



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: Aaron Peskin, Norman Yee, London Breed

Clerk: Erica Major (415) 554-4441

Thursday, January 19, 2017

9:30 AM

City Hall, Legislative Chamber, Room 250

Regular Meeting

Present: 2 - Aaron Peskin, and London Breed

Absent: 1 - Norman Yee

The Government Audit and Oversight Committee met in regular session on Thursday, January 19, 2017, with Chair Aaron Peskin presiding.

ROLL CALL AND ANNOUNCEMENTS

Chair Peskin called the meeting to order at 9:38 a.m. On the call of the roll, Chair Peskin and Member Breed were noted present. Vice Chair Yee was noted not present. There was a quorum.

AGENDA CHANGES

REGULAR AGENDA

161179 [Environment Code - Revisions to the Solar Energy Incentive Program]

Sponsor: Breed

Ordinance amending the Environment Code to adjust the incentives in the Solar Energy Incentive Program and revise certain program requirements; and affirming the Planning Department's determination under the California Environmental Quality Act. (Public Utilities Commission)

10/28/16; RECEIVED FROM DEPARTMENT.

11/15/16; ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 12/15/2016.

11/22/16; REFERRED TO DEPARTMENT. Referred to the Mayor's Office, Public Utilities Commission, Office of Economic and Workforce Development, Office of the Controller, Mayor's Office of Housing and Community Development, and the Department of Building Inspection for informational purposes; Planning Department for environmental review.

Heard in Committee. Speaker: John Scarpulla (Public Utilities Commission); presented information and answered questions raised throughout the discussion.

Member Breed requested to be added as the co-sponsor.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 2 - Peskin, Breed

Absent: 1 - Yee

161134 [Urging the San Francisco Employees Retirement System Board to Review Executive Compensation]

Sponsor: Kim

Resolution urging the San Francisco Employees Retirement System Board to review executive compensation, evaluate best practices on salary compensation, hold a public hearing on the matter, and issue a report.

10/18/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

10/21/16; REFERRED TO DEPARTMENT. Referred to the Retirement Board for informational purposes and requested the Department to report.

10/26/16; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: None.

12/01/16; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: None

Heard in Committee. Speakers: None.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 2 - Peskin, Breed

Absent: 1 - Yee

LITIGATION

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 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.

Persons in attendance: Jon Givner (Office of the City Attorney); Barbara A. Garcia, Director, Roland Pickens, and Susan Brajkovic (Department of Public Health); and Erica Major (Office of the Clerk of the Board).

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

Ayes: 2 - Peskin, Breed

Absent: 1 - Yee

Vice Chair Yee was noted present at 9:48 a.m.

161270 [Settlement of Lawsuit - Bradley Bishop - \$750,000]

Ordinance authorizing settlement of the lawsuit filed by Bradley Bishop against the City and County of San Francisco for \$750,000; the lawsuit was filed on February 9, 2015, in San Francisco Superior Court, Case No. CGC-15-544028; entitled Bradley Bishop v. City and County of San Francisco, et al.; the lawsuit involves a medical malpractice claim; other material terms of the settlement are: City and County of San Francisco to waive offset of \$13,891.80 for unpaid services, and Regents of the University of California to pay \$1,750,000. (City Attorney)

11/21/16; RECEIVED FROM DEPARTMENT.

11/29/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

01/12/17; CONTINUED.

RECOMMENDED.. by the following vote:

Ayes: 3 - Peskin, Yee, Breed

170005 [Settlement of Lawsuit - The Regents of the University of California - \$473,530.02 Credit]

Ordinance authorizing settlement of the lawsuit filed by The Regents of the University of California against the City and County of San Francisco for \$473,530.02; the lawsuit was filed on September 22, 2015, in San Francisco Superior Court, Case No. CGC-15-548090; entitled The Regents of the University of California v. City and County of San Francisco; the lawsuit involves a refund for overbilling; other material terms of the settlement are that the refund will be in the form of a credit against future charges for water service. (City Attorney)

12/29/16; RECEIVED FROM DEPARTMENT.

