



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, July 18, 2019

10:00 AM

City Hall, Committee Room 263

Regular Meeting

Present: 3 - Gordon Mar, Vallie Brown, and Aaron Peskin

The Government Audit and Oversight Committee met in regular session on July 18 2019, with Chair Gordon Mar presiding. Chair Mar called the meeting to order at 10:04 a.m.

ROLL CALL AND ANNOUNCEMENTS

On the call of the roll, Chair Mar and Member Peskin were noted present. Vice Chair Brown was noted not present. A quorum was present.

Vice Chair Brown was noted present at 10:11 a.m.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

190214 [Building Code - Fee Waiver for 100% Affordable Housing and Accessory Dwelling Units]

Sponsors: Mayor; Brown and Mar

Ordinance amending the Building Code to waive specified fees for 100% affordable housing projects, as defined herein, and accessory dwelling unit projects for an approximately one-year pilot program; and affirming the Planning Department's determination under the California Environmental Quality Act.

(Fiscal Impact)

02/26/19; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 3/28/2019.

03/06/19; REFERRED TO DEPARTMENT. Referred to the Building Inspection Commission for comment and recommendation pursuant to Charter Section D3.750-5; Planning Department for environmental review.

03/07/19; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment. It is a temporary fee waiver.

03/21/19; RESPONSE RECEIVED. On March 20, 2019, the Commission recommended approval of the proposed legislation.

03/27/19; 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.

04/18/19; RECOMMENDED. Heard in Committee. Speakers: Bill Strawn (Department of Building Inspection); presented information and answered questions raised throughout the discussion. Michael Wright; Ken; spoke on various concerns relating to the hearing matter.

04/30/19; RE-REFERRED to Government Audit and Oversight Committee.

Heard in Committee. Speakers: Bill Strawn (Department of Building Inspection); Dan Goncher (Office of the Budget and Legislative Analyst); presented information and answered questions raised throughout the discussion. Peter Cohen (Council of Community Housing Organizations); spoke in support of the hearing matter. Mr. Wright; spoke on various concerns relating to the hearing matter.

Chair Mar moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 4, by adding 'certain'; on Page 2, Lines 9-11, by inserting 'where the subject accessory dwelling unit property is: (1) within a building or on a property containing four or fewer dwelling units or (2) located on a nonprofit charitable organization's residential project'; on Page 4, Lines 6-14, by inserting 'The report also shall include the following information in regard to an accessory dwelling unit(s) ("ADU"): (a) is the ADU in a single family home or multi-unit building; (b) the length of time the applicant has owned the property; (c) is the applicant an individual or a business; (d) does the applicant intend to rent the ADU, and if so, does the applicant have a price range they are considering for rent; (e) does the applicant have or has the applicant had building permit applications for other residential properties in the City within the last 10 years; and (f) does the applicant own in whole or in part other residential property in San Francisco as an individual or as part of a partnership or corporation.'; on Page 4, Lines 21-22, to make the Ordinance retroactive to June 1, 2019, instead of February 26, 2019; and making other conforming and clerical amendments. The motion carried by the following vote:

Ayes: 3 - Mar, Brown, Peskin

Ordinance amending the Building Code to waive specified fees for 100% affordable housing projects, as defined herein, and certain accessory dwelling unit projects for an approximately one-year pilot program; and affirming the Planning Department's determination under the California Environmental Quality Act.

(Fiscal Impact)

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

Ayes: 3 - Mar, Brown, Peskin

181012 [Non-Renewal of a Mills Act Historical Property Contract - 690 Market Street]

Sponsor: Peskin

Resolution regarding non-renewal of a Mills Act historical property contract with RCP LLC, the owner of 690 Market Street, The Chronicle Building, Assessor's Parcel Block No. 311, Lot No. 016 (specifically Assessor's Parcel Block No. 311, Lot Nos. 016-069, 73-74, and 78-79) under Chapter 71 of the Administrative Code; notifying the Assessor Recorder's Office of such non-renewal; and authorizing the Planning Director to send notice of the non-renewal of the historical property contract to the owner and record a notice of non-renewal.

