



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: Dean Preston, Connie Chan, Rafael Mandelman

Clerk: John Carroll (415) 554-4445

Thursday, January 21, 2021

10:00 AM

Regular Meeting

Present: 3 - Dean Preston, Connie Chan, and Rafael Mandelman

The Government Audit and Oversight Committee met in regular session through videoconferencing, and provided public comment through teleconferencing, on Thursday, January 21, 2021, with Dean Preston presiding. Chair Preston called the meeting to order at 10:03 a.m.

Remote Access to Information and Participation

In accordance with Governor Newsom's Executive Order No. N-33-20 declaring a State of Emergency regarding the COVID-19 outbreak and Mayor London N. Breed's Proclamation declaring a Local Emergency issued on February 25, 2020, including the guidance for gatherings issued by the San Francisco Department of Public Health Officer, aggressive directives were issued to reduce the spread of COVID-19. On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely (via Microsoft Teams) and will allow remote public comment via teleconference. Visit the SFGovTV website at (www.sfgovtv.org) to stream the live meetings, or to watch meetings on demand.

Members of the public are encouraged to participate remotely via detailed instructions on participating via teleconference available at: <https://sfbos.org/remote-meeting-call>. Members of the public may participate by phone or may submit their comments by email to: john.carroll@sfgov.org; all comments received will be made a part of the official record. Regularly-scheduled Government Audit and Oversight Committee Meetings begin at 10:00 a.m. on the first and third Thursdays of each month. Committee agendas and their associated documents are available at <https://sfbos.org/committees>.

ROLL CALL AND ANNOUNCEMENTS

On the call of the roll, Chair Preston and Vice Chair Chan. Member Mandelman was noted not present. A quorum was present.

Member Mandelman was noted present at 10:06 a.m.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

190785 [Hearing - Civil Grand Jury Report - Act Now Before it is Too Late: Aggressively Expand and Enhance Our High-Pressure Emergency Firefighting Water System]
Hearing on the 2018-2019 Civil Grand Jury Report, entitled "Act Now Before it is Too Late: Aggressively Expand and Enhance Our High-Pressure Emergency Firefighting Water System." (Clerk of the Board)

07/17/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

07/25/19; REFERRED TO DEPARTMENT. Referred to the Office of the Mayor, the San Francisco Public Utilities Commission, the Fire Department, the Fire Commission, the Office of the City Administrator, and the Office of the Budget and Legislative Analyst for the required response.

09/11/19; RESPONSE RECEIVED. The San Francisco Public Utilities Commission submitted a response to the Civil Grand Jury Report.

09/12/19; RESPONSE RECEIVED. The Fire Commission submitted a response to the Civil Grand Jury Report.

09/16/19; RESPONSE RECEIVED. The Mayor's Office submitted a consolidated response to the Civil Grand Jury Report for the following departments: Office of the Mayor; City Administrator's Office, Public Utilities Commission, Fire Department, and the Department of the Environment.

09/19/19; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Supervisor Sandra Lee Fewer (Board of Supervisors); Rasha Harvey, Foreperson, and Stephen Garber (2018-2019 Civil Grand Jury); John Scarpulla (San Francisco Public Utilities Commission); Heather Green (Office of the City Administrator); presented information and answered questions raised throughout the discussion. Eileen Boken; Tom Doudiet; Nancy Wuerfel; Dick Morten; Ted Lowenberg; David Hooper; Ellen Lee Zhou; Ken; spoke on various concerns relating to the hearing matter.

06/25/20; RESPONSE RECEIVED. The San Francisco Public Utilities commission transmitted a report on the City's Emergency Firefighting Water System (EFWS), prepared pursuant to Resolution No. 484-19 .

07/16/20; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: John Scarpulla (San Francisco Public Utilities Commission); Heather Green (Office of Resilience and Capital Planning); Jose Velo, Deputy Chief (Fire Department); Dave Myerson (San Francisco Public Utilities Commission); presented information and answered questions raised throughout the discussion.

12/02/20; RESPONSE RECEIVED. Received a report from the Budget and Legislative Analyst on the Emergency Firefighting Water System.

Heard in Committee. Speakers: Supervisor Gordon Mar (Board of Supervisors); John Scarpulla (San Francisco Public Utilities Commission); Severin Campbell (Office of the Budget and Legislative Analyst); Jose Velo (Fire Department); presented information and answered questions raised throughout the discussion. Eileen Boken; Francisco da Costa; spoke on various concerns relating to the hearing matter.

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

Ayes: 3 - Preston, Chan, Mandelman

LITIGATION

Chair Preston requested that File Nos. 201313, 210002, 210003, 210004, 201314, 201315, 210005, and 210006 be heard together.

Heard in Committee. 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.

The Deputy City Attorney reported that the Government Audit and Oversight Committee has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding settlements in the lawsuits or claims listed above.

Persons in attendance: Anne Pearson (Office of the City Attorney); Erica Major and John Carroll (Office of the Clerk of the Board).

