



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: Jane Kim, Aaron Peskin, London Breed

Clerk: Erica Major (415) 554-4441

Wednesday, June 21, 2017

10:00 AM

City Hall, Committee Room 263

Regular Meeting

President London Breed appointed Supervisor Sandra Lee Fewer, in place of Supervisor Jane Kim, to the Government Audit and Oversight Committee for the meeting of June 21, 2017.

Present: 3 - Aaron Peskin, London Breed, and Sandra Lee Fewer

Absent: 1 - Jane Kim

The Government Audit and Oversight Committee met in regular session on June 21, 2017, with Vice Chair Aaron Peskin presiding.

ROLL CALL AND ANNOUNCEMENTS

Vice Chair Peskin called the meeting to order at 10:01 a.m. On the call of the roll, Vice Chair Peskin, and Member Fewer were noted present. Member Breed was noted not present. There was a quorum.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

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 and Jonathan Yank (Office of the City Attorney); Jesusa Bushong (Fire Department); Erica Major and John Carroll (Office of the Clerk of the Board).

Member Breed moved to convene in closed session. The motion carried by the following vote.

Ayes: 3 - Peskin, Breed, Fewer

Absent: 1 - Kim

170465 [Settlement of Unlitigated Claim - T-Mobile West, LLC - \$500,000]

Resolution approving the settlement of the unlitigated claim filed by T-Mobile West, LLC against the City and County of San Francisco for \$500,000; the claim was filed on August 7, 2015; the claim involves a refund of utility users taxes (telephone users taxes) and access line taxes. (City Attorney) 04/21/17; RECEIVED FROM DEPARTMENT.

05/02/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Vice Chair Peskin moved that this Resolution be RECOMMENDED... The motion carried by the following vote:

Ayes: 3 - Peskin, Breed, Fewer

Absent: 1 - Kim

170582 [Settlement of Lawsuit - Peter Cuddihy and Joan Cuddihy - \$43,000]

Ordinance authorizing settlement of the lawsuit filed by Peter Cuddihy and Joan Cuddihy against the City and County of San Francisco for \$43,000; the lawsuit was filed on July 1, 2016, in San Francisco Superior Court, Case No. CGC-16-552818; entitled Peter Cuddihy and Joan Cuddihy v. City and County of San Francisco; the lawsuit involves widespread flooding to the area surrounding the intersection of 15th Avenue and Wawona Street due to heavy rains on December 3, 2014. (City Attorney)

05/12/17; RECEIVED FROM DEPARTMENT.

05/23/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Vice Chair Peskin moved that this Ordinance be RECOMMENDED... The motion carried by the following vote:

Ayes: 3 - Peskin, Breed, Fewer

Absent: 1 - Kim

170583 [Settlement of Lawsuit - Raymond Choy - \$30,000]

Ordinance authorizing settlement of the lawsuit filed by Raymond Choy against the City and County of San Francisco for \$30,000; the lawsuit was filed on May 28, 2015, in San Francisco Superior Court, Case No. CGC-15-546044; entitled Raymond Choy v. City and County of San Francisco, et al.; the lawsuit involves an alleged civil rights violation. (City Attorney)

05/12/17; RECEIVED FROM DEPARTMENT.

05/23/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Vice Chair Peskin moved that this Ordinance be RECOMMENDED... The motion carried by the following vote:

Ayes: 3 - Peskin, Breed, Fewer

Absent: 1 - Kim

170584 [Settlement of Lawsuit - Jason Douglas and Carol Grindley - \$60,000]

Ordinance authorizing settlement of the lawsuit filed by Jason Douglas and Carol Grindley against the City and County of San Francisco for \$60,000; the lawsuit was filed on April 27, 2016, in San Francisco Superior Court, Case No. CGC-16-551699; entitled Jason Douglas, Carol Grindley v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from a motorcycle collision with a Police Department patrol car. (City Attorney)

05/12/17; RECEIVED FROM DEPARTMENT.

