



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: Alisa Somera (415) 554-4447

Thursday, September 15, 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: 4 - Dean Preston, Connie Chan, Rafael Mandelman, and Shamann Walton

The Government Audit and Oversight Committee met in regular session, in-person with remote access and public comment via telephone on Thursday, September 15, 2022, with Chair Dean Preston presiding. Chair Preston called the meeting to order at 10:04 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, 28, 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 (alisa.somera@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: alisa.somera@sfgov.org; all comments received will be made a part of the official record. Regularly scheduled Government Audit and Oversight Meetings begin at 10:00 a.m. every first and third Thursday of each month. Committee agendas and their associated documents are available at <https://sfbos.org/committees>.

Please visit the Board's website (www.sfbos.org) regularly to be updated on the current situation as it affects the legislative process. For more information contact the Clerk, Alisa Somera, at (415) (415) 554-7711 or alisa.somera@sfgov.org.

ROLL CALL AND ANNOUNCEMENTS

On the call of the roll, Chair Preston, Vice Chair Chan, Member Mandelman were noted present. A quorum was present.

AGENDA CHANGES

There were no agenda changes.

COMMUNICATIONS

*Alisa Somera, Legislative Deputy Director, 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 Alisa.Somera@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

Chair Preston requested File Nos. 220505 and 220506 be called together.

220505 [Hearing - Civil Grand Jury Report - Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program]

Hearing on the 2021-2022 Civil Grand Jury Report, entitled "Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program" (Clerk of the Board)

04/11/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

07/21/22; CONTINUED. Heard in Committee. Speakers: None.

07/29/22; RESPONSE RECEIVED. The Office of the Controller submitted their response to the Civil Grand Jury report.

Heard in Committee. Speakers: Michael Hofman and Jason Golz (Civil Grand Jury); Douglas Legg (Office of the City Administrator); and Ron Alameida (Public Works); presented information and answered questions raised throughout the discussion. Francisco Da Costa; Speaker; Dennis Williams; Karen Canard spoke on various concerns relating to the hearing matter

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

Ayes: 3 - Preston, Chan, Mandelman

220506 [Board Response - Civil Grand Jury Report - Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2021-2022 Civil Grand Jury Report, entitled "Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program;" and urging the Mayor to cause the implementation of accepted findings and recommendations through her department heads and through the development of the annual budget. (Clerk of the Board)

04/11/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

07/21/22; CONTINUED. Heard in Committee. Speakers: None.

Heard in Committee. Speakers: Michael Hofman and Jason Golz (Civil Grand Jury); Douglas Legg (Office of the City Administrator; and Ron Alameida (Department of Public Works); presented information and answered questions raised throughout the discussion. Francisco Da Costa; Speaker; Dennis Williams; Karen Canard spoke on various concerns relating to the hearing matter

Member Mandelman moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE: Page 3: Lines 10, 12, 14, by adding 'agree with Finding...'; Page 3, Line 16, by adding '... will not be implemented by the Board of Supervisors because the Board does not have jurisdiction over administration of the Controller's Office dashboards'; Page 3, Lines 19 – 22, '...will not be implemented by the Board of Supervisors because the Board does not have jurisdiction over administration of the Recreation and Park Department; the Board of Supervisors urges the Recreation and Park Department to set a baseline for the Pathway Condition scores as defined in R1.1 by March 31, 2023'; Page 3, Lines 24, 25, and Page 4, Lines 1 – 3, by adding '...will not be implemented by the Board of Supervisors because the Board does not have jurisdiction over administration of the Recreation and Park Department; the Board of Supervisors urges the Recreation and Park Department to improve a park's pathway if its Pathway Condition score falls below a baseline as defined in R1.2, within a reasonable amount of time'; Page 4, Lines 5 and 6, by adding '...R2 will not be implemented by the Board of Supervisors because the Board does not have jurisdiction over the administration of the Recreation and Park Department's website'; Page 4, Lines 9 – 12, by adding '...will not be implemented by the Board of Supervisors because the Board does not have jurisdiction over the administration of the Recreation and Park Department's website'; Page 4, Lines 13 – 15, by adding "...will not be implemented by the Board of Supervisors because the Board does not have jurisdiction over the administration of the Recreation and Park Department and posting of information at City parks.' The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

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

Ayes: 3 - Preston, Chan, Mandelman

Member Mandelman Excused from Attendance

Member Mandelman was noted absent at 12:05 P.M.

