



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: Dean Preston, Connie Chan, Rafael Mandelman

Clerk: Alisa Somera (415) 554-4447

Thursday, November 17, 2022

10:00 AM

Regular Meeting

IN-PERSON MEETING

City Hall, Legislative Chamber, Room 250

REMOTE ACCESS

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PUBLIC COMMENT CALL-IN

[1 \(415\) 655-0001 / Meeting ID: 2498 111 6218 # #](tel:14156550001)

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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>.

PUBLIC COMMENT CALL IN

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(Press *3 to enter the speaker line)

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) 554-7711 or alisa.somera@sfgov.org.

ROLL CALL AND ANNOUNCEMENTS

AGENDA CHANGES

COMMUNICATIONS

REGULAR AGENDA

1. [221131](#) **[Amending the Budget and Legislative Analyst Services Audit Plan - Delegated Procurement Authority Under Chapter 6 of the Administrative Code and Citywide Conflicts of Interest - FY2022-2023]**
Sponsors: Preston; Walton
Motion directing the Budget and Legislative Analyst to conduct two additional performance audits in Fiscal Year (FY) 2022-2023 consisting of 1) a multi-part audit of various departments' delegated authority for public works contracts pursuant to Chapter 6 of the Administrative Code; and 2) how conflicts of interest are managed citywide.

11/1/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

2. [221083](#) **[Memorandum of Understanding - Metropolitan Transportation Commission and Bay Area Transit Operators - Next Generation Clipper® System]**
Sponsors: Mayor; Ronen and Dorsey
Resolution authorizing the San Francisco Municipal Transportation Agency Director of Transportation to execute the Next Generation Clipper® System Memorandum of Understanding with the Metropolitan Transportation Commission and Bay Area transit operators, including the allocation of operating and maintenance costs for the participating agencies, effective upon approval of this Resolution. (Municipal Transportation Agency)

(Fiscal Impact; No Budget and Legislative Analyst Report)

10/18/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

10/25/22; REFERRED TO DEPARTMENT.

11/4/22; REFERRED TO DEPARTMENT.

3. [221063](#) **[Mills Act Historical Property Contract - 942-944 Fell Street]**
Resolution approving a historical property contract between Julie A. Chin, the owner of 942-944 Fell Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor-Recorder to execute and record the historical property contract. (Historic Preservation Commission)

10/18/22; RECEIVED FROM DEPARTMENT.

11/1/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

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4. [220828](#) **[Tourism Improvement District and Moscone Expansion District - Annual Report - FY2020-2021]**
Sponsor: Peskin
Resolution receiving and approving the annual report for the Tourism Improvement District and Moscone Expansion 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.

7/12/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
5. [220859](#) **[Yerba Buena Community Benefit District - Annual Report - FY2020-2021]**
Sponsor: Dorsey
Resolution receiving and approving an annual report for the Yerba Buena Community 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.

7/19/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

7/27/22; REFERRED TO DEPARTMENT.
6. [220889](#) **[East Cut Community Benefit District - Annual Report - FY2020-2021]**
Sponsor: Dorsey
Resolution receiving and approving an annual report for The East Cut Community 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.

7/26/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

7/29/22; REFERRED TO DEPARTMENT.
7. [220890](#) **[Castro/Upper Market Community Benefit District - Annual Report - FY2020-2021]**
Sponsor: Mandelman
Resolution receiving and approving an annual report for the Castro/Upper Market Community 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.

7/26/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

7/29/22; REFERRED TO DEPARTMENT.

8. [220893](#) **[Ocean Avenue Community Benefit District - Annual Report - FY2020-2021]**
Sponsors: Melgar; Safai
Resolution receiving and approving an annual report for the Ocean Avenue Community 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.

7/26/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

7/29/22; REFERRED TO DEPARTMENT.
9. [220894](#) **[Discover Polk Community Benefit District - Annual Report - FY2020-2021]**
Sponsor: Peskin
Resolution receiving and approving an annual report for the Discover Polk Community 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.

7/26/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

7/29/22; REFERRED TO DEPARTMENT.
10. [221129](#) **[Lower Polk Community Benefit District - Annual Report - FY2020-2021]**
Sponsor: Peskin
Resolution receiving and approving an annual report for the Lower Polk Community 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.

