



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: Gordon Mar, Vallie Brown, Aaron Peskin

Clerk: John Carroll (415) 554-4445

Thursday, March 7, 2019

10:00 AM

City Hall, Committee Room 263

Regular Meeting

President Norman Yee appointed Supervisor Shamann Walton, in place of Supervisor Aaron Peskin, to the Government Audit and Oversight Committee for the regular meeting of March 7, 2019.

Present: 3 - Gordon Mar, Vallie Brown, and Shamann Walton

Excused: 1 - Aaron Peskin

The Government Audit and Oversight Committee met in regular session on Thursday, March 7, 2019, with Chair Gordon Mar presiding. Chair Mar called the meeting to order at 10:05 a.m.

ROLL CALL AND ANNOUNCEMENTS

On the call of the roll, Chair Mar and Member Walton were noted present.

Vice Chair Brown and Member Peskin were noted not present. A quorum was present.

Supervisor Aaron Peskin Excused from Attendance

Member Walton moved that Member Peskin be excused from the Government Audit and Oversight Committee meeting of March 7, 2019. The motion carried by the following vote:

Ayes: 2 - Mar, Walton

Excused: 1 - Peskin

Absent: 1 - Brown

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

Supervisor Walton was noted absent at 1:22 p.m. and for the remainder of the meeting.

190054 [Housing Preferences - Annual Reporting - July 1, 2016, through June 30, 2018]

Sponsor: Mayor

Resolution reporting on Administrative Code, Chapter 47.4, housing preferences requirements to the Board of Supervisors.

01/15/19; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

02/07/19; TRANSFERRED to Government Audit and Oversight Committee. President Yee transferred this matter from Land Use and Transportation Committee to the Government Audit and Oversight Committee.

Heard in Committee. Speakers: Maria Benjamin (Mayor's Office of Housing and Community Development); presented information and answered questions raised throughout the discussion. Ace Washington; spoke on various concerns relating to the hearing matter.

Vice Chair Brown moved that this Resolution be AMENDED, AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 1, by striking 'Administrative Code, Chapter 47.4 - Housing Preferences - Annual Reporting' and replacing it with 'Housing Preferences - Annual Reporting - July 1, 2016, through June 30, 2018'; on Page 1, Lines 3-4, by striking 'Resolution reporting on Administrative Code, Chapter 47.4, housing preferences requirements to the Board of Supervisors.' replacing it with 'Resolution receiving and approving the Mayor's Office of Housing and Community Development's annual report on participation in the Residential Certificate of Preference, Displaced Tenant Housing Preference, Neighborhood Resident Housing Preference, and other affordable housing preference programs for all new construction projects within the City and County of San Francisco marketed between July 1, 2016, and June 30, 2018, as required by Administrative Code, Chapter 47.4.'; and on Page 3, Lines 20-22, by striking 'RESOLVED, That the Board of Supervisors accepts the data provided in this Resolution as part of MOHCD's annual reporting on housing preferences required under Administrative Code, Section 47.4.' and replacing it with 'RESOLVED, That the Board of Supervisors hereby receives and approves MOHCD's annual reporting on housing preferences over the period of July 1, 2016, through June 30, 2018, as required under Administrative Code, Section 47.4.'. The motion carried by the following vote:

Ayes: 2 - Mar, Brown

Excused: 1 - Peskin

Absent: 1 - Walton

Resolution receiving and approving the Mayor's Office of Housing and Community Development's annual report on participation in the Residential Certificate of Preference, Displaced Tenant Housing Preference, Neighborhood Resident Housing Preference, and other affordable housing preference programs for all new construction projects within the City and County of San Francisco marketed between July 1, 2016, and June 30, 2018, as required by Administrative Code, Chapter 47.4.

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

Ayes: 2 - Mar, Brown

Excused: 1 - Peskin

Absent: 1 - Walton

160443 [Hearing - Role of the City's State Legislation Committee and the Advocacy Procedures and Protocols of the City Lobbyist]**Sponsor: Peskin**

Hearing on the procedural mechanics and process undertaken by the City's State Legislation Committee and City Lobbyist when lobbying on behalf of the City and transmitting the City's official policy positions to external bodies and agencies; and requesting the City Attorney, the City Lobbyist, and the Mayor's Legislative Liaison to report.

04/26/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

05/03/16; REFERRED TO DEPARTMENT. Referred to the Office of the City Attorney, Shaw Yoder Antwih, Inc., and the Legislative Liaison to the Board of Supervisors for informational purposes and requesting the various parties to report.