Chair Preston moved that Member Mandelman be excused beginning at 12:05 pm and for the remainder of the Government Audit and Oversight Committee meeting of September 15, 2022. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Walton

Excused: 1 - Mandelman

Chair Preston requested File Nos. 220720 and 220721 be called together

220720 [Hearing - Civil Grand Jury Report - “Buried Problems and a Buried Process - The Hunters Point Naval Shipyard in a Time of Climate Change.”]

Sponsors: Walton; Chan

Hearing on the report released on June 1, 2022, by the Civil Grand Jury titled, “Buried Problems and a Buried Process - The Hunters Point Naval Shipyard in a Time of Climate Change,” for departments to review and report back to the Board of Supervisors on what each agency’s response to the recommendations are; and requesting San Francisco Public Utilities Commission, Department of Public Health, Environmental Protection Agency, Navy, and other related agencies to report.

06/07/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speakers: Jeff Weitzel (Civil Grand Jury); Dr. Susan Philip (Department of Public Health); Thor Kaslofsky, Executive Director (Office of Community Investment and Infrastructure); Sara Miles (Civil Grand Jury); Patrick Fosdahl (Department of Public Health); Anne Pearson (Office of the City Attorney); Tom Paulino (Mayor’s Office); presented information and answered questions raised throughout the discussion. Nate Smart; Arianne Harrison; Dr. Ahmisa Porter Sumchai; Chala Kumpari; Tony Parker; Julia Dowell; Alma Tse-Beck; Speaker; Bradley Angel; Dr. Marce Aidelman; Terri; Jasmine; Tonya Randell; Ford Warner; Francisco Da Costa; Dr. Udvino; Dennis Williams; Laura Feinstein; Camilla Elan; Daniel Hirsch; Regina Jenkins; Eric Brooks; Sara Greenwald; Naya Lazar; spoke on various concerns relating to the hearing matter.

Member Walton moved that this Hearing be CONTINUED to the Government Audit and Oversight Committee special meeting on September 29, 2022. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Walton

Excused: 1 - Mandelman

220721 [Board Response - Civil Grand Jury Report - Buried Problems and a Buried Process: The Hunters Point Naval Shipyard in a Time of Climate Change]

Sponsor: Walton

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2021-2022 Civil Grand Jury Report, entitled “Buried Problems and a Buried Process: The Hunters Point Naval Shipyard in a Time of Climate Change;” and urging the Mayor to cause the implementation of accepted findings and recommendations through her department heads and through the development of the annual budget. (Clerk of the Board)

07/12/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Member Walton moved that this Hearing be CONTINUED to the Government Audit and Oversight Committee special meeting on September 29, 2022. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Walton

Excused: 1 - Mandelman

Chair Preston requested File Nos. 220722 and 220723 be called together

220722 [Hearing - Board Response - Civil Grand Jury Report - "Safe and Accessible Parks for All"]

Hearing on the 2021-2022 Civil Grand Jury Report, entitled "Safe and Accessible Parks for All." (Clerk of the Board)

07/12/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

08/24/22; RESPONSE RECEIVED.

Heard in Committee. Speakers: Tony An (Civil Grand Jury); Dennis Kern and Stacy Bradley (Recreation and Parks Department); Michael Hofman (Civil Grand Jury); presented information and answered questions raised throughout the discussion. Anthony Dickens; David Ang; spoke in support of 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, Walton

Excused: 1 - Mandelman

220723 [Board Response - Civil Grand Jury Report - Safe and Accessible Parks for All]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2021-2022 Civil Grand Jury Report, entitled "Safe and Accessible Parks for All;" and urging the Mayor to cause the implementation of accepted findings and recommendations through her department heads and through the development of the annual budget. (Clerk of the Board)

07/12/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

08/24/22; RESPONSE RECEIVED.

Heard in Committee. Speakers: Tony An (Civil Grand Jury); Dennis Kern and Stacy Bradley (Recreation and Parks Department); Michael Hofman (Civil Grand Jury); presented information and answered questions raised throughout the discussion. Anthony Dickens; David Ang; spoke in support of the hearing matter.

