



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: Gordon Mar, Vallie Brown, Aaron Peskin

Clerk: John Carroll (415) 554-4445

Thursday, February 7, 2019

10:00 AM

City Hall, Legislative Chamber, Room 250

Regular Meeting

Present: 3 - Gordon Mar, Vallie Brown, and Matt Haney

Excused: 1 - Aaron Peskin

The Government Audit and Oversight Committee met in regular session on February 7, 2019, with Chair Gordon Mar presiding.

ROLL CALL AND ANNOUNCEMENTS

President Norman Yee appointed Supervisor Matt Haney, in place of Supervisor Aaron Peskin, for the Government Audit and Oversight Committee meeting of February 7, 2019.

Chair Mar called the meeting to order at 10:13 a.m. On the call of the roll, Chair Mar, Vice Chair Brown, and Member Haney were noted present. Member Peskin was noted not present. There was a quorum.

Supervisor Peskin Excused from Attendance

Vice Chair Brown moved to excuse Supervisor Peskin from attending the Government Audit and Oversight Committee regular meeting of February 7, 2019. The motion carried by the following vote:

Ayes: 3 - Mar, Brown, Haney

Excused: 1 - Peskin

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

181210 [Administrative Code - Our City, Our Home Oversight Committee]

Sponsors: Mayor; Fewer and Brown

Ordinance amending the Administrative Code to establish the Our City, Our Home Oversight Committee as an advisory committee to monitor the City's use of tax revenue received under the Homelessness Gross Receipts Tax established by Proposition C (November 2018), advise the Board of Supervisors and the Mayor regarding administration of the Our City, Our Home Fund, and recommend ways to reduce barriers that prevent people from exiting homelessness.

12/11/18; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/10/2019.

12/21/18; REFERRED TO DEPARTMENT. Referred to the Department of Homelessness and Supportive Housing, the Controller's Office, HOPE SF, and the Department of Public Health for informational purposes.

12/27/18; REFERRED TO DEPARTMENT. Referred to Youth Commission for review and comment.

01/18/19; TRANSFERRED to Government Audit and Oversight Committee. President Yee transferred this matter from the Rules Committee to the Government Audit and Oversight Committee.

Heard in Committee. Speakers: Jordan Davis; Paul Monge-Rodriguez (Compass Family Services); Francis; spoke on various concerns relating to the hearing matter.

Vice Chair Brown moved that this Ordinance be CONTINUED to the Government Audit and Oversight Committee meeting of February 21, 2019. The motion carried by the following vote:

Ayes: 3 - Mar, Brown, Haney

Excused: 1 - Peskin

Chair Mar requested that File Nos. 190051 and 190052 be heard together.

190051 [Labor-Management Agreement - San Francisco Firefighters' Association, Local 798 - Workers' Compensation Alternative Dispute Resolution Program]

Sponsor: Mayor

Resolution authorizing the Department of Human Resources to enter a Workers' Compensation Alternative Dispute Resolution Labor-Management Agreement with the San Francisco Firefighters' Association, Local 798, with an initial term of three years to commence following approval by the Board of Supervisors, and continuing year to year thereafter, in one-year terms.

01/15/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speakers: Kate Howard and Julian Robinson (Department of Human Resources); Supervisor Sandra Lee Fewer (Board of Supervisors); presented information and answered questions raised throughout the discussion. Sean Perdomo (Police Officer's Association); Tom O'Connor (Firefighter's Association); spoke in support of the hearing matter.

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

Ayes: 3 - Mar, Brown, Haney

Excused: 1 - Peskin

190052 [Labor-Management Agreement - San Francisco Police Officers Association - Workers' Compensation Alternative Dispute Resolution Program]

Sponsor: Mayor

Resolution authorizing the Department of Human Resources to enter a Workers' Compensation Alternative Dispute Resolution Labor-Management Agreement with the San Francisco Police Officers Association, with an initial term of three years to commence following approval by the Board of Supervisors, and continuing year to year thereafter in one-year terms.

01/15/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speakers: Kate Howard and Julian Robinson (Department of Human Resources); Supervisor Sandra Lee Fewer (Board of Supervisors); presented information and answered questions raised throughout the discussion. Sean Perdomo (Police Officer's Association); Tom O'Connor (Firefighter's Association); spoke in support of the hearing matter.

