



# 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, Catherine Stefani, Connie Chan*

*Clerk: Stephanie Cabrera*  
(415) 554-7722 ~ [stephanie.cabrera@sfgov.org](mailto:stephanie.cabrera@sfgov.org)

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Thursday, September 21, 2023

10:00 AM

City Hall, Legislative Chamber, Room 250

### Regular Meeting

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#### **Remote Access to Information and Participation**

Board of Supervisors ([www.sfbos.org](http://www.sfbos.org)) and its committees convene hybrid meetings that allow in-person attendance, in-person public comment (prioritized before remote public comment), remote access, and remote public comment via teleconference (<https://sfbos.org/remote-meeting-call>). Members of the public may also submit their comments by email to the Clerk listed above; all comments received will be made a part of the official record.

#### **PUBLIC COMMENT CALL IN**

[1 \(415\) 655-0001 / Meeting ID: 2664 143 4036 # #](tel:4156550001)

(Press \*3 to enter the speaker line)

## ROLL CALL AND ANNOUNCEMENTS

## COMMUNICATIONS

## AGENDA CHANGES

## REGULAR AGENDA

- [230826](#)** [Hearing - City's Efforts to Address Car Break-Ins]  
**Sponsor: Preston**  
Hearing to discuss the City's comprehensive plan to address car break-ins; and requesting the Mayor's Office, Police Department, Office of the District Attorney, Office of Economic and Workforce Development, Municipal Transportation Agency, and Department of Emergency Management to report.  
  
7/11/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.  
  
7/18/23; REFERRED TO DEPARTMENT.

2. [230951](#) **[Urging the Recreation and Park Department to Publicly Share Information Regarding Pilot Activation of UN Plaza and Take Steps to Mitigate Any Impact on the Farmers' Market]**  
**Sponsors: Preston; Peskin**  
Resolution expressing the Board of Supervisors' concern regarding the development of the United Nations (UN) Activation Plan and displacement of the Heart of the City Farmers' Market from the UN Plaza, urging the Recreation and Park Department to adopt mitigations requested by the Farmers' Market, and urging the Recreation and Park Department to provide information to the public and the Board of Supervisors regarding the pilot activation plan.
- 9/5/23; RECEIVED AND ASSIGNED to the Land Use and Transportation Committee.
- 9/12/23; TRANSFERRED 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.*

3. [230788](#) **[Settlement of Lawsuit - Akashni Bhan - \$175,000]**  
Ordinance authorizing settlement of the lawsuit filed by Akashni Bhan against the City and County of San Francisco, Sergeant Jennifer Streegan, Sergeant Steven Pomatto, Officer Anthony Oerlemans, and Officer Jennifer O'Keffee for \$175,000; the lawsuit was filed on October 4, 2019, in San Francisco Superior Court, Case No. CGC-19-579798; entitled Akashni Bhan v. City and County of San Francisco, et. al.; the lawsuit involves an employment dispute. (City Attorney)
- 6/22/23; RECEIVED FROM DEPARTMENT.
- 7/11/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
4. [230791](#) **[Settlement of Lawsuit - Cheri Pierce - \$75,000]**  
Ordinance authorizing settlement of the lawsuit filed by Cheri Pierce against the City and County of San Francisco for \$75,000; the lawsuit was filed on April 26, 2022, in San Francisco Superior Court, Case No. CGC-22-599362; entitled Cheri Pierce v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury arising out of fall on uneven sidewalk. (City Attorney)
- 6/22/23; RECEIVED FROM DEPARTMENT.
- 7/11/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

