



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, May 16, 2019

10:00 AM

City Hall, Legislative Chamber, Room 250

Regular Meeting

President Norman Yee appointed Supervisor Shamann Walton, in place of Supervisor Aaron Peskin, to the Government Audit and Oversight Committee meeting of May 16, 2019.

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

Absent: 1 - Aaron Peskin

The Government Audit and Oversight Committee met in regular session on May 16, 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 Vice Chair Brown were noted present. Members Peskin Walton were noted not present.

A quorum was present.

Member Walton was noted present at 10:14 a.m.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

190468 [Assessment Ballots for City Parcels - North of Market/Tenderloin Community Benefit District]

Sponsor: Haney

Resolution authorizing the Mayor or their designee(s) to cast an assessment ballot in the affirmative for the proposed renewal and expansion of a property and business improvement district to be named the North of Market/Tenderloin Community Benefit District, with respect to certain parcels of real property owned by the City that would be subject to assessment in said District.

04/30/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speakers: Chris Corgas; presented information and answered questions raised throughout the discussion. Simon Bertrang (Tenderloin Community Benefit District); Rhiannon Bailard, Executive Director of Operations (University of California Hastings Law); Michael Wright; spoke in support of the hearing matter.

RECOMMENDED by the following vote:

Ayes: 3 - Mar, Brown, Walton

Absent: 1 - Peskin

190392 [Administrative Code - Juvenile Hall Closure]**Sponsors: Walton; Ronen, Haney, Mar, Peskin, Fewer, Brown and Safai**

Ordinance amending the Administrative Code to require the City to close Juvenile Hall by December 31, 2021, expand community-based alternatives to detention, and provide a rehabilitative, non-institutional place of detention, in a location approved by the Court; to establish a working group for the development of a Juvenile Hall closure plan, and to establish the Youth Justice Reinvestment Fund to support community-based alternatives to detention and also support the working group; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

04/09/19; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 5/9/2019.

04/15/19; TRANSFERRED to Government Audit and Oversight Committee.

04/17/19; REFERRED TO DEPARTMENT. Referred to the Juvenile Probation Department; the Chief of Police; the Sheriff; the Public Defender; the District Attorney; the Department of Children, Youth, and Their Families; and the Department of Child Support Services for informational purposes. Referred to the Planning Department for environmental review and General Plan conformity findings. Referred to the Youth Commission for review and response.

05/02/19; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment. Any physical project would require environmental review.

05/08/19; RESPONSE RECEIVED. On May 6, 2019, the Youth Commission voted unanimously to support the ordinance.

Heard in Committee. Speakers: Supervisors Hillary Ronen and Matt Haney (Board of Supervisors); presented information and answered questions raised throughout the discussion. Kashif Abdullah, Aisha Afaf, and Yasmin Gharbi (San Francisco Islamic School); Dan Macallair, Executive Director (Center on Juvenile and Criminal Justice); Nancy Rubin (Taxpayers for Public Safety); Ray Balberan (Mission Merchants Archives); Denise Coleman (Huckleberry Youth Programs); Mildred Kofy and Derrell Thompkins (Coleman Advocates); Joel Tarman (Sunset Youth Services); Meredith Desautels (Youth Law Center); Krea Gomez (Young Women's Freedom Center); Patty Lee (Office of the Public Defender); Jocelyn Mati, Leticia Silot, and Julia "Juju" Arroyo (Young Women's Freedom Center); Katie Miller (Office of the District Attorney); Dawn Stueckle, Executive Director (Sunset Youth Services); Brandie Bowen and Michelle Chan (Coleman Advocates); Esperanza Mecias (Instituto Familiar de la Raza); Roberto Vargas; Casey Lin; Noora Almajid and Krista DeNio (Larkin Street Youth Services); Naomi Fierro and Austin Truong (San Francisco Youth Commission); Lucero Herrera (Young Women's Freedom Center); Kiely Hosmon, Director (San Francisco Youth Commission); José Daniel Hernández (CARECEN); Debbi Lerman (San Francisco Human Services Network); Maureen Washburn (Center on Juvenile and Criminal Justice); Jordan Davis; Katie Manbachi (Young Women's Freedom Center); Gerald Miller; Anna Johnson and Briana Zweifler (National Center for Youth Law); Jose "Jojo" Ty (San Francisco Youth Commission); Jacqueline Flin, Executive Director, and Sophie (A. Philip Randolph Institute); Dinky Manek Enty, Deputy Director (Center on Juvenile and Criminal Justice); Eddie Wilson Levi (California Youth Connection); Michael Wright; spoke in support of the hearing matter. Reverend James Smith and Dan Daniels (National Association for the Advancement of Colored People); Chema Hernandez Gil (SEIU, Local 1021); Speaker; Jack Jacqua (Omega Boys Club); Ryan Kony, Marcus Mackey, Kevin Lewis, Alonda Austin, Kwanza Morton, Alfred Morales, and Joseph Tanner (San Francisco Juvenile Probation Department); Corey Monroe (Omega Boys Club); Stephanie Speech; Palminder Hernandez (San Francisco Juvenile Probation Department); Aidan Robins; Tim Diestel, Gary Levene, Patrick Yelon, Fred Nelson, and Eric Hubbard (San Francisco Juvenile Probation Department); Henrietta Lee; Luis Recinos, Director (San Francisco Juvenile Probation Department); Kendal Mason (National Association for the Advancement of Colored People); Damon Burris and Deborah Bill (San Francisco Juvenile Probation Department); Speaker; spoke in opposition of the hearing matter. Speaker; Yvette Ramirez (City Youth Now); Ben Sizemore (SEIU, Local 1021); K. I. Ifopo (Young Women's Freedom Center); David Malizia (Woodside Learning Center); Speaker; Doris

