



City and County of San Francisco

Meeting Agenda

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, April 18, 2018

10:00 AM

City Hall, Legislative Chamber, Room 250

Regular Meeting

ROLL CALL AND ANNOUNCEMENTS

AGENDA CHANGES

REGULAR AGENDA

- [171316](#)** **[Reward - Property Tax Underpayment Information - Natasha Khoruzhenko - \$7,095.42]**
Sponsor: Peskin
Ordinance approving Assessor's recommended reward of \$7,095.42 to Natasha Khoruzhenko for information that led to detection of underpayment of property tax from an unreported change in ownership.

12/12/17; ASSIGNED UNDER 30 DAY RULE to the Government Audit and Oversight Committee.

4/4/18; CONTINUED TO CALL OF THE CHAIR.
- [180372](#)** **[Setting the Budget and Legislative Analyst Services Audit Plan - San Francisco Municipal Transportation Agency, Effectiveness of Workforce Development Programs, Office of Economic and Workforce Development - FY2018-2019]**
Sponsor: Kim
Motion directing the Budget and Legislative Analyst to conduct three performance audits in FY2018-2019 of the trends in Muni ridership and revenues, and the effectiveness of the San Francisco Municipal Transportation Agency in managing traffic congestion and the impact of congestion on Muni; the effectiveness of the City's workforce development programs for low-income, homeless, and formerly homeless adults; and the Office of Economic and Workforce Development's planning for large-scale development and capital projects to address the economic impacts of the projects on surrounding businesses.

4/10/18; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

3. [160975](#) **[Hearing - Building Standards in Seismic Safety Zones]**
Sponsor: Peskin
Hearing on existing building standards in seismic safety zones, including infill and waterfront neighborhoods; and requesting the Department of Building Inspection to report.
- 9/6/16; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
- 9/12/16; REFERRED TO DEPARTMENT.
- 9/22/16; CONTINUED TO CALL OF THE CHAIR.
- 10/28/16; CONTINUED TO CALL OF THE CHAIR.
- 11/17/16; CONTINUED TO CALL OF THE CHAIR.
- 1/12/17; CONTINUED TO CALL OF THE CHAIR.
- 2/2/17; CONTINUED TO CALL OF THE CHAIR.
- 4/28/17; CONTINUED TO CALL OF THE CHAIR.
- 8/1/17; CONTINUED TO CALL OF THE CHAIR.
- 10/18/17; CONTINUED TO CALL OF THE CHAIR.

LITIGATION

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.

4. [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)
- 1/31/18; RECEIVED FROM DEPARTMENT.
- 2/13/18; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
- 3/21/18; CONTINUED TO CALL OF THE CHAIR.

5. [180205](#) **[Settlement of Lawsuit - William Watkins - \$30,000]**
Ordinance authorizing settlement of the lawsuit filed by William Watkins against the City and County of San Francisco for \$30,000; the lawsuit was filed on June 27, 2016, in San Francisco Superior Court, Case No. CGC-16-552748; entitled William Watkins v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

3/1/18; RECEIVED FROM DEPARTMENT.

3/13/18; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
6. [180206](#) **[Settlement of Lawsuit - Elvin I. Smith - \$500,000]**
Ordinance authorizing settlement of the lawsuit filed by Elvin I. Smith against the City and County of San Francisco for \$500,000; the lawsuit was filed on April 12, 2017, in San Francisco Superior Court, Case No. CGC-17-558134; entitled Elvin I. Smith v. City and County of San Francisco; the lawsuit involves alleged personal injury on a City street. (City Attorney)

3/1/18; RECEIVED FROM DEPARTMENT.

3/13/18; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
7. [180234](#) **[Settlement of Lawsuit - California State Lands Commission - Non-Monetary Terms]**
Ordinance authorizing settlement of the lawsuit filed by the California State Lands Commission against the City and County of San Francisco; the lawsuit was filed on July 15, 2014, in San Francisco Superior Court, Case No. CGC-14-540531; entitled California State Lands Commission v. City and County of San Francisco; the lawsuit challenges a 2014 voter initiative Ordinance, Proposition B, as facially invalid under state law and the City's Charter; and the settlement requires the City to make public trust findings in certain approvals regarding Port property and to consider amending the Municipal Elections Code to inform voters of the public trust in ballot measures affecting the trust. (City Attorney)

3/7/18; RECEIVED FROM DEPARTMENT.