5. [230792](#) **[Settlement of Lawsuit - Bi Jun Zhang - \$35,000]**  
Ordinance authorizing settlement of the lawsuit filed by Bi Jun Zhang against the City and County of San Francisco for \$35,000; the lawsuit was filed on May 17, 2022, in San Francisco Superior Court, Case No. CGC-22-599662; entitled Bi Jun Zhang v. City and County of San Francisco, et al.; the lawsuit involves a personal injury to Plaintiff from uneven pavement. (City Attorney)  
6/22/23; RECEIVED FROM DEPARTMENT.  
7/11/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
6. [230793](#) **[Settlement of Lawsuit - Wayne Kha - \$465,000]**  
Ordinance authorizing settlement of the lawsuit filed by Wayne Kha against the City and County of San Francisco for \$465,000; the lawsuit was filed on September 7, 2021, in San Francisco Superior Court, Case No. CGC-21-595136; entitled Wayne Kha v. Johnathon Ng, et al.; the lawsuit involves an alleged personal injury arising from an accident involving a police car. (City Attorney)  
6/27/23; RECEIVED FROM DEPARTMENT.  
7/11/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
7. [230794](#) **[Settlement of Lawsuit - Digital Realty Trust, Inc. - \$1,858,150.71]**  
Ordinance authorizing settlement of the lawsuit filed by Digital Realty Trust, Inc. against the City and County of San Francisco for \$1,858,150.71; the lawsuit was filed on April 18, 2023, in San Francisco Superior Court, Case No. CGC-23-605912, entitled Digital Realty Trust, Inc. v. City and County of San Francisco et al.; the lawsuit involves a claim for refund of Early Care and Education Commercial Rents Tax and Homelessness Gross Receipts Tax; an additional material term of the settlement is that Digital Realty Trust, Inc. and its related entities shall take certain filing positions with respect to their Early Care and Education Commercial Rents Taxes for tax year 2021 and subsequent tax years. (City Attorney)  
6/27/23; RECEIVED FROM DEPARTMENT.  
7/11/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
8. [230795](#) **[Settlement of Lawsuit - Build Group, Inc. - \$211,129.46]**  
Ordinance authorizing settlement of the cross-complaint filed by Build Group, Inc. against the City and County of San Francisco for a payment to Build Group of \$211,129.46; the cross-complaint was filed on November 22, 2022, in the Superior Court of the State of California, County of San Francisco, Case No. CGC-22-598717; entitled CPM Environmental, Inc. v. Build Group, Inc. and DOES 1-100, et al.; the lawsuit involves allegations of breach of contract relating to the renovation of the Maxine Hall Health Center; other material terms of the settlement are that Build Group waives all other claims it has or may have relating to the project. (City Attorney)  
6/28/23; RECEIVED FROM DEPARTMENT.  
7/11/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

9. [230806](#) **[Settlement of Lawsuit - Debra Crismani - \$90,000]**  
Ordinance authorizing settlement of the lawsuit filed by Debra Crismani against the City and County of San Francisco for \$90,000; the lawsuit was filed on March 21, 2022, in San Francisco Superior Court, Case No. CGC-22-598779; entitled Debra Crismani v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City sidewalk. (City Attorney)  
  
7/5/23; RECEIVED FROM DEPARTMENT.  
  
7/18/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
10. [230830](#) **[Settlement of Lawsuit - Ike Ohannesyan - \$50,000]**  
Ordinance authorizing settlement of the lawsuit filed by Ike Ohannesyan against the City and County of San Francisco for \$50,000; the lawsuit was filed on May 17, 2021, in San Francisco Superior Court, Case No. CGC-21-591955; entitled Ike Ohannesyan v. Johnathon Ng, et al.; the lawsuit involves an alleged personal injury arising from an accident involving a police car. (City Attorney)  
  
7/17/23; RECEIVED FROM DEPARTMENT.  
  
7/25/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
11. [230893](#) **[Settlement of Lawsuit - Duk Soon Lee - \$225,000]**  
Ordinance authorizing settlement of the lawsuit filed by Duk Soon Lee against the City and County of San Francisco for \$225,000; the lawsuit was filed on October 12, 2021, in San Francisco Superior Court, Case No. CGC-21-595854; entitled Duk Soon Lee v. Jamie Austin Miller, et al.; the lawsuit involves alleged personal injury arising out of City vehicle collision. (City Attorney)  
  
7/18/23; RECEIVED FROM DEPARTMENT.  
  
9/5/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
12. [230894](#) **[Settlement of Lawsuit - Breon Johnson - \$100,000]**  
Ordinance authorizing settlement of the lawsuit filed by Breon Johnson against the City and County of San Francisco for \$100,000; the lawsuit was filed on September 26, 2022, in San Francisco Superior Court, Case No. CGC-22-601937; entitled Breon Johnson v. The Regents of The University of California, et al.; the lawsuit involves alleged medical negligence. (City Attorney)  
  
7/25/23; RECEIVED FROM DEPARTMENT.  
  
9/5/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
13. [230896](#) **[Settlement of Lawsuit - Tatiana Umnov and Anatoly Umnov - \$450,000]**  
Ordinance authorizing settlement of the lawsuit filed by Tatiana Umnov and Anatoly Umnov against the City and County of San Francisco for \$450,000; the lawsuit was filed on September 20, 2021, in San Francisco Superior Court, Case No. CGC-21-595303; entitled Tatiana Umnov, Anatoly Umnov v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City sidewalk. (City Attorney)  
  
8/17/23; RECEIVED FROM DEPARTMENT.  
  
