



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: Stephanie Cabrera (415) 554-7722

Thursday, January 19, 2023

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](tel:14156550001) / Meeting ID: 2491 372 0218 # #

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>).

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: Stephanie.Cabrera@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, Stephanie Cabrera, at (415) 554-7722 or Stephanie.Cabrera@sfgov.org.

ROLL CALL AND ANNOUNCEMENTS

AGENDA CHANGES

COMMUNICATIONS

REGULAR AGENDA

1. [221209](#) **[Urging the City Administrator’s Office to Conduct a Disparity Study of the LBE Program]**
Sponsors: Melgar; Dorsey
Resolution urging the City Administrator’s Office to conduct a Local Business Enterprises (LBE) disparity study to analyze disparities in the City and County of San Francisco’s contracting to women-owned, minority-owned, and disabled Veteran-owned businesses.

11/29/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

12/5/22; REFERRED TO DEPARTMENT.

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.*

2. [221181](#) **[Settlement of Unlitigated Claim - Grievance: Service Employees International Union, Local 1021 and 2320 Registered Nurses and 2328 Nurse Practitioners - \$236,895.29]**
Resolution approving the settlement of the unlitigated claim filed by Service Employees International Union, Local 1021 on behalf of a class of 2320 Registered Nurses and 2328 Nurse Practitioners against the City and County of San Francisco by the payment of \$236,895.29; the claim was filed on January 30, 2020; the claim involves a labor dispute. (City Attorney)

11/9/22; RECEIVED FROM DEPARTMENT.

11/29/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
3. [221188](#) **[Settlement of Lawsuit - Margarita Herrera - \$650,000]**
Ordinance authorizing settlement of the lawsuit filed by Margarita Herrera against the City and County of San Francisco for \$650,000; the lawsuit was filed on July 30, 2019, in San Francisco Superior Court, Case No. CGC-19-578026; entitled Margarita Herrera v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

11/28/22; RECEIVED FROM DEPARTMENT.

12/6/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
4. [221189](#) **[Settlement of Lawsuit - Dante King - \$562,500]**
Ordinance authorizing settlement of the lawsuit filed by Dante King against the City and County of San Francisco for \$562,500; the lawsuit was filed on September 21, 2022, in San Francisco Superior Court, Case No. CGC-22-601923; entitled Dante King v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

11/28/22; RECEIVED FROM DEPARTMENT.

12/6/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

5. [221190](#) **[Settlement of Lawsuit - Michael Oakes - \$95,000]**
Ordinance authorizing settlement of the lawsuit filed by Michael Oakes against the City and County of San Francisco for \$95,000; the lawsuit was filed on July 10, 2020, in San Francisco Superior Court, Case No. CGC-20-585373; entitled Michael Oakes v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

11/28/22; RECEIVED FROM DEPARTMENT.

12/6/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
6. [221191](#) **[Settlement of Lawsuit - Jo-Theresa Elias-Jackson - \$92,000]**
Ordinance authorizing settlement of the lawsuit filed by Jo-Theresa Elias-Jackson against the City and County of San Francisco for \$92,000; the lawsuit was filed on April 23, 2021, in United States District Court, Northern District of California, Case No. 3:21-cv-02937-PJH; entitled Jo-Theresa Elias-Jackson v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

11/28/22; RECEIVED FROM DEPARTMENT.

12/6/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
7. [221192](#) **[Settlement of Unlitigated Claim - Cassandra McQuaid - \$75,000]**
Resolution approving the settlement of the unlitigated claim filed by Cassandra McQuaid against the City and County of San Francisco for \$75,000; the claim was filed on September 10, 2021; the claim involves an employment dispute. (City Attorney)

11/28/22; RECEIVED FROM DEPARTMENT.

12/6/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
8. [221193](#) **[Settlement of Unlitigated Claim - Osterweis Capital Management, LLC - \$106,978.79]**
Resolution approving the settlement of the unlitigated claim filed by Osterweis Capital Management, LLC against the City and County of San Francisco for \$106,978.79; the claim was filed on September 26, 2022; the claim involves a refund of gross receipts tax. (City Attorney)

11/28/22; RECEIVED FROM DEPARTMENT.

12/6/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

9. [221229](#) **[Settlement of Lawsuit - New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility - \$0]**
Ordinance authorizing settlement of the lawsuit filed by New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility against the City and County of San Francisco for \$0; the lawsuit was filed on April 21, 2021, in United States District Court for the Northern District of California, Case No. 4:21-cv-02871-JST; entitled New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility v. City and County of San Francisco, California; the lawsuit involves the denial of a Conditional Use Authorization to install a wireless telecommunications facility at 590-2nd Avenue; other material terms of the settlement are approval of the Planning Commission's Conditional Use Authorization based on a modification of the proposed facility's design which moves a screened equipment enclosure away from the building edge, rescission of Board of Supervisors Motions Nos. M21-052, M21-053, and M21-75 that disapproved that Conditional Use Authorization, directed the preparation of findings, and made findings pertaining to the same, dismissal of the lawsuit in its entirety with prejudice; and making environmental findings (City Attorney)
11/29/22; RECEIVED FROM DEPARTMENT.
12/13/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
1/13/23; REFERRED TO DEPARTMENT.
1/13/23; RESPONSE RECEIVED.
10. [221230](#) **[Settlement of Unlitigated Claims - A2Z Development USA, Inc. - \$1,399,196]**
Resolution approving the settlement of the unlitigated claims filed by A2Z Development USA, Inc. against the City and County of San Francisco for \$1,399,196; the claims were filed on February 28, 2022; the claims involve a refund of payroll expense and gross receipts taxes. (City Attorney)
12/1/22; RECEIVED FROM DEPARTMENT.
12/13/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
11. [221231](#) **[Settlement of Unlitigated Claim - AmerisourceBergen Drug Corporation - \$76,250]**
Resolution approving the settlement of the unlitigated claim filed by AmerisourceBergen Drug Corporation against the City and County of San Francisco for \$76,250; the claim was filed on July 11, 2022; the claim involves an alleged overpayment of Homelessness Gross Receipts Tax penalties and interest for the 2019 tax year. (City Attorney)
12/5/22; RECEIVED FROM DEPARTMENT.
12/13/22; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
12. [221232](#) **[Tolling Agreement - A-N SFD Owner, LLC - Sir Francis Drake Hotel - Real Property Transfer Tax Dispute]**
Resolution approving a Tolling Agreement to extend the statute of limitations for A-N SFD Owner, LLC for the former Sir Francis Drake 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)
12/5/22; RECEIVED FROM DEPARTMENT.
12/13/22; 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 report; 3) Department or Agency cover letter and/or report; 4) Public correspondence. These items are available for review at the Board of Supervisors, 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 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 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 services 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.

COPYRIGHT: All 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 wish to utilize chamber digital, audio and visual technology may not display copyrighted or encrypted content during public proceedings.

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 554-4188.

LANGUAGE INTERPRETERS: Language services are available in Spanish, Chinese and Filipino at all regular and special 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 la disponibilidad. Para más información o solicitar servicios, por favor contactar a (415) 554-5184.

PAUNAWA: Mayroong serbisyon 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 maraming oras) bago ang 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 society. 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 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 discriminatory disability rights laws.

Meetings are real-time captioned and are cablecast open-captioned on SFGovTV, the Government Channel, at www.sfgovtv.com. 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) 554-5227 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 agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted in the presence of 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 sof@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 activities. 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 Improvement 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 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>.