Washington; spoke on various concerns relating to the hearing matter.

Member Walton moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 2, Lines 1-5, by striking reference to findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1; on Page 5, Line 21, by defining that Director means the Director of the Human Rights Commission; on Page 8, Lines 18-19, by inserting 'The Working Group shall strive to schedule meetings to accommodate the Working Group members so that all members may attend regularly;' on Page 8, Lines 24-25, by striking 'City Administrator' and inserting 'Director;' on Page 9, Lines 1-2, by striking 'City Administrator' and inserting 'Director;' on Page 9, Lines 11-12, by inserting 'The Working Group shall establish a Needs Assessment subcommittee;' and on Lines 13-14, by inserting 'and shall appoint members to the Needs Assessment subcommittee consistent with subsection 5.40-6(a) of this Article;' on Page 10, Lines 3-10, by inserting '(1) Establish a "Needs Assessment subcommittee" to conduct a confidential review of juvenile delinquency case files to the extent that review is authorized by the Court. The Needs Assessment subcommittee shall consist of the following four Working Group members: the Public Defender or the Public Defender's designee (Working Group Seat 11); a representative of a community-based non-profit that serves juvenile justice-involved youth and that is a member of the Juvenile Justice Providers Association (Working Group Seat 1 or 2); an expert in youth mental illness (Working Group Seat 7); and an expert in juvenile justice reform (Working Group Seat 8);' on Page 10, Lines 11-13, by inserting 'and request that the Court authorize the Juvenile Probation Department to allow Needs Assessment subcommittee members to;' on Page 10, Line 16 through Page 11, Line 2, by inserting '(3) Submit formal requests for aggregate, de-identified statistical data regarding the children detained in Juvenile Hall from the following departments and agencies: the Juvenile Probation Department, the Department of Public Health, the San Francisco Unified School District, and the Human Services Agency. The data requested shall include, but not be limited to: race, gender, age, charged offense and level, sustained offenses and level, disposition, length of stay in custody, number of prior delinquency contacts, number of probation violations or bench warrants, child welfare system involvement, disability status, prior school records that identify educational disabilities, mental health status, and prior referrals to community-based programs and services. The Juvenile Probation Department, Department of Public Health, and the Human Services Agency shall respond to data requests within two weeks of receiving the request;' on Page 11, Lines 3-7, by striking '(2) Track every child detained at Juvenile Hall who is not required by State law to be kept in a secure facility, including but not limited to: (A) children charged with probation violations or technical violations such as home detention violations, (B) children charged with a misdemeanor awaiting disposition, and (C) children awaiting an out-of-home placement post-disposition;' on Page 12, Line 5, by striking 'female;' and Line 7, by inserting 'and the Boys Home Shelter closed in 2019;' on Page 13, Line 14, by inserting 'the Department of Children, Youth and Their Families;' on Page 14, Lines 2-5, by specifying that the Working Group shall submit each report to the Mayor, any City department or office responsible for a program identified in the report, and the Director; and the final report shall be submitted to the Board no later than June 1, 2021, detailing the final steps needed to close Juvenile Hall by December 31, 2021; and making other clerical and conforming changes. The motion carried by the following vote:

Ayes: 3 - Mar, Brown, Walton

Absent: 1 - Peskin

Ordinance amending the Administrative Code to require the City to close Juvenile Hall by December 31, 2021, expand community-based alternatives to detention, and provide a rehabilitative, non-institutional place or places of detention, in locations approved by the Court, to establish a working group for the development of a Juvenile Hall closure plan, and to establish the Youth Justice Reinvestment Fund to support community-based alternatives to detention and also support the working group; and affirming the Planning Department's determination under the California Environmental Quality Act.