3/20/18; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
8. [180305](#) **[Settlement of Lawsuit - Fabio Petrolino; M. P., a Minor, Through Her Guardian Ad Litem, Ana Petrolino; Andrelina Silva; Angela Petrolino and Alex Petrolino - \$100,000]**
Ordinance authorizing settlement of the lawsuit filed by Fabio Petrolino; M. P., a minor, through her guardian ad litem, Ana Petrolino; Andrelina Silva; Angela Petrolino and Alex Petrolino against the City and County of San Francisco for \$100,000; the lawsuit was filed on June 2, 2016, in United States District Court, Northern District, Case No. 16-cv-02946 RS; entitled Fabio Petrolino, et al. v. City and County of San Francisco, et al.; the lawsuit involves alleged wrongful death; other material terms of the settlement are co-defendants to pay an additional total of \$500,000. (City Attorney)

3/30/18; RECEIVED FROM DEPARTMENT.

4/10/18; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

9. [180308](#) **[Settlement of Lawsuit - AvalonBay Communities, Inc. and MVP I, LLC - \$166,019.37]**
Ordinance authorizing settlement of the lawsuit filed by AvalonBay Communities, Inc. and MVP I, LLC against the City and County of San Francisco for \$166,019.37; the lawsuit was filed on January 12, 2018, in San Francisco Superior Court, Case No. CGC-18-563657; entitled AvalonBay Communities, Inc. et al. v. City and County of San Francisco et al.; the lawsuit involves a claim for refund of payroll expense taxes and gross receipts taxes for tax years 2014 and 2015. (City Attorney)

3/30/18; RECEIVED FROM DEPARTMENT.

4/10/18; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
10. [180303](#) **[Partial Settlement of Lawsuit - Rick Popko and Nancy Huff - \$36,000]**
Ordinance authorizing settlement of the lawsuit filed by Rick Popko and Nancy Huff against the City and County of San Francisco for \$36,000; 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 plaintiffs Rick Popko and Nancy Huff, by the payment of \$36,000 and excluding the claim by these plaintiffs for diminution of value for plaintiffs' real property and the claim by plaintiffs for attorney's fees, costs and interest, which will be addressed in later proceedings (City Attorney)

3/30/18; RECEIVED FROM DEPARTMENT.

4/10/18; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
11. [180304](#) **[Partial Settlement of Lawsuit - Carlos Gross - \$88,500]**
Ordinance authorizing settlement of the lawsuit filed by Carlos Gross against the City and County of San Francisco for \$88,500; 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 Carlos Gross, by the payment of \$88,500 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)

3/30/18; RECEIVED FROM DEPARTMENT.

4/10/18; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
12. [180306](#) **[Partial Settlement of Lawsuit - John and Maria Naniola - \$85,000]**
Ordinance authorizing settlement of the lawsuit filed by John and Maria Naniola against the City and County of San Francisco for \$85,000; 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 plaintiffs John and Maria Naniola, by the payment of \$85,000 and excluding the claim by these plaintiffs for diminution of value for plaintiffs' real property and the claim by plaintiffs for attorney's fees, costs and interest, which will be addressed in later proceedings. (City Attorney)

3/30/18; RECEIVED FROM DEPARTMENT.

4/10/18; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

13. [180307](#) **[Partial Settlement of Lawsuit - San Francisco Motorcycle Club - \$140,000]**
Ordinance authorizing settlement of the lawsuit filed by San Francisco Motorcycle Club against the City and County of San Francisco for \$140,000; 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 San Francisco Motorcycle Club, by the payment of \$140,000 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)

3/30/18; RECEIVED FROM DEPARTMENT.

4/10/18; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
14. [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)

1/25/18; RECEIVED FROM DEPARTMENT.