Vice Chair Chan moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE: Page 3: Lines 10, 12, 14, by adding 'agree with Finding...'; Page 3, Line 16 and 17, by adding "...will not be implemented by the Board of Supervisors because the Board does not have jurisdiction over administration of the Controller's Office dashboards..."; Page 3. Lines 19 – 21, by adding "...will not be implemented by the Board of Supervisors because the Board does not have jurisdiction over administration of the Recreation and Park Department; the Board of Supervisors urges the Recreation and Park Department to set a baseline for the Pathway Condition scores as defined in R1.1 by March 31, 2023..."; Page 3, Lines 24, 25, and Page 4, Lines 1 – 3, by adding 'will not be implemented by the Board of Supervisors because the Board does not have jurisdiction over administration of the Recreation and Park Department; the Board of Supervisors urges the Recreation and Park Department to improve a park's pathway if its Pathway Condition score falls below a baseline as defined in R1.2, within a reasonable amount of time...'; Page 4, Lines 5 and 6, by adding 'will not be implemented by the Board of Supervisors because the Board does not have jurisdiction over the administration of the Recreation and Park Department's website...'; Page 4, Lines 9 and 10, by adding 'will not be implemented by the Board of Supervisors because the Board does not have jurisdiction over the administration of the Recreation and Park Department's website...'; Page 4, Lines 13 – 15, by adding 'will not be implemented by the Board of Supervisors because the Board does not have jurisdiction over the administration of the Recreation and Park Department and posting of information at City parks.' The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Walton

Excused: 1 - Mandelman

Vice Chair Chan moved that this Resolution be RECOMMENDED AS AMENDED AS A COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Walton

Excused: 1 - Mandelman

LITIGATION

Chair Preston requested that File Nos. 220798, 220799, 220800, 220786, 220788, 220794, 220797, 220809, 220840, 220842, and 220846 be called 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); and Alisa Somera and Stephanie Cabrera (Office of the Clerk of the Board).

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

Ayes: 3 - Preston, Chan, Walton

Excused: 1 - Mandelman

220798 [Tolling Agreement - PK Domestic Property LLC - Hotel Adagio - Real Property Transfer Tax Dispute]

Resolution approving a Tolling Agreement to extend the statute of limitations for PK Domestic Property LLC for Hotel Adagio to bring potential litigation against the City and County of San Francisco for a refund of real property transfer tax to allow for possible resolution of the matter without litigation. (City Attorney)

07/11/22; RECEIVED FROM DEPARTMENT.

07/19/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Resolution be RECOMMENDED AS COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Walton

Excused: 1 - Mandelman

220799 [Tolling Agreement - Park Intermediate Holdings LLC - Hyatt Centric Hotel - Real Property Transfer Tax Dispute]

Resolution approving a Tolling Agreement to extend the statute of limitations for Park Intermediate Holdings LLC for the Hyatt Centric Hotel to bring potential litigation against the City and County of San Francisco for a refund of real property transfer tax to allow for possible resolution of the matter without litigation. (City Attorney)

07/11/22; RECEIVED FROM DEPARTMENT.

07/19/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Resolution be RECOMMENDED AS COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Walton

Excused: 1 - Mandelman

220800 [Tolling Agreement - PK Domestic Property LLC - Le Meridien Hotel - Real Property Transfer Tax Dispute]

Resolution approving a Tolling Agreement to extend the statute of limitations for PK Domestic Property LLC for the Le Meridien Hotel to bring potential litigation against the City and County of San Francisco for a refund of real property transfer tax to allow for possible resolution of the matter without litigation. (City Attorney)

07/11/22; RECEIVED FROM DEPARTMENT.

07/19/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Preston moved that this Resolution be RECOMMENDED AS COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Walton

Excused: 1 - Mandelman

220786 [Settlement of Lawsuit - Khalid Barrow - \$42,500]

Ordinance authorizing settlement of the lawsuit filed by Khalid Barrow against the City and County of San Francisco for \$42,500; the lawsuit was filed on June 19, 2020, in United States District Court, Case No. 20-cv-04099; entitled Khalid Barrow v. City and County of San Francisco, et al.; the lawsuit involves an alleged civil rights violation. (City Attorney)

06/30/22; RECEIVED FROM DEPARTMENT.

