



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, March 17, 2022

10:00 AM

Regular Meeting

IN-PERSON MEETING

City Hall, Legislative Chamber, Room 250

(remote access provided)

(remote public comment provided via teleconference)

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

The Government Audit and Oversight Committee met in regular session, in-person with remote access and public comment via telephone on Thursday, March 17, 2022, with Chair Dean Preston presiding. Chair Preston called the meeting to order at 10:05 a.m.

Remote Access to Information and Participation

The Board of Supervisors and its committees will convene hybrid meetings that will allow in-person attendance, remote access, and public comment via teleconference. Visit the SFGovTV website at (www.sfgovtv.org) to stream the live meetings and watch meetings on demand or watch live meetings on San Francisco Cable Channels 26, 78 or 99 (depending on your provider). Members of the public may provide public comment in-person at the above noticed location or remotely via teleconference (detailed instructions available at: <https://sfbos.org/remote-meeting-call>). Individuals who wish to share documents during a hearing must provide them to the Clerk 48 hours in advance (to: john.carroll@sfgov.org); equipment is not available to share hard copy documents received in-person.

Members of the public attending in-person may be required to wear masks or adhere to current orders, please visit https://sfbos.org/in_person_meeting_guidelines for the current guidelines.

Members of the public may also 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 Thursday 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, Vice Chair Chan, and Member Mandelman were noted present. A quorum was present.

AGENDA CHANGES

There were no agenda changes.

COMMUNICATIONS

*Erica Major, the substitute Government Audit and Oversight Committee Clerk, instructed members of the public, when general public comment is called, to contribute live comments for up to two minutes in-person or by dialing the provided telephone number. In-person public comment will be taken before remote public comment is called. Those who are providing public comment remotely must dial * 3 to be added to the remote queue to speak. Written comments may be submitted through email John.Carroll@sfgov.org or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.*

REGULAR AGENDA

211314 [Dogpatch & Northwest Potrero Hill Green Benefit District - Annual Report - FY2020-2021]

Sponsor: Walton

Resolution receiving and approving an annual report for the Dogpatch & Northwest Potrero Hill Green Benefit District for Fiscal Year (FY) 2020-2021, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's management agreement with the City, Section 3.4.

12/14/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

12/21/21; REFERRED TO DEPARTMENT. Referred to Public Works for informational purposes.

Heard in Committee. Speakers: Ramses Alvarez (Public Works); Julianne Christensen, Executive Director (Dogpatch & Northwest Potrero Hill Green Benefit District); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Preston, Chan, Mandelman

220200 [Accept and Expend Grant - Retroactive - California Department of Public Health Substance and Addiction Prevention Branch - Overdose Prevention Initiative - \$312,966]

Sponsor: Peskin

Ordinance retroactively authorizing the Office of the Chief Medical Examiner to accept and expend a grant in the amount of \$312,966 from the California Department of Public Health, Substance and Addiction Prevention Branch; and authorizing the addition of one grant-funded temporary Class 2456 Forensic Toxicologist, for the period beginning February 1, 2022, through August 31, 2023. (Medical Examiner/Coroner)

03/01/22; ASSIGNED to Government Audit and Oversight Committee. 3/3/22 - President Walton waived the 30-day rule pursuant to Board Rule No. 3.22.

Heard in Committee. Speakers: David Serrano Sewell and Luke Rodda (Office of City Administrator); presented information and answered questions raised throughout the discussion.

Member Mandelman moved that this Ordinance be RECOMMENDED AS COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

211321 [Hearing - Implementation of SFMTA Racial Equity Plan]**Sponsor: Chan**

Hearing on the implementation of San Francisco's Municipal Transportation Agency's (SFMTA) Racial Equity Action Plan; and requesting the SFMTA and Office of Racial Equity to report.

12/23/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

12/30/21; REFERRED TO DEPARTMENT. Referred to the San Francisco Municipal Transportation Agency and the Office of Racial Equity for informational purposes.

Heard in Committee. Speakers: Jessica Ayankoya and Jeffrey Tumlin, Director (Municipal Transportation Agency); presented information and answered questions raised throughout the discussion. Dante King (Black Employee Alliance); Jessie Rosemoore; PJ Eugenio (SOMCAN); Jada; Adrian Lawrence; Speaker; spoke on various concerns relating to the hearing matter.