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

10/22/18; REFERRED TO DEPARTMENT. Referred to the Historic Preservation Commission for review and comment pursuant to Charter Section 4.135; to the Assessor-Recorder for informational purposes; and to the Planning Department for environmental review.

11/01/18; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

01/03/19; RESPONSE RECEIVED. On December 19, 2018, the Historic Preservation Commission approved HPC Resolution No. 1014, adopting findings recommending to the Board of Supervisors approval of non-renewal of the Mills Act Historical Property Contract for 690 Market Street (Assessor's Parcel Block No. 0311, Lot Nos. 016-119). The resolution was transmitted to the Clerk of the Board on January 3, 2019.

Heard in Committee. Speakers: Shannon Ferguson (Planning Department); presented information and answered questions raised throughout the discussion. Mr. Wright; Peter Cohen; spoke on various concerns relating to the hearing matter.

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

Ayes: 3 - Mar, Brown, Peskin

190673 [Home Detention Electronic Monitoring Program Rules and Regulations and Program Administrator's Evidence of Financial Responsibility - 2019]

Resolution approving the Sheriff Department's home detention and electronic monitoring program rules and regulations and approving evidence of financial responsibility demonstrated by the program administrator, Sentinel Offender Services, LLC, for the 2019 calendar year. (Sheriff)

06/07/19; RECEIVED FROM DEPARTMENT.

06/18/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speakers: Crispin Hollings (Sheriff's Department); presented information and answered questions raised throughout the discussion. Speaker; spoke in opposition to the resolution matter.

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

Ayes: 3 - Mar, Brown, Peskin

190547 [Administrative Code - Office of Racial Equity]**Sponsors: Fewer; Brown, Walton, Mandelman, Ronen, Mar and Safai**

Ordinance amending the Administrative Code to create an Office of Racial Equity as a Division of the Human Rights Commission Department, with authority to create a citywide Racial Equity Framework, assist City departments with the development of Racial Equity Action Plans, analyze and report on the impact of ordinances on racial equity, and carry out various other policy and reporting functions regarding racial equity; require City departments to create Racial Equity Action Plans and to provide annual updates on such Plans; require City departments to designate employees as racial equity leaders; and require the Department of Human Resources to produce an annual report concerning racial equity in the City workforce.

(Fiscal Impact)

05/14/19; ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/13/2019.

05/24/19; TRANSFERRED to Government Audit and Oversight Committee. President Yee transferred this matter from the Rules Committee to the Government Audit and Oversight Committee.

05/24/19; REFERRED TO DEPARTMENT. Referred to all City Department Heads, via the Mayor's Office, the Human Rights Commission, and the Department of Human Resources for informational purposes.