05/05/16; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Nicole Elliott (Mayor's Office); presented information and answered questions raised throughout the discussion. Bob Planthold; Male Speaker; spoke on various concerns relating to the hearing matter.

06/03/16; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Joshua Shaw, Paul Yoder, and Karen Lang (Shaw/Yoder/Antwih, Inc.); Nicole Elliott (Mayor's Office); presented information and answered questions raised throughout the discussion. Tim Collin; Brian Hemlin; Sunny Traus; Peter Cohen (Council of Community Housing Organizations); spoke on various concerns relating to the hearing matter.

02/14/17; REMAIN ACTIVE. Supervisor Peskin requested this matter remain active for an additional six months until August 14, 2017.

08/23/17; REMAIN ACTIVE. Supervisor Peskin requested this matter remain active for an additional six months until February 23, 2018.

02/22/18; REMAIN ACTIVE. Supervisor Peskin requested this matter remain active for an additional six months until August 23, 2018.

09/26/18; REMAIN ACTIVE. Supervisor Peskin requested this matter remain active for an additional six months until March 26, 2019.

02/21/19; CONTINUED. Heard in Committee. Speakers: None.

Heard in Committee. Speakers: None.

Chair Mar moved that this Hearing be CONTINUED to the Special Government Audit and Oversight Committee meeting of March 14, 2019. The motion carried by the following vote:

Ayes: 2 - Mar, Brown

Excused: 1 - Peskin

Absent: 1 - Walton

190183 [Hearing - Oversight on the Sheriff's Department]**Sponsors: Walton; Fewer**

Hearing to inquire why the Sheriff's Department, as a law enforcement agency, lacks an oversight body in light of recent reports of guards mistreating inmates; and requesting the Department of Police Accountability, Sheriff, Public Defender, and District Attorney to report.

02/12/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

02/20/19; REFERRED TO DEPARTMENT. Referred to the Department of Police Accountability, Sheriff, Public Defender, and District Attorney for informational purposes.

Heard in Committee. Speakers: Chesa Boudin (Public Defender Office); Sheriff Vicki Hennessy (Sheriff's Department); Cristine Soto DeBerry (District Attorney's Office); Paul Henderson (Department of Police Accountability); presented information and answered questions raised throughout the discussion. Gloria Berry; Ace Washington; Christine A. Revelo-Lee, Roxann Guthman, and Dana Drusinsky (Public Defender's Office); Kamau Walton (Transgender Gender-Variant & Intersex Justice Project); Fatima Avellan (Public Defender Office); Auto Pippenger; Speaker; Kate Hellenga, PhD; Mimi Clausner; Roma Guy (Taxpayers for Public Safety); Stephanie Brusselson; Carolyn Trung (Youth Commission); Dr. Derrick Kur; spoke on various concerns relating to the hearing matter.

Vice Chair Brown moved that this Hearing be HEARD AND FILED. The motion carried by the following vote:

Ayes: 3 - Mar, Brown, Walton

Excused: 1 - Peskin

LITIGATION

Chair Mar requested File Nos. 190101, 190102, 190137, 190163, 190189, 190138, and 190190 be called together.

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 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.

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

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

Ayes: 2 - Mar, Walton

Excused: 1 - Peskin

Absent: 1 - Brown

Vice Chair Brown was noted present at 10:10 a.m.

190101 [Settlement of Lawsuit - Satinder Singh - \$425,000]

Ordinance authorizing settlement of the lawsuit filed by Satinder Singh against the City and County of San Francisco for \$425,000; the lawsuit was filed on January 23, 2014, in San Francisco Superior Court, Case No. CGC-14-536941; entitled Satinder Singh v. Xuong Lu, et al.; the lawsuit involves alleged personal injury from a vehicle collision. (City Attorney)

01/22/19; RECEIVED FROM DEPARTMENT.

02/05/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Mar, Brown, Walton

Excused: 1 - Peskin

190102 [Settlement of Lawsuit - Brandon Simpson - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Brandon Simpson against the City and County of San Francisco for \$50,000; the lawsuit was filed on January 11, 2017, in the United States District Court, Northern District of California, Case No. 17-CV-00133 KAW; entitled Brandon Simpson v. City and County of San Francisco, et al.; the lawsuit involves alleged damages stemming from civil rights violations; other material terms of the settlement are that Mr. Simpson's court ordered criminal restitution will be paid from the settlement proceeds. (City Attorney)

01/22/19; RECEIVED FROM DEPARTMENT.