05/23/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Vice Chair Peskin moved that this Ordinance be RECOMMENDED... The motion carried by the following vote:

Ayes: 3 - Peskin, Breed, Fewer

Absent: 1 - Kim

170585 [Settlement of Lawsuit - Devaughn Frierson - \$29,500]

Ordinance authorizing settlement of the lawsuit filed by Devaughn Frierson against the City and County of San Francisco for \$29,500; the lawsuit was filed on June 9, 2015, in the United States District Court, Case No. 15-cv-02573; entitled Devaughn Frierson v. City and County of San Francisco, et al.; the lawsuit involves alleged civil rights violations; other material terms of the settlement are the dismissal of all defendants. (City Attorney)

05/12/17; RECEIVED FROM DEPARTMENT.

05/23/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Vice Chair Peskin moved that this Ordinance be RECOMMENDED... The motion carried by the following vote:

Ayes: 3 - Peskin, Breed, Fewer

Absent: 1 - Kim

170588 [Settlement of Unlitigated Claim - Jessica Kennedy - \$375,000]

Resolution approving the settlement of the unlitigated claim filed by Jessica Kennedy against the City and County of San Francisco for \$375,000; the claim was filed on June 16, 2016; the claim involves an employment dispute. (City Attorney)

05/12/17; RECEIVED FROM DEPARTMENT.

05/23/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Vice Chair Peskin moved that this Resolution be RECOMMENDED... The motion carried by the following vote:

Ayes: 3 - Peskin, Breed, Fewer

Absent: 1 - Kim

170644 [Settlement of Lawsuit - Ambac Assurance Corp. and Ambac Financial Group Inc. - City to Receive \$679,202]

Ordinance authorizing a settlement of the lawsuit filed by the City and County of San Francisco against Ambac Assurance Corp. and its affiliate, Ambac Financial Group Inc. for \$679,202; the lawsuit was filed on October 8, 2008, in San Francisco Superior Court, Case No. CGC-08-480708; entitled City and County of San Francisco v. Ambac Financial Group Inc., et al.; the lawsuit involves breach of contract, fraud and antitrust claims against bond insurance companies; this partial settlement applies only to claims against the two Ambac entities. (City Attorney)

05/19/17; RECEIVED FROM DEPARTMENT.

06/06/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Vice Chair Peskin moved that this Ordinance be RECOMMENDED... The motion carried by the following vote:

Ayes: 3 - Peskin, Breed, Fewer

Absent: 1 - Kim

170645 [Settlement of Lawsuit - United Airlines, Inc. - City to Receive \$165,000]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against United Airlines, Inc. for \$165,000; the lawsuit was filed on August 2, 2016, in San Mateo County Superior Court, Case No. 16CIV00748, entitled City and County of San Francisco v. United Airlines, Inc., and removed to the United States District Court for the Northern District of California on September 13, 2016, Case No. 3:16-cv-05234-MEJ; the lawsuit involves claims against United Airlines, Inc. for negligence and breach of contract for causing damage to City-owned computer equipment; other material terms of the settlement are each side to bear its own fees and costs, the City will dismiss its complaint with prejudice, and the parties will enter into mutual releases. (City Attorney)

05/23/17; REFERRED TO DEPARTMENT.

06/06/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Vice Chair Peskin moved that this Ordinance be RECOMMENDED... The motion carried by the following vote:

Ayes: 3 - Peskin, Breed, Fewer

Absent: 1 - Kim

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

Ayes: 3 - Peskin, Breed, Fewer

Absent: 1 - Kim

170350 [Police, Administrative Codes - Employer Consideration of Applicant's Salary History]**Sponsors: Farrell; Tang, Ronen, Cohen, Breed and Peskin**

Ordinance amending the Police and Administrative Codes to ban employers, including City contractors and subcontractors, from considering current or past salary of an applicant in determining whether to hire an applicant or what salary to offer the applicant, and from asking applicants about their current or past salary; to prohibit employers, including City contractors and subcontractors, from disclosing a current or former employee's salary history without that employee's authorization unless the salary history is publicly available; authorizing the Office of Labor Standards Enforcement to implement and enforce these provisions; and authorizing the City to bring a civil action against an employer for violations.

