



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, March 21, 2018

10:00 AM

City Hall, Legislative Chamber, Room 250

Regular Meeting

Present: 3 - Jane Kim, London Breed, and Malia Cohen

Excused: 1 - Aaron Peskin

The Government Audit and Oversight Committee met in regular session on March 21, 2018, with Chair Jane Kim presiding.

ROLL CALL AND ANNOUNCEMENTS

Chair Kim called the meeting to order at 10:10 a.m. On the call of the roll, Chair Kim and Member Breed were noted present. Vice Chair Peskin was noted not present. There was a quorum.

AGENDA CHANGES

There were no agenda changes.

Supervisor Peskin Excused from Attendance

Member Breed moved that Supervisor Peskin be Excused from the Government Audit and Oversight Committee meeting of March 21, 2018. The motion carried by the following vote:

Ayes: 2 - Kim, Breed

Excused: 1 - Peskin

REGULAR AGENDA

171100 [Mills Act Historical Property Contract - 60-62 Carmelita Street]

Sponsor: Sheehy

Resolution approving an historical property contract between Patrick Mooney and Stephen G. Tom, the owners of 60-62 Carmelita Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor-Recorder to execute the historical property contract. (Historic Preservation Commission)

10/11/17; RECEIVED FROM DEPARTMENT.

10/24/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

11/01/17; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Tim Frye (Planning Department); Jon Givner (Office of the City Attorney); Eddie McCaffrey (Office of the Assessor-Recorder); Shannon Ferguson (Planning Department); and Michael Jine (Office of the Assessor-Recorder); presented information and answered questions raised throughout the discussion. John Hjelmstad; spoke on various concerns relating to the hearing matter.

Heard in Committee. Speakers: Tim Frye (Planning Department); presented information and answered questions raised throughout the discussion. Stephen G. Tom and Patrick Mooney (Applicants); Sharon Johnson (Office of Supervisor Jeff Sheehy); spoke in support of the hearing matter.

Supervisor Sheehy requested to be added as a co-sponsor for File No. 171100.

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

Ayes: 2 - Kim, Breed

Excused: 1 - Peskin

President Breed appointed Supervisor Malia Cohen in place of Vice Chair Peskin, for the Government Audit and Oversight Committee meeting of March 21, 2018, beginning at 10:20 a.m.

Supervisor Cohen was noted absent at 11:47 a.m., and for the remainder of the meeting.

180139 [Setting the 2018 Budget and Legislative Analyst Services Work Plan]

Sponsor: Kim

Motion approving the Budget and Legislative Analyst Services work plan for 2018, which allocates hours for calendar year 2018, authorizes the Budget and Legislative Analyst to reallocate up to 20% of the hours between service categories based on Board of Supervisors service needs, and requires Board of Supervisors approval of hours re-allocation greater than 20%; and establishes performance goals and sets a date for the 2018 annual performance evaluation of the Budget and Legislative Analyst Joint Venture Partnership.

02/06/18; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

02/13/18; REFERRED TO DEPARTMENT. Referred to the Office of the Budget and Legislative Analyst for informational purposes.

Heard in Committee. Speaker: Severin Campbell (Office of the Budget and Legislative Analyst); presented information and answered questions raised throughout the discussion.

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

Ayes: 2 - Kim, Breed

Excused: 1 - Peskin

Absent: 1 - Cohen

180164 [Hearing - Negotiations of Memorandum of Understanding - San Francisco Police Officers Association]**Sponsor: Cohen**

Hearing to provide consultation and input to the Mayor and Department of Human Resources on the successor Memorandum of Understanding negotiations between the City and County of San Francisco and the San Francisco Police Officers Association; and requesting the Department of Human Resources, Police Department, and the San Francisco Police Officers Association negotiators to report.

02/13/18; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

02/16/18; REFERRED TO DEPARTMENT. Referred to the Department of Human Resources, Police Department, and negotiators for the San Francisco Police Officers Association for informational purposes.

Heard in Committee. Speakers: Carol Isen (Department of Human Resources); Severin Campbell (Office of the Budget and Legislative Analyst); Jon Givner (Office of the City Attorney); Chief William Scott (Police Department); presented information and answered questions raised throughout the discussion. Alan Schlosser (American Civil Liberties Union); Olinda Orellana (Faith in Action); Iris Biblowitz; Deisy Camey and Father Richard Smith (Faith in Action); Magik Altman (Frisco 500); Roberto Alfaro (Homey); Reverend Joanna Shenk (First Mennonite Church of San Francisco); Speaker; Ivan Corado (Men Allied Nationally Against Living In Violent Environments); Pastor Dimetries Edwards (PICO California); Sandra Dratler (Faith in Action); Frank Martin del Campo; Father John Kirkley and Reverend Davidson Bidwell-Waite (Faith in Action); Speaker; John Crew; Anand Subramanian (Policy Link); Edwin Werte (Faith in Action); Speaker; Tracy Brown Gallardo (Mission Peace Collaborative); Julian Gross (Policy Link); John Talbot (No Justice No Deal Coalition); Natalie Terry; 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: 2 - Kim, Breed

Excused: 1 - Peskin

Absent: 1 - Cohen

LITIGATION

Chair Kim requested Files Nos. 180106, 180107, 180108, 180109, 180110, 180130, 180131, 180111, and 180152 be called together.

