



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, Aaron Peskin, Matt Haney

Clerk: John Carroll (415) 554-4445

Thursday, December 3, 2020

10:00 AM

Regular Meeting

Present: 3 - Gordon Mar, Aaron Peskin, and Matt Haney

The Government Audit and Oversight Committee met in regular session through videoconferencing, and provided public comment through teleconferencing, on Thursday, December 3, 2020, with Chair Gordon Mar presiding. Chair Mar called the meeting to order at 10:01 a.m.

Remote Access to Information and Participation

In accordance with Governor Newsom's Executive Order No. N-33-20 declaring a State of Emergency regarding the COVID-19 outbreak and Mayor London N. Breed's Proclamation declaring a Local Emergency issued on February 25, 2020, including the guidance for gatherings issued by the San Francisco Department of Public Health Officer, aggressive directives were issued to reduce the spread of COVID-19. On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely (via Microsoft Teams) and will allow remote public comment via teleconference. Visit the SFGovTV website at (www.sfgovtv.org) to stream the live meetings, or to watch meetings on demand.

Members of the public are encouraged to participate remotely via detailed instructions on participating via teleconference available at: <https://sfbos.org/remote-meeting-call>. Members of the public may participate by phone or may submit their comments by email to: john.carroll@sfgov.org; all comments received will be made a part of the official record. Regularly-scheduled Government Audit and Oversight Committee Meetings begin at 10:00 a.m. on the first and third Thursdays of each month. Committee agendas and their associated documents are available at <https://sfbos.org/committees>.

ROLL CALL AND ANNOUNCEMENTS

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

Member Haney was noted present at 10:04 a.m.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

Chair Mar requested that File Nos. 201121 and 201122 be heard together.

201121 [Hearing - Civil Grand Jury Report - Strengthen our Behavioral Health Services]

Hearing on the 2019-2020 Civil Grand Jury Report, entitled "Strengthen our Behavioral Health Services." (Clerk of the Board)

10/01/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

10/07/20; REFERRED TO DEPARTMENT. Referred to the Department of Public Health, the Department of Human Resources, and the Health Commission for informational purposes.

11/30/20; RESPONSE RECEIVED. The Health Commission submitted a response to the Civil Grand Jury Report.

11/30/20; RESPONSE RECEIVED. The Department of Public Health submitted a response to the Civil Grand Jury Report.

12/02/20; RESPONSE RECEIVED. The Department of Human Resources submitted a response to the Civil Grand Jury Report.

Heard in Committee. Speakers: Jaime Guandique, Foreperson, and Dr. Patricia Levenberg (2019-2020 Civil Grand Jury); Marlo Simmons, Karen Hill (Department of Public Health); Carol Isen, Acting Interim Director (Department of Human Resources); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Mar, Peskin, Haney

201122 [Board Response - Civil Grand Jury Report - Strengthen our Behavioral Health Services]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2019-2020 Civil Grand Jury Report, entitled “Strengthen our Behavioral Health Services;” and urging the Mayor to cause the implementation of accepted findings and recommendations through her department heads and through the development of the annual budget. (Government Audit and Oversight Committee)

10/01/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

10/07/20; REFERRED TO DEPARTMENT. Referred to the Department of Public Health, the Department of Human Resources, and the Health Commission for informational purposes.

11/30/20; RESPONSE RECEIVED. The Health Commission submitted a response to the Civil Grand Jury Report.

11/30/20; RESPONSE RECEIVED. The Department of Public Health submitted a response to the Civil Grand Jury Report.

12/02/20; RESPONSE RECEIVED. The Department of Human Resources submitted a response to the Civil Grand Jury Report.

Heard in Committee. Speakers: Jaime Guandique, Foreperson, and Dr. Patricia Levenberg (2019-2020 Civil Grand Jury); Marlo Simmons, Karen Hill (Department of Public Health); Carol Isen, Acting Interim Director (Department of Human Resources); presented information and answered questions raised throughout the discussion.

Member Haney moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, by adding Board of Supervisors' responses to Recommendation Nos. R3 and R4. The motion carried by the following vote:

Ayes: 3 - Mar, Peskin, Haney

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

Ayes: 3 - Mar, Peskin, Haney

Chair Mar requested that File Nos. 201123 and 201124 be heard together.

201123 [Hearing - Civil Grand Jury Report - Sustain Our City's High Performing Moscone Convention Center]

Hearing on the 2019-2020 Civil Grand Jury Report, entitled "Sustain Our City's High Performing Moscone Convention Center." (Clerk of the Board)

10/01/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

10/07/20; REFERRED TO DEPARTMENT. Referred to the Office of the Mayor, the City Administrator, the Director of Convention Facilities, the Office of Economic and Workforce Development, the Controller, and the Police Department for informational purposes.

11/30/20; RESPONSE RECEIVED. The Mayor's Office submitted a consolidated response to the Civil Grand Jury Report for the following departments: Office of the Mayor, City Administrator, Police Department, Office of Economic and Workforce Development.

11/30/20; RESPONSE RECEIVED. The Controller submitted a response to the Civil Grand Jury Report.

Heard in Committee. Speakers: Jaime Guandique, Foreperson, and Peter Mills (2018-2019 Civil Grand Jury); John Noguchi (Office of the City Administrator); Lisa Pagan (Office of Economic and Workforce Development); Peter Walsh and Diana Oliva-Aroche (Police Department); presented information and answered questions raised throughout the discussion. Joanne Desmond, Terry Lewis; Ike Kwon (SF Travel); John Anderson; Kathy Maupin, Executive Director (Yerba Buena Community Benefit District); Stacy Judd; Joe D'alessandro, President (SF Travel); Kevin Carroll, President (Hotel Council); Speaker; Amy Arbuckle; Shari Bethel (International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts, Local 16); Ruben Ahumada; Amelia Lindy (San Francisco Chamber of Commerce); Erin Rothmore (International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts, Local 16); Andrew Bennet; Laurie Thomas, Executive Director (San Francisco Restaurant Association); Speaker; spoke on various concerns relating to the hearing matter.

