior & Disability Action); Theresa Flandrich (North Beach Tenants Committee); Roger Ritter (West of Twin Peaks Central Council); Wendy Testu; Emily Kernisian; Jennifer Amdary; Iam Lewis; Tes Wellborn; Barbara Ristau; David Jacoby; spoke on various concerns regarding the hearing matter.

04/25/16; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Kevin Guy, Director (Office of Short Term Residential Rental Administration and Enforcement); provided an overview and responded to questions raised throughout the discussion. Mark Bruno; Reed Eller; spoke on various concerns regarding the hearing matter.

10/28/16; TRANSFERRED to Government Audit and Oversight Committee. President Breed transferred this Hearing from the Land Use and Transportation committee to the Government Audit and Oversight committee.

11/03/16; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Kevin Guy, Director (Office of Short Term Residential Rental Administration and Enforcement); Supervisor David Campos (Board of Supervisors); presented information and answered questions raised throughout the discussion. Dale Carlson (ShareBetter SF); Cynthia Pollock; Laura Thompson; Female Speaker; spoke on various concerns relating to the hearing matter.

04/28/17; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Omar Masry (Office of Short Term Residential Rental Administration and Enforcement); presented information and answered questions raised throughout the discussion. Dale Carlson; Tes Wellborn; Female Speaker; spoke on various concerns relating to the hearing matter.

12/21/17; REMAIN ACTIVE. Supervisor Peskin requested this matter remain active for an additional six months until June 21, 2018.

Heard in Committee. Speakers: Kevin Guy, Director (Office of Short Term Residential Rental Administration and Enforcement); presented information and answered questions raised throughout the discussion. Keith Freedman and Phil Li (Homesharer's Democratic Club); Jason Holstein; Laura Thompson; Joe Litehiser; Kevin Krejci; Peihong Yan; Eric Dew; Dale Carlson, and Calvin Welsh (Sharebetter SF); Tes Wellborn; Robert Zehm; 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

170660 [Follow-Up Board Response - Civil Grand Jury Report - Accelerating SF Government Performance - Taking Accountability and Transparency to the Next Level]

Hearing on the recently-published 2016-2017 Civil Grand Jury report, entitled "Accelerating SF Government Performance - Taking Accountability and Transparency to the Next Level." (Government Audit and Oversight Committee)

06/05/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

07/28/17; RESPONSE RECEIVED. The Office of the Controller submitted a response to the Civil Grand Jury Report.

08/03/17; RESPONSE RECEIVED. The Office of the Mayor submitted a response to the Civil Grand Jury Report.

09/06/17; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Kathie Lowry and Lawrence Groo (2016-2017 Civil Grand Jury); Melissa Whitehouse (Office of the Mayor); Peg Stevenson and Natasha Mihal (Office of the Controller); presented information and answered questions raised throughout the discussion. Richard Knee (Californians Aware); spoke on various concerns relating to the hearing matter.

12/06/17; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: None.

Heard in Committee. Speakers: Kathie Lowry and Lawrence Groo (2016-2017 Civil Grand Jury); Natasha Mihal (Office of the Controller); presented information and answered questions raised throughout the discussion. Ellen Lee Zhou; Nancy Cross; spoke on various concerns relating to the hearing matter.

PREPARED IN COMMITTEE AS A MOTION

Motion responding to the Civil Grand Jury's request to provide a status update on the Board of Supervisor's response to Recommendation Nos. R2.2, R3.1, R4.1, R6, and R8 contained in the 2016-2017 Civil Grand Jury Report, entitled "Accelerating SF Government Performance - Taking Accountability and Transparency to the Next Level." (Government Audit and Oversight Committee)

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

Ayes: 3 - Kim, Peskin, Breed

170662 [Follow-Up Board Response - Civil Grand Jury Report - The San Francisco Retirement System - Increasing Understanding and Adding Voter Oversight]

Hearing on the recently-published 2016-2017 Civil Grand Jury report, entitled "The San Francisco Retirement System - Increasing Understanding and Adding Voter Oversight." (Government Audit and Oversight Committee)

06/16/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

08/11/17; RESPONSE RECEIVED. The Office of the Controller submitted a response to the Civil Grand Jury Report.

08/15/17; RESPONSE RECEIVED. The Office of the Mayor submitted a consolidated response to the Civil Grand Jury Report from the Mayor's Office, the Elections Department, and the Elections Commission.

09/13/17; RESPONSE RECEIVED. The Retirement Board submitted a response to the Civil Grand Jury Report.

09/20/17; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Kathie Lowrey and Chris Bacon (2016-2017 Civil Grand Jury); Melissa Whitehouse (Office of the Mayor); presented information and answered questions raised throughout the discussion.

Heard in Committee. Speakers: Speakers: Kathie Lowry (2016-2017 Civil Grand Jury); presented information and answered questions raised throughout the discussion. Ellen Lee Zhou; spoke on various concerns relating to the hearing matter.

PREPARED IN COMMITTEE AS A MOTION

Motion responding to the Civil Grand Jury's request to provide a status update on the Board of Supervisor's response to Recommendation No. R2.2 contained in the 2016-2017 Civil Grand Jury Report, entitled "The San Francisco Retirement System - Increasing Understanding and Adding Voter Oversight." (Government Audit and Oversight Committee)

Vice Chair Peskin, seconded by Member Breed, moved that this Motion be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Kim, Peskin, Breed

LITIGATION

Chair Kim requested Files Nos. 171132, 171211, 171276, and 171277 be called together.

Speakers: Ellen Lee Zhou; spoke on various concerns relating to the settlement 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

171132 [Settlement of Lawsuit - Greg Blatman - \$225,000]

Ordinance authorizing settlement of the lawsuit filed by Greg Blatman against the City and County of San Francisco for \$225,000; the lawsuit was filed on August 19, 2014, in San Francisco Superior Court, Case No. CGC 14-541248; entitled Greg Blatman v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

10/23/17; RECEIVED FROM DEPARTMENT.

10/31/17; 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

171211 [Settlement of Unlitigated Claim - Robin Paul Roderick - \$50,000]

Resolution approving the settlement of the unlitigated claim filed by Robin Paul Roderick against the City and County of San Francisco for \$50,000; claim was filed on February 10, 2017; the claim involves an alleged employment dispute. (City Attorney)

11/08/17; RECEIVED FROM DEPARTMENT.

11/28/17; 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

171276 [Settlement of Lawsuit - Lai King Tam - \$142,500]

Ordinance authorizing settlement of the lawsuit filed by Lai King Tam against the City and County of San Francisco for \$142,500; the lawsuit was filed on June 13, 2016, in San Francisco Superior Court, Case No. CGC-16-552527; entitled Lai King Tam v. City and County of San Francisco; the lawsuit involves personal injury allegedly caused by the dangerous condition of a City sidewalk. (City Attorney)

12/04/17; RECEIVED FROM DEPARTMENT.

12/12/17; 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

171277 [Settlement of Lawsuit - Patricia Burley - \$100,000]

Ordinance authorizing settlement of the lawsuit filed by Patricia Burley against the City and County of San Francisco for \$100,000; the lawsuit was filed on October 18, 2016, in San Francisco Superior Court, Case No. CGC-16-554887, and removed on November 22, 2016, to United States District Court, Case No. 16-cv-06762 JCS; entitled Patricia Burley vs. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

12/04/17; RECEIVED FROM DEPARTMENT.

12/12/17; 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

[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 12:27 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.