07/12/22; 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, Walton

Excused: 1 - Mandelman

220788 [Settlement of Unlitigated Claims - Gap, Inc. - \$9,190,511.54]

Resolution approving the settlement of the unlitigated claims filed by Gap, Inc. against the City and County of San Francisco for \$9,190,511.54; the claims were filed on March 9, 2021; the claims involve a refund of gross receipts, homelessness gross receipts, payroll expense, and commercial rents taxes for the 2019 tax year. (City Attorney)

06/23/22; RECEIVED FROM DEPARTMENT.

07/12/22; 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, Walton

Excused: 1 - Mandelman

220794 [Settlement of Lawsuit - Phris M. Keaton - \$45,000]

Ordinance authorizing settlement of the lawsuit filed by Phris M. Keaton against the City and County of San Francisco for \$45,000; the lawsuit was filed on April 21, 2021, in San Francisco Superior Court, Case No. CGC-21-591264; entitled Phris M. Keaton v. Garret Edwards, et al.; the lawsuit involves alleged personal injury due to excessive force by Sheriff's Deputy. (City Attorney)

07/08/22; RECEIVED FROM DEPARTMENT.

07/19/22; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Preston, Chan, Walton

Excused: 1 - Mandelman

220797 [Settlement of Unlitigated Claim - Benefit Cosmetics LLC - \$228,182.93]

Resolution approving the settlement of the unlitigated claim filed by Benefit Cosmetics LLC against the City and County of San Francisco for \$228,182.93; the claim was filed on November 9, 2021; the claim involves a refund of gross receipts and homelessness gross receipts taxes. (City Attorney)

07/08/22; RECEIVED FROM DEPARTMENT.

07/19/22; 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, Walton

Excused: 1 - Mandelman

220809 [Settlement of Lawsuit - Eric Taylor - \$37,500]

Ordinance authorizing settlement of the lawsuit filed by Eric Taylor against the City and County of San Francisco for \$37,500; the lawsuit was filed on November 24, 2020, in San Francisco Superior Court, Case No. CGC-20-587959; entitled Eric Taylor v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

07/08/22; RECEIVED FROM DEPARTMENT.

07/19/22; 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, Walton

Excused: 1 - Mandelman

220840 [Settlement of Lawsuit - Linda Howdysshell - \$750,000]

Ordinance authorizing settlement of the lawsuit filed by Linda Howdysshell against the City and County of San Francisco for \$750,000; the lawsuit was filed on October 28, 2020, in San Francisco Superior Court, Case No. CGC-20-587334; entitled Linda Howdysshell v. City and County of San Francisco; the lawsuit involves alleged personal injury due to a fall from a retaining wall on a raised planter adjacent to a City sidewalk. (City Attorney)

07/18/22; RECEIVED FROM DEPARTMENT.

07/26/22; 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, Walton

Excused: 1 - Mandelman

220842 [Settlement of Lawsuit - Theresa Moorehouse - \$150,000]

Ordinance authorizing settlement of the lawsuit filed by Theresa Moorehouse against the City and County of San Francisco for \$150,000; the lawsuit was filed on October 7, 2020, in San Francisco Superior, Case No. CGC-20-587190; entitled Theresa Moorehouse v. City and County of San Francisco, et al.; the lawsuit involves an alleged trip and fall on a City sidewalk. (City Attorney)

07/18/22; RECEIVED FROM DEPARTMENT.

07/26/22; 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, Walton

Excused: 1 - Mandelman

220846 [Settlement of Unlitigated Claims - Webcor Construction, L.P. - City to Receive \$361,412]

Resolution approving the settlement of unlitigated claims through the payment of \$361,412 by Webcor Construction, L.P. to the City and County of San Francisco; the claims arise from Webcor's work on Public Works Contract No. 6694A, the San Francisco General Hospital Rebuild Program, and involve claimed defects to or problems with flooring and doors at the hospital; additional material terms of the settlement are that the City will release Webcor from responsibility for any and all demands, damages, obligations, causes of action, suits, and costs related to the subject claims. (City Attorney)

07/14/22; RECEIVED FROM DEPARTMENT.

07/26/22; 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, Walton

Excused: 1 - 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.

Member Walton was noted absent at 3:49 p.m.

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

Ayes: 2 - Preston, Chan

Excused: 1 - Mandelman

Absent: 1 - Walton

ADJOURNMENT

There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 3:51 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.