2/6/18; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

3/21/18; CONTINUED TO CALL OF THE CHAIR.
15. [180207](#) **[Settlement of Unlitigated Claim - Gloria Matz - \$65,000]**
Resolution approving the settlement of the unlitigated claim filed by Gloria Matz against the City and County of San Francisco for \$65,000; the claim was filed on June 6, 2017; the claim involves a personal injury on a City sidewalk. (City Attorney)

3/1/18; RECEIVED FROM DEPARTMENT.

3/13/18; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

[Elect To Disclose]

Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the Chair immediately to disclose that information.

[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.

ADJOURNMENT

LEGISLATION UNDER THE 30-DAY RULE

NOTE: The following legislation will not be considered at this meeting. Board Rule 3.22 provides that when an Ordinance or Resolution is introduced which would CREATE OR REVISE MAJOR CITY POLICY, the Committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general, the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply URGE action to be taken.

(There is no legislation pending under the 30-Day Rule.)

Agenda Item Information

Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation, 2) Budget and Legislative Analyst report,
- 3) Department or Agency cover letter and/or report, 4) Public correspondence

Items will be available for review at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, Reception Desk.

Meeting Procedures

The Board of Supervisors is the legislative body of the City and County of San Francisco. The Board has several standing committees where ordinances and resolutions are the subject of hearings at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers, and similar sound-producing electronic devices; 3) bringing in or displaying signs in the meeting room; and 4) standing in the meeting room.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the President or Chair at the beginning of each item or public comment, excluding City representatives, except that public speakers using interpretation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous interpretation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting interpretation assistance. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

IMPORTANT INFORMATION: The public is encouraged to testify at Committee meetings. Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors. Written communications should be submitted to the Clerk of the Board or Clerk of the Committee: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Communications not received prior to the hearing may be delivered to the Clerk of the Board or Clerk of the Committee at the hearing and you are encouraged to bring enough copies for distribution to all of its members.

LAPTOP COMPUTER FOR PRESENTATIONS: Contact City Hall Media Services at (415) 554-7490 to coordinate the use of the laptop computer for presentations. Presenters should arrive 30 minutes prior to the meeting to test their presentations on the computer.

COPYRIGHT: System content that is broadcasted live during public proceedings is secured by High-bandwidth Digital Content Protection (HDCP), which prevents copyrighted or encrypted content from being displayed or transmitted through unauthorized devices. Members of the public who utilize chamber digital, audio and visual technology may not display copyrighted or encrypted content during public proceedings.

AGENDA PACKET: Available for review in the Office of the Clerk of the Board, City Hall, 1 Dr. Carlton B Goodlett Place, Room 244, or on the internet at <http://www.sfbos.org/meetings>. Meetings are cablecast on SFGovTV, the Government Channel 26. For DVD copies and scheduling call (415) 554-4188.

LANGUAGE INTERPRETERS: Requests must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Peggy Nevin at (415) 554-5184. **AVISO EN ESPAÑOL:** La solicitud para un traductor debe recibirse antes de mediodía de el viernes anterior a la reunion. Llame a Peggy Nevin at (415) 554-5184. **Paunawa:** Ang mga kahilingan ay kailangang matanggap sa loob ng 48 oras bago mag miting upang matiyak na matutugunan ang mga hiling. Mangyaring tumawag ka sa (415) 554-5184.

翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7719

Disability Access

The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible. Meetings are real-time captioned and are cablecast open-captioned on SFGovTV, the Government Channel 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Wilson Ng at (415) 554-5184 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 5R, 6, 7, 7R, 7X, 9, 9R, 19, 21, 47, and 49. For more information about MUNI accessible services, call (415) 701-4485.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under The Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) or to report a violation of the ordinance, contact by mail Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102; phone at (415) 554-7724; fax at (415) 554-5163; or by email at sotf@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by printing the San Francisco Administrative Code, Chapter 67, on the Internet at <http://www.sfbos.org/sunshine>

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code, Section 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site <http://www.sfgov.org/ethics>