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

Ayes: 3 - Mar, Brown, Walton

Absent: 1 - Peskin

190181 [Hearing - Language Access, Emergency Response Protocols, and Response Time - Police, Fire, and Emergency Management]

Sponsors: Safai; Yee and Mar

Hearing on language access, emergency response protocol, and response time when responding to emergency calls for service; namely, but not limited to, the robbery of the Good Orchard Bakery in District 11, mid-January 2019; and requesting the Department of Emergency Management, Police Department, and Fire Department to report.

02/12/19; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

02/20/19; REFERRED TO DEPARTMENT. Referred to the Department of Emergency Management, Police Department, and Fire Department for informational purposes.

02/27/19; TRANSFERRED to Government Audit and Oversight Committee. President Yee transferred this matter from the Public Safety and Neighborhood Services Committee to the Government Audit and Oversight Committee.

Heard in Committee. Speakers: Supervisor Ahsha Safai and President Norman Yee (Board of Supervisors); Mary Ellen Carroll, Director, and Robert Smuts (Department of Emergency Management); Commander David Lazar and Commander Daryl Fong (San Francisco Police Department); presented information and answered questions raised throughout the discussion. Marlene Tran; Annette Wong (Chinese for Affirmative Action); Eileen Zhao; Ah Li; Amy Olivera and Laura (PODER); Pyxie Castillo (Filipino Cultural Center); Leda; Amy Lin (Chinese for Affirmative Action); Speaker; Speaker; Ken; Patrick Racela (Filipino Community Center); spoke on various concerns relating to the hearing matter.

HEARD AND FILED by the following vote:

Ayes: 3 - Mar, Brown, Walton

Absent: 1 - Peskin

LITIGATION

Chair Mar requested File Nos. 190402, 190403, 190404, and 190434 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.

Persons in attendance: Jon Givner (Office of the City Attorney) and John Carroll (Office of the Clerk of the Board).

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

Ayes: 3 - Mar, Brown, Walton

Absent: 1 - Peskin

190402 [Settlement of Lawsuit - Oscar L. Tomasino - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by Oscar L. Tomasino against the City and County of San Francisco for \$75,000; the lawsuit was filed on March 19, 2018, in San Francisco Superior Court, Case No. CGC-18-565058; entitled Oscar L. Tomasino v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City sidewalk. (City Attorney)

04/12/19; RECEIVED FROM DEPARTMENT.

04/23/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED by the following vote:

Ayes: 3 - Mar, Brown, Walton

Absent: 1 - Peskin

190403 [Partial Settlement of Lawsuit - Victoria Sanchez - \$97,500]

Ordinance authorizing settlement of the lawsuit filed by Victoria Sanchez against the City and County of San Francisco for \$97,500; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms; as it relates only to property loss of plaintiff Victoria Sanchez, by the payment of \$97,500 and excluding the claim by this plaintiff for diminution of value for plaintiff's real property and the claim by plaintiff for attorney's fees, costs and interest, which will be addressed in later proceedings. (City Attorney)

04/12/19; RECEIVED FROM DEPARTMENT.

04/23/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED by the following vote:

Ayes: 3 - Mar, Brown, Walton

Absent: 1 - Peskin

190404 [Settlement of Lawsuit - San Franciscans for Livable Neighborhoods - \$247,799.50]

Ordinance authorizing settlement of the lawsuit filed by San Franciscans for Livable Neighborhoods against the City and County of San Francisco for \$247,799.50; the lawsuit was filed on August 4, 2011, in San Francisco Superior Court, Case No. 513077; entitled San Franciscans for Livable Neighborhoods v. City and County of San Francisco; the lawsuit involves a challenge to the environmental impact report prepared in support of, and the approval of, the 2009 Housing Element of the San Francisco General Plan. (City Attorney)

04/12/19; RECEIVED FROM DEPARTMENT.

04/23/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED by the following vote:

Ayes: 3 - Mar, Brown, Walton

Absent: 1 - Peskin

190434 [Settlement of Unlitigated Claim - Franciscan Towers Associates, L.P. - \$25,619.59 Plus Interest]

Resolution approving the settlement of the unlitigated claim filed by Franciscan Towers Associates, L.P. against the City and County of San Francisco for \$25,619.59 plus statutory interest; the claim was filed on January 23, 2019; the claim involves an alleged overpayment of property taxes. (City Attorney)

04/22/19; RECEIVED FROM DEPARTMENT.

04/30/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED by the following vote:

Ayes: 3 - Mar, Brown, Walton

Absent: 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.

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

Ayes: 3 - Mar, Brown, Walton

Absent: 1 - Peskin

ADJOURNMENT

There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 3:32 p.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.