04/04/17; ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 5/4/2017.

04/11/17; REFERRED TO DEPARTMENT. Referred to the Office of Labor Standards Enforcement, the City Attorney, the Office of the Controller, The Chief of Police, and the Department on the Status of Women for informational purposes.

06/01/17; RESPONSE RECEIVED. Received a response from the Office of Small Business, forwarding the Small Business Commission's recommendations to the Board of Supervisors.

06/07/17; RESPONSE RECEIVED. Received a response from the Department on the Status of Women.

06/07/17; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Supervisor Mark Farrell (Board of Supervisors); Dr. Emily Murase (Department on the Status of Women); presented information and answered questions raised throughout the discussion. Kat Anderson; spoke in support of the hearing matter. Dee Dee Workman (San Francisco Chamber of Commerce); spoke neither in support nor against the hearing matter.

06/07/17; CONTINUED AS AMENDED.

06/16/17; RESPONSE RECEIVED. Received a response from the Small Business Commission for the file.

Heard in Committee. Speaker: Kanishka Karunaratne (Office of Supervisor Mark Farrell); presented information and answered questions raised throughout the discussion.

Vice Chair Peskin requested to be added as a co-sponsor.

Member Fewer moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 2, Line 7, by inserting 'on average'; on Page 4, Lines 23-24, by inserting 'solicited, received,; on Page 5, Lines 21-23, by adding a provision that Salary History shall not include any objective measure of the applicant's productivity such as revenue, sales, or other production reports; on Page 6, Line 19, by inserting 'or provides written authorization pursuant to subsection (d) above,; on Page 6, Lines 22-25, by inserting 'Salary History by itself shall not be used to justify paying any employee of a different sex, race or ethnicity less than such Applicant or prospective employee for doing substantially similar work under similar working conditions, in accordance with California Labor Code Section 1197.5. '; on Page 11, Lines 16-18, by inserting 'and whose application, in whole or part, will be solicited, received, processed or considered,; on Page 12, Line 19, by inserting 'working on behalf of a Contractor or Subcontractor. '; on Page 12, Lines 20-22, by inserting 'The physical location of the employment or prospective employment of an Applicant must be at least eight (8) hours per week on City property. '; on Page 16, Line 5, by inserting 'Contracts, Subcontracts, or Property'; and making other clerical, clarifying, and conforming changes. The motion carried by the following vote:

Ayes: 2 - Peskin, Fewer

Absent: 2 - Kim, Breed

Member Fewer moved that this Ordinance be RECOMMENDED AS AMENDED. The motion carried by the following vote:

Ayes: 2 - Peskin, Fewer

Absent: 2 - Kim, Breed

Member Breed was noted present at 10:05 a.m.

170705 [Assessment Ballot for a City-Owned Parcel - Japantown Community Benefit District]

Sponsor: Breed

Resolution authorizing the Mayor, or his designee, to cast an assessment ballot in the affirmative on behalf of the City and County of San Francisco, as the owner of one parcel of real property over which the Board of Supervisors has jurisdiction that would be subject to assessment in the proposed property and business improvement district to be named the Japantown Community Benefit District.

06/06/17; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

06/14/17; REFERRED TO DEPARTMENT. Referred to the Office of Economic and Workforce Development and the Director of Elections for informational purposes.

Heard in Committee. Speaker: Chris Corgas (Office of Economic and Workforce Development); presented information and answered questions raised throughout the discussion.

Member Breed moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Peskin, Breed, Fewer

Absent: 1 - Kim

ADJOURNMENT

There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 10:35 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.