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 (Office of the City Attorney), John Updike, Director (Real Estate Division), 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

Absent: 1 - Cohen

180106 [Settlement of Lawsuit - Li Fen Chen - \$250,000]

Ordinance authorizing settlement of the lawsuit filed by Li Fen Chen against the City and County of San Francisco for \$250,000; the lawsuit was filed on May 23, 2016, in San Francisco Superior Court, Case No. CGC-16-552173; entitled Li Fen Chen v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

01/26/18; RECEIVED FROM DEPARTMENT.

02/06/18; 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

Absent: 1 - Cohen

180107 [Settlement of Lawsuit - Lynette White - \$300,000]

Ordinance authorizing settlement of the lawsuit filed by Lynette White against the City and County of San Francisco for \$300,000; the lawsuit was filed on January 29, 2016, in San Francisco Superior Court, Case No. CGC-16-550136; entitled Lynette White v. Blake Cunningham et al.; the lawsuit involves alleged injury from a collision with a Police Department vehicle; other material terms of the settlement include a waiver of the Zuckerberg San Francisco General Hospital lien. (City Attorney)

01/25/18; RECEIVED FROM DEPARTMENT.

02/06/18; 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

Absent: 1 - Cohen

180108 [Settlement of Lawsuit - Nicholas Kafkas - \$45,000]

Ordinance authorizing settlement of the lawsuit filed by Nicholas Kafkas against the City and County of San Francisco for \$45,000; the lawsuit was filed on February 3, 2016, in San Francisco Superior Court, Case No. CGC-16-550258; entitled Nicholas Kafkas v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from vehicle collision. (City Attorney)

01/25/18; RECEIVED FROM DEPARTMENT.

02/06/18; 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

Absent: 1 - Cohen

180109 [Settlement of Lawsuit - California Department of Fair Employment and Housing - \$55,000]

Ordinance authorizing settlement of the lawsuit filed by the California Department of Fair Employment and Housing against the City and County of San Francisco for \$55,000; the lawsuit was filed on August 18, 2017, in San Francisco Superior Court, Case No. CGC-17-560827; entitled Department of Fair Employment and Housing, et al. v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

01/25/18; RECEIVED FROM DEPARTMENT.

02/06/18; 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

Absent: 1 - Cohen

180110 [Settlement of Lawsuit - Janet Silk - \$135,000]

Ordinance authorizing settlement of the lawsuit filed by Janet Silk against the City and County of San Francisco for \$135,000; the lawsuit was filed on October 17, 2016, in San Francisco Superior Court, Case No. CGC-16-554864; entitled Janet Silk v. Robert J. Franko, City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from a vehicle collision. (City Attorney)

01/25/18; RECEIVED FROM DEPARTMENT.

02/06/18; 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

Absent: 1 - Cohen

180130 [Settlement of Lawsuit - Elizabeth A. Loomis - \$275,000]

Ordinance authorizing settlement of the lawsuit filed by Elizabeth A. Loomis against the City and County of San Francisco for \$275,000; the lawsuit was filed on March 9, 2016, in San Francisco Superior Court, Case No. CGC-16-550880; entitled Elizabeth A. Loomis v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury due to a trip and fall. (City Attorney)

01/31/18; RECEIVED FROM DEPARTMENT.

02/13/18; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 2 - Kim, Breed

Excused: 1 - Peskin

Absent: 1 - Cohen

180131 [Settlement of Lawsuit - Mark Johnson, Franco S. Calzolari, Michael Bryant - \$175,000]

Ordinance authorizing settlement of the lawsuit filed by Mark Johnson, Franco S. Calzolari, and Michael Bryant against the City and County of San Francisco for \$175,000; the lawsuit was filed on November 20, 2009, in the United States District Court for the Northern District of California, Case No. CV 09-5503 JSW; entitled Mark Johnson, et al. v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

01/31/18; RECEIVED FROM DEPARTMENT.

02/13/18; 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

Absent: 1 - Cohen

180111 [Settlement of Unlitigated Claim - Barry L. Marquardt - \$90,000]

Resolution approving the settlement of the unlitigated claim filed by Barry L. Marquardt against the City and County of San Francisco for \$90,000; the claim was filed on March 20, 2017; the claim involves a personal injury on a City sidewalk. (City Attorney)

01/25/18; RECEIVED FROM DEPARTMENT.

02/06/18; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 2 - Kim, Breed

Excused: 1 - Peskin

Absent: 1 - Cohen

180152 [Settlement of Unlitigated Claim - 8x8, Inc. - \$485,000]

Resolution approving the settlement of the unlitigated claim filed by 8x8, Inc. against the City and County of San Francisco for \$485,000; the claim was filed on May 2, 2017; the claim involves a refund of telephone users tax. (City Attorney)

02/12/18; RECEIVED FROM DEPARTMENT.

02/27/18; 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

Absent: 1 - Cohen

[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

Absent: 1 - Cohen

ADJOURNMENT

There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 12:48 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.