01/10/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Peskin, Yee, Breed

170006 [Settlement of Lawsuit - Decorative Plant Services Inc. - \$110,000]

Ordinance authorizing settlement of the unlawful detainer lawsuit filed by the City and County of San Francisco against Decorative Plant Services Inc. (Decorative Plant), by Decorative Plant's agreement to surrender possession no later than March 31, 2017, Decorative Plant's execution of a Stipulation for Entry of Judgment and a Writ of Possession, and San Francisco Public Utilities Commission (SFPUC) agreement to provide Decorative Plant a payment not to exceed \$110,000 for reimbursement of expenses related to relocation; the lawsuit was filed on November 28, 2016, in San Francisco Superior Court, Case No. CUD-16-657190; entitled City and County of San Francisco, through the Public Utilities Commission (PUC) v. Decorative Plant Services Inc., ACS Marketing Inc. dba S.F. Foliage, Inc., Goldman Enterprises dba Sunborne Nursery Inc., related to the termination of the lease agreement entered into June 1, 2004, between the SFPUC and Decorative Plant Services Inc., for 127,300 square feet at the Southeast Community Facility at 1150 Phelps Avenue. (City Attorney)

12/29/16; RECEIVED FROM DEPARTMENT.

01/10/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Peskin, Yee, Breed

170007 [Settlement of Lawsuit - Goldman Enterprises dba Sunborne Nursery Inc. - \$110,000]

Ordinance authorizing settlement of the unlawful detainer lawsuit filed by the City and County of San Francisco against Goldman Enterprises, dba Sunborne Nursery Inc. (Sunborne), by Sunborne's agreement to surrender possession no later than March 31, 2017, Sunborne's execution of a Stipulation for Entry of Judgment and a Writ of Possession, and San Francisco Public Utilities Commission (SFPUC) agreement to provide Sunborne a payment not to exceed \$110,000 for reimbursement of expenses related to relocation; the lawsuit was filed on November 28, 2016, in San Francisco Superior Court, Case No. CUD-16-657190; entitled City and County of San Francisco, through the Public Utilities Commission (PUC) v. Decorative Plant Services Inc., ACS Marketing Inc. dba S.F. Foliage, Inc., Goldman Enterprises dba Sunborne Nursery Inc., related to the termination of the lease agreement entered into June 1, 2004, between the SFPUC and Decorative Plant Services Inc. and the sublease to Goldman Enterprises, dba Sunborne Nursery Inc., for 127,300 square feet at the Southeast Community Facility at 1150 Phelps Avenue. (City Attorney)

12/29/16; RECEIVED FROM DEPARTMENT.

01/10/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Peskin, Yee, Breed

170008 [Settlement of Lawsuit - ACS Marketing Inc., dba S.F. Foliage Inc. - \$110,000]

Ordinance authorizing settlement of the unlawful detainer lawsuit filed by the City and County of San Francisco against ACS Marketing Inc., dba S.F. Foliage Inc. (S.F. Foliage), by S.F. Foliage's agreement to surrender possession no later than March 31, 2017, S.F. Foliage's execution of a Stipulation for Entry of Judgment and a Writ of Possession, and San Francisco Public Utilities Commission (SFPUC) agreement to provide S.F. Foliage a payment not to exceed \$110,000 for reimbursement of expenses related to relocation; the lawsuit was filed on November 28, 2016, in San Francisco Superior Court, Case No. CUD-16-657190; entitled City and County of San Francisco, through the Public Utilities Commission (PUC) v. Decorative Plant Services Inc., ACS Marketing Inc. dba S.F. Foliage, Inc., Goldman Enterprises dba Sunborne Nursery Inc., related to the termination of the lease agreement entered into June 1, 2004, between the SFPUC and Decorative Plant Services Inc., and sublease to ACS Marketing, dba S.F. Foliage, for 127,300 square feet at the Southeast Community Facility at 1150 Phelps Avenue. (City Attorney)

12/29/16; RECEIVED FROM DEPARTMENT.

01/10/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Peskin, Yee, Breed

170017 [Settlement of Unlitigated Claim - Mignon Dunbar - \$70,000]

Resolution approving the settlement of unlitigated claim filed by Mignon Dunbar against the City and County of San Francisco for \$70,000; including two charges that were filed with the Department of Fair Employment and Housing, one on November 24, 2014, the other on February 4, 2015; the claim involves an employment dispute; additional material terms of the settlement are that Dunbar resigns employment effective August 19, 2016, and that she agrees not to seek or accept future employment with the Police Department. (City Attorney)

12/19/16; RECEIVED FROM DEPARTMENT.

01/10/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Peskin, Yee, Breed

Deputy City Attorney Jon Givner 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.

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

Ayes: 3 - Peskin, Yee, Breed

ADJOURNMENT

There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 10:22 a.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.