11/1/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

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 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.*

11. [220729](#) **[Settlement of Lawsuit - Phi Associates (Drisco Hotel) to Make Payments to Benefit the Swords to Plowshares Veterans Academy \$2,500,000]**
Ordinance authorizing settlement of the lawsuit filed by Phi Associates L.P., against the City and County of San Francisco for payments by Phi Associates of \$2,500,000 to provide construction loan repayment, and fund capital improvements and operating reserves, and thereby support affordable housing for veterans at the Veterans Academy located at 1030 Girard Road, San Francisco, operated by Swords to Plowshares ("Veterans Academy"), in exchange for the release of 16 Residential Hotel rooms from regulation under the Hotel Conversion Ordinance; the lawsuit was filed on March 17, 2021, in San Francisco Superior Court, Case No. CPF-21-517409, entitled Phi Assoc., L.P. v. City and County of San Francisco; the lawsuit involves petitioner's challenge to the City's enforcement of the Hotel Conversion Ordinance at the Drisco Hotel, located at 2901 Pacific Avenue, San Francisco. (City Attorney)
- 9/16/22; RECEIVED FROM DEPARTMENT.
- 9/27/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
- 10/20/22; CONTINUED.
- 11/3/22; CONTINUED AS AMENDED.
- 11/3/22; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.
- 11/3/22; CONTINUED AS AMENDED.
12. [221048](#) **[Settlement of Lawsuit - John LaSalle - \$489,000]**
Ordinance authorizing settlement of the lawsuit filed by John LaSalle against the City and County of San Francisco for \$489,000; the lawsuit was filed on January 21, 2021, in San Francisco Superior Court, Case No. CGC-21-589176; entitled John LaSalle v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from collision with City vehicle. (City Attorney)
- 9/22/22; RECEIVED FROM DEPARTMENT.
- 10/18/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

13. [221049](#) **[Settlement of Lawsuit - Crystal Gomez and Martha Gomez - \$60,000]**
Ordinance authorizing settlement of the lawsuit filed by Crystal Gomez and Martha Gomez against the City and County of San Francisco for \$60,000; the lawsuit was filed on July 14, 2021, in U.S. District Court for the Northern District of California, Case No. 21-cv-05394 JCS; entitled Crystal Gomez and Martha Gomez v. City and County of San Francisco, et al.; the lawsuit involves alleged civil rights violations. (City Attorney)
9/23/22; RECEIVED FROM DEPARTMENT.
10/18/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
14. [221050](#) **[Settlement of Lawsuit - Linda Gebroe - \$40,000]**
Ordinance authorizing settlement of the lawsuit filed by Linda Gebroe against the City and County of San Francisco for \$40,000; the lawsuit was filed on May 7, 2021, in San Francisco Superior Court, Case No. CGC-21-591651; entitled Linda Gebroe v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City sidewalk. (City Attorney)
10/4/22; RECEIVED FROM DEPARTMENT.
10/18/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
15. [221051](#) **[Settlement of Unlitigated Claim - Onjanette Hudson - \$275,000]**
Resolution approving the settlement of the unlitigated claim filed by Onjanette Hudson against the City and County of San Francisco for \$275,000; the claim was filed on December 22, 2021; the claim involves an employee dispute. (City Attorney)
9/30/22; RECEIVED FROM DEPARTMENT.
10/18/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
16. [221052](#) **[Settlement of Unlitigated Claim - 100-120 Powell Owner L.P., L.L.C. - \$5,362,325]**
Resolution approving the settlement of the unlitigated claim filed by 100-120 Powell Owner L.P., L.L.C. against the City and County of San Francisco for \$5,362,325; the claim was filed on January 14, 2022; the claim involves allegations of property damage to the Hotel Union Square caused by shelter-in-place (SIP) hotel guests during the COVID-19 pandemic and resulting loss of use; other material terms of the settlement include a mutual full and final release, with each party to bear their own costs. (City Attorney)
9/30/22; RECEIVED FROM DEPARTMENT.
10/18/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
17. [221066](#) **[Settlement of Unlitigated Claim - Visa U.S.A. Inc. - \$28,771.32]**
Resolution approving the settlement of the unlitigated claim filed by Visa U.S.A. Inc. against the City and County of San Francisco for \$28,771.32; the claim was filed on June 30, 2022; the claim involves a refund of commercial rents taxes. (City Attorney)
10/7/22; RECEIVED FROM DEPARTMENT.
10/25/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

After a closed session, if one occurs, the Committee shall adopt a motion either to disclose or not to disclose.

[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

NOTE: Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the general plan amendments or planning code and zoning map amendments described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

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 under 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. These items are available for review at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, Reception Desk or at <https://sfbos.org/legislative-research-center-lrc>.

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 legislation is 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. Persons attending the meeting in-person 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. Members of the public providing testimony remotely via telephone who want a document displayed should provide in advance of the meeting to the Clerk of the Board (bos.legislation@sfgov.org), clearly state such during testimony, and subsequently request the document be removed 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 expected to be made a part of the official file should be submitted to the Clerk of the Board or Clerk of a Committee: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Communications which are not received prior to the hearing may be delivered to the Clerk of the Board or Clerk of the Committee and will be shared with the Members.