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

Ayes: 3 - Mar, Brown, Haney

Excused: 1 - Peskin

181166 [Hearing - City's Preparation for the 2020 Census]**Sponsors: Fewer; Yee**

Hearing on the City's preparation for the 2020 Census and hear presentations from the Office of Civic Engagement and Immigrant Affairs and other departments which work with immigrants and vulnerable populations; and requesting the Office of Civic Engagement and Immigrant Affairs, Department of Homelessness and Supportive Housing, Housing Authority, Department of Children, Youth, and Their Families, Department of Technology's Digital Equity Group, San Francisco Unified School District, and First 5 to report.

11/27/18; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

12/04/18; REFERRED TO DEPARTMENT. Referred to the Office of Civic Engagement and Immigrant Affairs, Department of Homelessness and Supportive Housing, Housing Authority, Department of Children, Youth, and Their Families, Department of Technology's Digital Equity Group, San Francisco Unified School District, and First 5, for informational purposes.

Heard in Committee. Speakers: Supervisor Sandra Lee Fewer (Board of Supervisors); Naomi Kelly, City Administrator (Office of the City Administrator); Adrienne Pon, Executive Director, Robert Clinton, and Richard Whipple (Office of Civic Engagement and Immigrant Affairs); Hong Mei Pang (Chinese for Affirmative Action); Laura Melgarejo (PODER); Supervisor Ahsha Safai (Board of Supervisors); presented information and answered questions raised throughout the discussion. Speaker; spoke on various concerns relating to the hearing matter.

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

Ayes: 3 - Mar, Brown, Haney

Excused: 1 - Peskin

Chair Mar requested that File Nos. 190084 and 190075 be heard together.

190084 [Hearing - Response to the Partial Federal Government Shutdown]

Sponsors: Haney; Ronen, Walton, Mar and Yee

Hearing to discuss the response to the partial federal government shutdown; and requesting the Mayor's Office of Legislative and Government Affairs, Office of Economic and Workforce Development, Director of San Francisco International Airport, Budget and Legislative Analyst, Public Utilities Commission, and the Controller's Office to report.

01/22/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

01/30/19; REFERRED TO DEPARTMENT. Referred to the Mayor's Office, the Office of Economic and Workforce Development, the Director of San Francisco International Airport, the Budget and Legislative Analyst, the Public Utilities Commission, and the Controller's Office for informational purposes.

Heard in Committee. Speakers: Diana Hammons (San Francisco Municipal Transportation Agency); Charles Perl (San Francisco Public Utilities Commission); Joshua Arce (Office of Economic and Workforce Development); Jeff Littlefield, Chief Financial Officer (San Francisco International Airport); Amanda Fried (TTX); presented information and answered questions raised throughout the discussion. Kathy Setian; Angela Johnson and Sameera Mangena (National Treasury Employees Union); Venecia K. Washington Davis; Speaker; Cheryl Holmes; spoke on various concerns relating to the hearing matter.

HEARD AND FILED by the following vote:

Ayes: 3 - Mar, Brown, Haney

Excused: 1 - Peskin

190075 [Response to the Partial Federal Government Shutdown]

Sponsors: Haney; Ronen, Walton, Mar and Yee

Resolution responding to the partial federal government shutdown, affirming San Francisco's solidarity with federal workers, and urging the Mayor and city departments to assist those impacted by the shutdown.

01/22/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speakers: Diana Hammons (San Francisco Municipal Transportation Agency); Charles Perl (San Francisco Public Utilities Commission); Joshua Arce (Office of Economic and Workforce Development); Jeff Littlefield, Chief Financial Officer (San Francisco International Airport); Amanda Fried (TTX); presented information and answered questions raised throughout the discussion. Kathy Setian; Angela Johnson and Sameera Mangena (National Treasury Employees Union); Venecia K. Washington Davis; Speaker; Cheryl Holmes; spoke on various concerns relating to the hearing matter.

RECOMMENDED by the following vote:

Ayes: 3 - Mar, Brown, Haney

Excused: 1 - Peskin

LITIGATION

Chair Mar requested File Nos. 190002, 190003, 19004, 190005, 190006, 190008, and 190010 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 litigation and anticipated litigation. 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.