07/11/19; AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Supervisor Sandra Lee Fewer (Board of Supervisors); Cheryl Davis, Director, and Zoe Polk (Human Rights Commission); Severin Campbell (Office of the Budget and Legislative Analyst); presented information and answered questions raised throughout the discussion. Brenda Barros; Cheryl Thornton (SEIU Local 1021); Mr. Wright; Debra Grabelle; Gus Vallejo and Larry Griffin (IFPTE 21); Majad Crawford; Tobias Damm-Luhr (Lawyer's Committee for Civil Rights); Hong Mei Pang (Chinese for Affirmative Action); Lucy Arellano (Mission Economic Development Agency); Gloria Berry; April McGill (California Consortium for Urban Indian Health); Geoffrea Morris (Reentry Council); Lauren Bell (Adult Probation Department); Speaker; Norma Garcia (Mission Economic Development Agency); Kim Lynch (SEIU Local 1021); Phelicia Jones; Natalie Kim (Coleman Advocates); Beatriz Herrera (SF Rising); Ron Weigelt (Department of Public Health); Amanda Hinh (Brightline Defense); Kaleo Vaifale, Jessica Molina, and Kevine Boggess (Coleman Advocates); Eddie Ahn (Brightline Defense); Barbara Mumby; Claudia Flores; Twanda Bailey; Wanda Slaughter; Dante King (Black Employee Alliance Coalition Against Anti-Blackness); Speaker; Speaker; Speaker; Speaker; Speaker; Speaker; Claire Amable and Lian Ladia (South of Market Community Action Network); Speaker; Zae Malawa; Kelsey Liu; Karen Pierce and Jessica Brown (Department of Public Health); Speaker; Nora Hulton and Austin Truong (San Francisco Youth Commission); Solaire S.; Speaker; Jessie Fernandez; Tamika Chenier; Speaker; Monique; Rodney Chin; Josey Baker (The Mill); Widya Batin; Georgia; Andrew; Judy Young; Arnold Townsend; Patricia O'Farrell; Victoria; Tawana Grey; Ken; spoke on various concerns relating to the hearing matter.

07/11/19; CONTINUED AS AMENDED.

Heard in Committee. Speakers: Mr. Wright; Ken; spoke on various concerns relating to the hearing matter.

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

Ayes: 3 - Mar, Brown, Peskin

LITIGATION

Chair Mar requested File Nos. 190404, 190647, 190648, and 190744 be called together.

Speaker: Mr. Wright; spoke on various concerns.

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); Phil Ginsburg, General Manager, and Lorraine Banford (Recreation and Parks Department); and John Carroll (Office of the Clerk of the Board).

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

Ayes: 3 - Mar, Brown, 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.

05/16/19; RECOMMENDED.

06/04/19; RE-REFERRED.

Member Peskin moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, to clarify that the settlement is for the petitioner's claim for attorney's fees and costs.. The motion carried by the following vote:

Ayes: 3 - Mar, Brown, Peskin

Ordinance authorizing settlement of petitioner's claim for attorney's fees and costs in 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. 513-077; 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)

Member Peskin moved that this Ordinance be RECOMMENDED AS AMENDED AS A COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Mar, Brown, Peskin

190647 [Settlement of Lawsuit - Fidel Joshua - \$460,000]

Ordinance authorizing settlement of the lawsuit filed by Fidel Joshua against the City and County of San Francisco for \$460,000; the lawsuit was filed on December 9, 2014, in the United States District Court, Northern District of California, Case No. 14-cv-05394-JD; entitled Fidel Joshua v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

05/24/19; RECEIVED FROM DEPARTMENT.

06/11/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

06/20/19; CONTINUED.

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

Ayes: 3 - Mar, Brown, Peskin

190648 [Settlement of Lawsuit - Jerry Jack - \$200,000]

Ordinance authorizing settlement of the lawsuit filed by Jerry Jack against the City and County of San Francisco for \$200,000; the lawsuit was filed on December 9, 2014, in the United States District Court, Northern District of California, Case No. 14-cv-05402-JD; entitled Jerry Jack v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

05/24/19; RECEIVED FROM DEPARTMENT.

06/11/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

06/20/19; CONTINUED.

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

Ayes: 3 - Mar, Brown, Peskin

190744 [Settlement of Unlitigated Claim - Tilt.com, Inc. - \$50,410.20]

Resolution approving the settlement of the unlitigated claim filed by Tilt.com, Inc. against the City and County of San Francisco for \$50,410.20; the claim was filed on December 6, 2018; the claim involves a refund of gross receipts tax, penalties, and interest. (City Attorney)

06/26/19; RECEIVED FROM DEPARTMENT.

07/09/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Mar, Brown, 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 Peskin moved not to disclose closed session deliberations. The motion carried by the following vote:

Ayes: 3 - Mar, Brown, Peskin

ADJOURNMENT

There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 11:21 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.