02/05/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Mar, Brown, Walton

Excused: 1 - Peskin

190137 [Settlement of Lawsuit - Logan Rachel Ury - \$80,000]

Ordinance authorizing settlement of the lawsuit filed by Logan Rachel Ury against the City and County of San Francisco for \$80,000; the lawsuit was filed on February 14, 2017, in San Francisco Superior Court, Case No. CGC-17-557062; entitled Logan Rachel Ury v. City and County of San Francisco, et al.; the lawsuit involves an alleged personal injury in Golden Gate Park. (City Attorney)

01/31/19; RECEIVED FROM DEPARTMENT.

02/12/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Mar, Brown, Walton

Excused: 1 - Peskin

190163 [Settlement of Lawsuit - 1049 Market Street, LLC - \$2,400,000 Loan - Tenderloin Housing Clinic]**Sponsors: Mayor; Haney**

Ordinance authorizing settlement of multiple lawsuits filed by 1049 Market Street, LLC, against the City and County of San Francisco, including 1049 Market Street, LLC v. City and County of San Francisco, et al. (U.S. District Court, Northern District of California, Case No. 4:15-cv-02075 filed on May 8, 2015), 1049 Market Street, LLC v. Miller, et al. (San Francisco Superior Court, Case No. CGC-15-545950 filed on May 21, 2015; 1st Circuit Court of Appeal No. A148716), 1049 Market Street, LLC v. City and County of San Francisco (San Francisco Superior Court, Case No. CPF-16-515046 filed on May 23, 2016), 1049 Market Street, LLC v. City and County of San Francisco (San Francisco Superior Court, Case No. CGC-15-547161 filed on August 3, 2015), 1049 Market Street, LLC v. City and County of San Francisco (San Francisco Superior Court, Case No. CPF-17-515754 filed on June 30, 2017), and 1049 Market Street, LLC v. City and County of San Francisco (San Francisco Superior Court, Case No. CGC-17-559890 filed on June 30, 2017); the lawsuits challenge the City's enforcement of the Planning Code's requirements for a Conditional Use Authorization for elimination of residential uses and the City's enforcement of Planning and Building Code violations against the property owners of 1049 Market Street; upon the grant of additional discretionary City approvals, the settlement would legalize commercial use of portions of the building and provide fifteen units of affordable housing, with priority for artists, at 1049 Market Street through the purchase and retrofit of the second floor of the building by Tenderloin Housing Clinic ("THC"); the settlement would provide for a loan in the amount of \$2,400,000 by the City to THC to permanently finance THC's purchase of an interest in the building for the purpose of affordable housing and additional funds to retrofit residential units.

02/12/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Chair Mar moved that this Ordinance be RECOMMENDED AS COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Mar, Brown, Walton

Excused: 1 - Peskin

190189 [Settlement of Lawsuit - Jamal Rashid Trulove - \$13,100,000]

Ordinance authorizing settlement of the lawsuit filed by Jamal Rashid Trulove against the City and County of San Francisco for \$13,100,000; the lawsuit was filed on January 7, 2016, in United States District Court, Case No. 16-cv-00050; entitled Jamal Rashid Trulove v. Maureen D'Amico et al.; the lawsuit involves alleged unlawful prosecution and incarceration. (City Attorney)

02/14/19; RECEIVED FROM DEPARTMENT.

02/26/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Mar, Brown, Walton

Excused: 1 - Peskin

190138 [Settlement of Unlitigated Claim - Antrea Investments & Trading LLC - \$41,163.13]

Resolution approving the settlement of the unlitigated claim filed by Antrea Investments & Trading LLC against the City and County of San Francisco for \$41,163.13; the claim was filed on September 21, 2018; the claim involves alleged property damage arising from a six-inch water main break. (City Attorney)

01/31/19; RECEIVED FROM DEPARTMENT.

02/12/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Mar, Brown, Walton

Excused: 1 - Peskin

190190 [Settlement of Unlitigated Claim - One Nob Hill Associates, LLC - \$65,250]

Resolution approving the settlement of the unlitigated claim filed by One Nob Hill Associates, LLC against the City and County of San Francisco for \$65,250; the claim was filed on February 28, 2018; the claim involves an alleged overpayment of real property transfer tax. (City Attorney)

02/08/19; RECEIVED FROM DEPARTMENT.

02/26/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Mar, Brown, Walton

Excused: 1 - Peskin

[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.

Vice Chair Brown moved not to disclose closed session deliberations. The motion carried by the following vote:

Ayes: 3 - Mar, Brown, Walton

Excused: 1 - Peskin

ADJOURNMENT

There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 1:31 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Land Use and Transportation Committee on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.