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

Ayes: 3 - Mar, Brown, Haney
Excused: 1 - Peskin

190002 [Settlement of Lawsuit - Small Property Owners of San Francisco Institute - \$110,000]

Ordinance authorizing settlement of the lawsuit filed by Small Property Owners of San Francisco Institute against the City and County of San Francisco for \$110,000; the lawsuit was filed on January 28, 2014, in San Francisco Superior Court, Case No. CPF-14-513453; entitled Small Property Owners of San Francisco Institute v. City and County of San Francisco, et al.; the lawsuit involves a claim for attorney's fees and costs following Petitioner's challenge to Ordinance No. 286-13 on the grounds, in part, that Section 181(c)(3) is preempted by the state Ellis Act. (City Attorney)

12/19/18; RECEIVED FROM DEPARTMENT.

01/15/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Mar, Brown, Haney
Excused: 1 - Peskin

190003 [Settlement of Unlitigated Claim - Sambou Makalou - \$124,523.97 - Appropriation - Wastewater Enterprise Fund Balance]

Ordinance approving the settlement of the unlitigated claim filed by Sambou Makalou against the City and County of San Francisco for \$124,523.97; the claim was filed on June 27, 2018; the claim involves alleged property damage arising from a water main break; and appropriating \$124,523.97 from the San Francisco Public Utilities Commission Wastewater Enterprise fund balance for payment of settlement. (City Attorney)

12/19/18; RECEIVED FROM DEPARTMENT.

01/15/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Mar, Brown, Haney

Excused: 1 - Peskin

190004 [Partial Settlement of Lawsuit - Susan Garduno - \$105,000]

Ordinance authorizing settlement of the lawsuit filed by Susan Garduno against the City and County of San Francisco for \$105,000; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms; as it relates only to property loss of plaintiff Susan Garduno, by the payment of \$105,000 and excluding the claim by this plaintiff for diminution of value for plaintiff's real property and the claim by plaintiff for attorney's fees, costs and interest, which will be addressed in later proceedings. (City Attorney)

12/19/18; RECEIVED FROM DEPARTMENT.

01/15/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED

Ayes: 3 - Mar, Brown, Haney

Excused: 1 - Peskin

190005 [Settlement of Lawsuit - Winfield International, Inc. - \$500,000]

Ordinance authorizing settlement of the lawsuit filed by Winfield International, Inc. against the City and County of San Francisco for a payment by Winfield International, Inc. of \$500,000; the lawsuit was filed on March 20, 2017, in San Francisco Superior Court, Case No. CPF-17-515532 (Appeal No. A153209); entitled Winfield International, Inc. v. City and County of San Francisco; the lawsuit challenges the City's enforcement of the Below Market Rate housing conditions of approval applicable to Petitioner's real property located at 3000 23rd Street; other material terms of the settlement include recording a notice of special restrictions reflecting the Below Market Rate conditions of approval applicable to the real property; and a 12-month extension and related lease terms for the current tenant of Unit No. 205. (City Attorney)

12/28/18; RECEIVED FROM DEPARTMENT.

01/15/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Mar, Brown, Haney

Excused: 1 - Peskin

190006 [Settlement of Lawsuit - N.C., a Minor - \$45,000]

Ordinance authorizing settlement of the lawsuit filed by N.C., a minor against the City and County of San Francisco for \$45,000; the lawsuit was filed on July 17, 2017, in United States District Court, Case No. 17-cv-4016; entitled N.C., a minor v. City and County of San Francisco, et al.; the lawsuit involves allegations of civil rights violations. (City Attorney)

12/31/18; RECEIVED FROM DEPARTMENT.

01/15/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Mar, Brown, Haney

Excused: 1 - Peskin

190008 [Settlement of Lawsuit - Rocio Guarniz Palacios - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Rocio Guarniz Palacios against the City and County of San Francisco for \$50,000; the lawsuit was filed on January 4, 2017, in San Francisco Superior Court, Case No. CGC-17-556267; entitled Rocio Guarniz Palacios v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

01/03/19; RECEIVED FROM DEPARTMENT.

01/15/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Mar, Brown, Haney

Excused: 1 - Peskin

190010 [Settlement of Unlitigated Claim - CSAA Insurance Exchange - \$34,000]

Resolution approving the settlement of the unlitigated claim filed by CSAA Insurance Exchange against the City and County of San Francisco for \$34,000; the claim was filed on June 20, 2018; the claim involves alleged property damage from vehicle collision. (City Attorney)

12/31/18; RECEIVED FROM DEPARTMENT.

01/15/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Mar, Brown, Haney

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.

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

Ayes: 3 - Mar, Brown, Haney

Excused: 1 - Peskin

ADJOURNMENT

There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 1:27 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.