Member Mandelman moved to convene in closed session. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

201313 **[Settlement of Consolidated Lawsuits - Abdullah Wazwaz, Jason Moore, Kenneth Yeung, Brian Kam, Taira De Bernardi, Stephen Val Kirwan - \$503,506.33]**

Ordinance authorizing settlement of two consolidated lawsuits filed by Taira De Bernardi, Stephen Val Kirwan, Abdullah Wazwaz, Jason Moore, Kenneth Yeung, and Brian Kam, acting for themselves and others similarly situated, against the City and County of San Francisco for \$503,506.33; the first lawsuit was filed on July 30, 2018, in United States District Court for the Northern District of California, Case No. 3:18-cv-04597, entitled Taira De Bernardi and Stephen Val Kirwan v. City and County of San Francisco; and the second lawsuit was filed on September 14, 2018, in United States District Court for the Northern District of California, Case No. 3:18-cv-05580, entitled Abdullah Wazwaz, Jason Moore, Kenneth Yeung and Brian Kam v. City and County of San Francisco; the lawsuits involve employment disputes. (City Attorney)

11/19/20; RECEIVED FROM DEPARTMENT.

12/01/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

210002 [Settlement of Lawsuit - Pacific Bell Telephone Company - \$72,036]

Ordinance authorizing settlement of the lawsuit filed by Pacific Bell Telephone Company against the City and County of San Francisco for \$72,036; the lawsuit was filed on November 25, 2019, in San Francisco Superior Court, Case No. CGC-19-581035; entitled Pacific Bell Telephone Company v. City and County of San Francisco; the lawsuit involves alleged property damage arising from flooding. (City Attorney)

12/18/20; RECEIVED FROM DEPARTMENT.

01/05/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

210003 [Settlement of Lawsuit - Jane Doe - City to Receive \$100,000 from The Regents of The University of California]

Ordinance authorizing settlement of the lawsuit filed by Jane Doe against the City and County of San Francisco for payment of \$100,000 by The Regents of The University of California to the City and County of San Francisco; the lawsuit was filed on April 22, 2016, in San Francisco Superior Court, Case No. CGC-16-551618; entitled Jane Doe v. The City and County of San Francisco, et al.; the lawsuit involves an alleged unauthorized disclosure of medical information. (City Attorney)

12/18/20; RECEIVED FROM DEPARTMENT.

01/05/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

210004 [Settlement of Lawsuit - Sibyl Moore, Charlene Roberts, Antonio Rucker, and Thomas Anderson - \$1,200,000]

Ordinance authorizing settlement of the lawsuit filed by Sibyl Moore, Charlene Roberts, Antonio Rucker, and Thomas Anderson against the City and County of San Francisco for \$1,200,000; the lawsuit was filed on June 28, 2019, in San Francisco Superior Court, Case No. CGC-19-577141; entitled Sibyl Moore, et al. v. City and County of San Francisco, et al.; the lawsuit involves the alleged wrongful death of Ruby Anderson, Plaintiffs' mother, who was a resident of the Residential Care for the Elderly (RCFE) located at the San Francisco Behavioral Health Center (BHC). (City Attorney)

12/18/20; RECEIVED FROM DEPARTMENT.

01/05/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

201314 [Settlement of Unlitigated Claim - Michelle Daniels - \$100,000]

Resolution approving the settlement of the unlitigated claim filed by Michelle Daniels against the City and County of San Francisco for \$100,000; the claim was filed on September 22, 2018; the claim involves an employment dispute. (City Attorney)

11/19/20; RECEIVED FROM DEPARTMENT.

12/01/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

201315 [Settlement of Unlitigated Claim - Levi's Plaza TIC Trust - \$10,241,561.60 Plus Statutory Interest]

Resolution approving the settlement of the unlitigated claim filed by Levi's Plaza TIC Trust against the City and County of San Francisco for \$10,241,561.60 plus statutory interest; the claim was filed on July 2, 2020; the claim involves an alleged overpayment of real property transfer taxes. (City Attorney)

11/19/20; RECEIVED FROM DEPARTMENT.

12/01/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

210005 [Settlement of Unlitigated Claim - Special Situations Investing Group II, LLC - \$45,539]

Resolution approving the settlement of the unlitigated claim filed by Special Situations Investing Group II, LLC against the City and County of San Francisco for \$45,539; the claim was filed on July 27, 2020; the claim involves an alleged overpayment of real property transfer taxes. (City Attorney)

12/14/20; RECEIVED FROM DEPARTMENT.

01/05/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

210006 [Settlement of Unlitigated Claim - Chyna Miller - \$150,000]

Resolution approving the settlement of the unlitigated claim filed by Chyna Miller against the City and County of San Francisco for \$150,000; the claim was filed on October 8, 2018; the claim involves an allegation of civil rights violation by a Human Services Agency contractor; additional material terms of the settlement are that the contractor's insurer will pay \$450,000. (City Attorney)

12/18/20; RECEIVED FROM DEPARTMENT.

01/05/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

[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.

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

Ayes: 3 - Preston, Chan, Mandelman

ADJOURNMENT

There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 12:05 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.