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

Ayes: 3 - Preston, Chan, Mandelman

220156 [Hearing - Impact of Plastic Recycling Management and Plastic Pollution in San Francisco]**Sponsor: Chan**

Hearing on the impact of plastic recycling management and plastic pollution in San Francisco; and requesting the Department of the Environment, Public Works, and Recology to report.

02/08/22; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

02/16/22; REFERRED TO DEPARTMENT. Referred to the Department of the Environment, Public Works, and Recology for informational purposes.

02/17/22; TRANSFERRED to Government Audit and Oversight Committee. President Walton transferred this matter from Land Use and Transportation Committee to the Government Audit and Oversight Committee.

Heard in Committee. Speakers: Jamario Jackson and Maurice Quillen (Recology); Bryan Dahl (Public Works); Jack Macy (Department of the Environment); presented information and answered questions raised throughout the discussion. Henry Hoffman (Save the Bay); Julie Sebastian; spoke on various concerns relating to the hearing matter.

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

Ayes: 3 - Preston, Chan, Mandelman

LITIGATION

Chair Preston requested that File Nos. 220191, 220193, 220194, 220195, and 220170 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 and Meredith Osborn (Office of the City Attorney); Alisa Somera and Erica Major (Office of the Clerk of the Board).

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

Ayes: 3 - Preston, Chan, Mandelman

220191 [Settlement of Lawsuit - David Alfaro, et al. - \$3,626,444.85]

Ordinance authorizing final settlement of the lawsuit filed by David Alfaro, et al. against the City and County of San Francisco for \$3,626,444.85; 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 in December of 2014; this settlement relates only to the claims for statutory attorney's fees, costs and interest and completely resolves the litigation. (City Attorney)

02/25/22; RECEIVED FROM DEPARTMENT.

03/08/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Preston, Chan, Mandelman

220193 [Settlement of Lawsuit - Dennis Richards, Rachel Swann, Six Dogs, LLC - \$1,800,000]

Ordinance authorizing settlement of the lawsuit filed by Dennis Richards, Rachel Swann and Six Dogs, LLC against the City and County of San Francisco for \$1,800,000; the lawsuit was filed on February 21, 2020, in United States District Court, Case No. 20-cv-01242-JCS; entitled Dennis Richards, et al. v. Department of Building Inspection, et al.; the lawsuit involves alleged civil rights violations and claims that the Department of Building Inspection revoked building permits to retaliate against persons critical of the Department. (City Attorney)

02/25/22; RECEIVED FROM DEPARTMENT.

03/08/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Preston, Chan, Mandelman

220194 [Settlement of Lawsuit - Leticia Avila - \$275,000]

Ordinance authorizing settlement of the lawsuit filed by Leticia Avila against the City and County of San Francisco for \$275,000; the lawsuit was filed on December 4, 2019, in San Francisco Superior Court, Case No. CGC-19-581286; entitled Leticia Avila vs. City and County of San Francisco, Human Services Agency; the lawsuit involves an employment dispute. (City Attorney)

02/25/22; RECEIVED FROM DEPARTMENT.

03/08/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Preston, Chan, Mandelman

220195 [Settlement of Lawsuit - Lawrence Thomas - \$150,000]

Ordinance authorizing settlement of the lawsuit filed by Lawrence Thomas against the City and County of San Francisco for \$150,000; the lawsuit was filed on July 28, 2020, in San Francisco Superior Court, Case No. CGC-20-585622; entitled David Hawkins and Lawrence Thomas v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

02/25/22; RECEIVED FROM DEPARTMENT.

03/08/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Preston, Chan, Mandelman

220170 [Settlement of Unlitigated Claim - Christine H. Russell - \$175,500 Plus Statutory Interest]

Resolution approving the settlement of the unlitigated claim filed by Christine H. Russell against the City and County of San Francisco for \$175,500 plus statutory interest; the claim was filed on August 2, 2021; the claim involves an alleged overpayment of real property transfer taxes. (City Attorney)

02/14/22; RECEIVED FROM DEPARTMENT.

03/01/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Resolution be RECOMMENDED. The motion carried 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 1:45 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.