9/5/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

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14. [230796](#) **[Settlement of Unlitigated Claim - Cincinnati Insurance Company - \$37,636.23]**  
Resolution approving the settlement of the unlitigated claim filed by Cincinnati Insurance Company against the City and County of San Francisco for \$37,636.23; the claim was filed on January 30, 2023; the claim involves alleged property damage arising from flooding caused by a water main rupture. (City Attorney)  
  
6/22/23; RECEIVED FROM DEPARTMENT.  
  
7/11/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
15. [230797](#) **[Settlement of Unlitigated Claim - Arthur Villegas - \$50,000]**  
Resolution approving the settlement of the unlitigated claim filed by Arthur Villegas against the City and County of San Francisco for \$50,000; the claim was filed on May 8, 2023; the claim involves alleged property damage arising from flooding caused by a water main rupture. (City Attorney)  
  
6/22/23; RECEIVED FROM DEPARTMENT.  
  
7/11/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
16. [230798](#) **[Settlement of Unlitigated Claim - Ronghan Guan - \$50,450]**  
Resolution approving the settlement of the unlitigated claim filed by Ronghan Guan against the City and County of San Francisco for \$50,450; the claim was filed on October 19, 2022; the claim involves alleged property damage due to flooding caused by a water main rupture. (City Attorney)  
  
6/22/23; RECEIVED FROM DEPARTMENT.  
  
7/11/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
17. [230799](#) **[Settlement of Unlitigated Claims - Glencore Ltd. - \$197,203.64]**  
Resolution approving the settlement of the unlitigated claims filed by Glencore Ltd. against the City and County of San Francisco for \$197,203.64; the claims were filed on March 27, 2023; the claims involve a refund of gross receipts taxes and payroll expense taxes. (City Attorney)  
  
6/27/23; RECEIVED FROM DEPARTMENT.  
  
7/11/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
18. [230899](#) **[Settlement of Unlitigated Claims - Niantic, Inc. - \$599,398.66]**  
Resolution approving the settlement of the unlitigated claims filed by Niantic, Inc. against the City and County of San Francisco for \$599,398.66; the claims were filed on February 28, 2023; the claims involve a refund of Payroll Expense Tax, Gross Receipts Tax, and Homelessness Gross Receipts Tax. (City Attorney)  
  
7/31/23; RECEIVED FROM DEPARTMENT.  
  
9/5/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

19. [230900](#) **[Settlement of Unlitigated Claim - Bing Situ - \$64,483.41]**  
Resolution approving the settlement of the unlitigated claim filed by Bing Situ against the City and County of San Francisco for \$64,483.41; the claim was filed on April 27, 2023; the claim involves alleged property damage arising from flooding caused by a water main rupture. (City Attorney)  
8/17/23; RECEIVED FROM DEPARTMENT.  
9/5/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
20. [230901](#) **[Settlement of Unlitigated Claim - Yaol Oenn Wong - \$50,000]**  
Resolution approving the settlement of the unlitigated claim filed by Yaol Oenn Wong against the City and County of San Francisco for \$50,000; the claim was filed on April 24, 2023; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)  
8/17/23; RECEIVED FROM DEPARTMENT.  
9/5/23; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
21. [230902](#) **[Settlement of Unlitigated Claim - Jessica Middleton - \$32,439.60]**  
Resolution approving the settlement of the unlitigated claim filed by Jessica Middleton against the City and County of San Francisco for \$32,439.60; the claim was filed on March 24, 2023; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)  
8/17/23; RECEIVED FROM DEPARTMENT.  
9/5/23; 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

## 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. 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) vocal or audible support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones or 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 time. 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 to display a document should place it on the overhead during their public comment and 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 Board and Committee meetings. Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding agenda items. These comments will be made a part of the official public record and brought to the attention of the Board of Supervisors. Written communications should be submitted to the Clerk of the Board or the 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 the Clerk of the Committee and will be shared with the Members.

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**AGENDA PACKET:** Available at <http://www.sfbos.org/meetings>. Meetings are cablecast on SFGovTV, the Government Channel, at [www.sfgovtv.org](http://www.sfgovtv.org) or Cable Channels 26, 28, 78 or 99 (depending on your provider). For DVD copies call (415) 554-4188.

**LANGUAGE INTERPRETERS:** Language services are available in Spanish, Chinese and Filipino if requests are made at least 48 hours in advance of the meeting, to help ensure availability. For more information or to request services: Contact Wilson Ng at (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](http://www.sfgovtv.org) or Cable Channels 26, 28, 78 or 99 (depending on your provider). Board and Committee meeting agendas and minutes are available on the Board's website [www.sfbos.org](http://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 Wilson Ng at (415) 554-5184 [wilson.l.ng@sfgov.org](mailto:wilson.l.ng@sfgov.org).

### **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 [softf@sfgov.org](mailto:softf@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>.

### **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 <http://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 <http://www.sfethics.org>.