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AGENDA PACKET: Available on the internet at <https://www.sfbos.org/meetings>. Meetings are cablecast on SFGovTV, the Government Channel, at www.sfgovtv.org or Cable Channels 26, 78 or 99 (depending on your provider). For USB copies call (415) 554-4188.

LANGUAGE INTERPRETERS: Language services are available in Spanish, Chinese and Filipino at all regular and special Board and Committee meetings if made at least 48 hours in advance of the meeting to help ensure availability. For more information or to request services, contact bos@sfgov.org or call (415) 554-5184.

傳譯服務: 所有常規及特別市參事會會議和常務委員會會議將提供西班牙文, 中文以及菲律賓文的傳譯服務, 但必須在會議前最少48小時作出請求, 以確保能獲取到傳譯服務. 將因應請求提供交替傳譯服務, 以便公眾向有關政府機構發表意見. 如需更多資訊或請求有關服務, 請致電 (415) 554-5184 聯絡我們.

AVISO EN ESPAÑOL: Los servicios de idiomas están disponibles en español, chino, y filipino en todas las reuniones regulares y reuniones especiales de la Junta, de los Comités, si se solicita por lo menos 48 horas antes de la reunión para ayudar a garantizar su disponibilidad. Para más información o solicitar servicios, por favor contactar a (415) 554-5184.

PAUNAWA: Mayroong serbisyong pang-wika sa Espanyol, Tsino at Pilipino para sa lahat ng mga regular at espesyal na

pagpupulong ng Board, at Komite ng Board. Sa kasalukuyan, mayroong serbisyo sa wikang Pilipino na maaaring hilingin, 48 oras (o mas maaga) bago ng pagpupulong upang matiyak na matutugunan ang inyong kahilingan. Para sa karagdagang impormasyon o para humiling ng serbisyo pang-wika, tawagan lamang ang (415) 554-5184.

Americans with Disabilities Act (ADA)

The ADA is a civil rights law that protects people with different types of disabilities from discrimination in all aspects of social life. More specifically, Title II of the ADA requires that all programs offered through the state and local government such as the City and County of San Francisco must be accessible and usable to people with disabilities. The ADA and City policy require that people with disabilities have equal access to all City services, activities, and benefits. People with disabilities must have an equal opportunity to participate in the programs and services offered through the City and County of San Francisco. If you believe your rights under the ADA are violated, contact the ADA Coordinator.

Ordinance No. 90-10 added Section 2A.22.3 to the Administrative Code, which adopted a Citywide Americans with Disabilities Act Reasonable Modification Policy that requires City departments to: (1) provide notice to the public of the right to request reasonable modification; (2) respond promptly to such requests; (3) provide appropriate auxiliary aids and services to people with disabilities to ensure effective communication; and (4) train staff to respond to requests from the public for reasonable modification, and that requires the Mayor's Office on Disability to provide technical assistance to City departments responding to requests from the public for reasonable modifications. The Board of Supervisors and Office of the Clerk of the Board support the Mayor's Office on Disability to help make San Francisco a city where all people enjoy equal rights, equal opportunity, and freedom from illegal discrimination under disability rights laws.

Meetings are real-time captioned and are cablecast open-captioned on SFGovTV, the Government Channel, at www.sfgovtv.org or Cable Channels 26, 78 or 99 (depending on your provider). Board and Committee meeting agendas and minutes are available on the Board's website (www.sfbos.org) and adhere to web development guidelines based upon the Federal Access Board's Section 508 Guidelines. To request sign language interpreters, readers, large print agendas or other accommodations, please contact (415) 554-5184 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability. If further assistance is needed, please contact bos@sfgov.org or call (415) 554-5184.

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 <https://www.sfbos.org/sunshine>.

Ethics 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 <https://www.sfgov.org/ethics>.

Under Campaign and Governmental Conduct Code, Section 1.127, no person or entity with a financial interest in a land use matter pending before the Board of Appeals, Board of Supervisors, Building Inspection Commission, Commission on Community Investment and Infrastructure, Historic Preservation Commission, Planning Commission, Port Commission, or the Treasure Island Development Authority Board of Directors, may make a campaign contribution to a member of the Board of Supervisors, the Mayor, the City Attorney, or a candidate for any of those offices, from the date the land use matter commenced until 12 months after the board or commission has made a final decision, or any appeal to another City agency from that decision has been resolved. For more information about this restriction, visit <https://sfethics.org>.