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

Ayes: 3 - Mar, Peskin, Haney

201124 [Board Response - Civil Grand Jury Report - Sustain Our City's High Performing Moscone Convention Center]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2019-2020 Civil Grand Jury Report, entitled "Sustain Our City's High Performance Moscone Convention Center;" and urging the Mayor to cause the implementation of accepted findings and recommendations through her department heads and through the development of the annual budget. (Government Audit and Oversight Committee)

10/01/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

10/07/20; REFERRED TO DEPARTMENT. Referred to the Office of the Mayor, the City Administrator, the Director of Convention Facilities, the Office of Economic and Workforce Development, the Controller, and the Police Department for informational purposes.

11/30/20; RESPONSE RECEIVED. The Mayor's Office submitted a consolidated response to the Civil Grand Jury Report for the following departments: Office of the Mayor, City Administrator, Police Department, Office of Economic and Workforce Development.

11/30/20; RESPONSE RECEIVED. The Controller submitted a response to the Civil Grand Jury Report.

Heard in Committee. Speakers: Jaime Guandique, Foreperson, and Peter Mills (2018-2019 Civil Grand Jury); John Noguchi (Office of the City Administrator); Lisa Pagan (Office of Economic and Workforce Development); Peter Walsh and Diana Oliva-Aroche (Police Department); presented information and answered questions raised throughout the discussion. Joanne Desmond, Terry Lewis; Ike Kwon (SF Travel); John Anderson; Kathy Maupin, Executive Director (Yerba Buena Community Benefit District); Stacy Judd; Joe D'alessandro, President (SF Travel); Kevin Carroll, President (Hotel Council); Speaker; Amy Arbuckle; Shari Bethel (International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts, Local 16); Ruben Ahumada; Amelia Lindy (San Francisco Chamber of Commerce); Erin Rothmore (International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts, Local 16); Andrew Bennet; Laurie Thomas, Executive Director (San Francisco Restaurant Association); Speaker; spoke on various concerns relating to the hearing matter.

Chair Mar moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, by adding Board of Supervisors' responses to Finding Nos. F1, F2, F3, F4, F5, F6, F7, F8, and F9; and Recommendation Nos. R1, R2, R3, and R4. The motion carried by the following vote:

Ayes: 3 - Mar, Peskin, Haney

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

Ayes: 3 - Mar, Peskin, Haney

Chair Mar requested that File Nos. 201125 and 201126 be heard together.

201125 [Hearing - Civil Grand Jury Report - A Recycling Reality Check: What Actually Happens to Things We Put in Our Blue Recycling Bins?]

Hearing on the 2019-2020 Civil Grand Jury Report, entitled "A Recycling Reality Check: What Actually Happens to Things We Put in Our Blue Recycling Bins?." (Clerk of the Board)

10/01/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

10/07/20; REFERRED TO DEPARTMENT. Referred to the Office of the Mayor and the Department of the Environment for informational purposes.

11/30/20; RESPONSE RECEIVED. The Mayor's Office submitted a consolidated response to the Civil Grand Jury Report for the following departments: Office of the Mayor, Department of the Environment.

Heard in Committee. Speakers: Jaime Guandique, Foreperson, Jonathan Gohstand, and Phyllis Deets (2018-2019 Civil Grand Jury); Charles Sheehan and Cara Gurney (Department of the Environment); Noelle Duong and Maurice Quillen (Recology); presented information and answered questions raised throughout the discussion. David Pilpel; Speaker; spoke on various concerns relating to the hearing matter.

Chair Mar moved that this Hearing be CONTINUED TO CALL OF THE CHAIR. The motion carried by the following vote:

Ayes: 3 - Mar, Peskin, Haney

201126 [Board Response - Civil Grand Jury Report - A Recycling Reality Check: What Actually Happens to Things We Put in Our Blue Recycling Bins]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2019-2020 Civil Grand Jury Report, entitled "A Recycling Reality Check: What Actually Happens to Things We Put in Our Blue Recycling Bins;" and urging the Mayor to cause the implementation of accepted findings and recommendations through her department heads and through the development of the annual budget. (Government Audit and Oversight Committee)

10/01/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

10/07/20; REFERRED TO DEPARTMENT. Referred to the Office of the Mayor and the Department of the Environment for informational purposes.

11/30/20; RESPONSE RECEIVED. The Mayor's Office submitted a consolidated response to the Civil Grand Jury Report for the following departments: Office of the Mayor, Department of the Environment.

Heard in Committee. Speakers: Jaime Guandique, Foreperson, Jonathan Gohstand, and Phyllis Deets (2018-2019 Civil Grand Jury); Charles Sheehan and Cara Gurney (Department of the Environment); Noelle Duong and Maurice Quillen (Recology); presented information and answered questions raised throughout the discussion. David Pilpel; Speaker; spoke on various concerns relating to the hearing matter.

Chair Mar moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, by adding Board of Supervisors' responses to Finding Nos. F1, F2, and F3; and Recommendation Nos. R1, R2, and R3. The motion carried by the following vote:

Ayes: 3 - Mar, Peskin, Haney

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

Ayes: 3 - Mar, Peskin, Haney

200790 [Condemning the Naming of the Priscilla Chan and Mark Zuckerberg San Francisco General Hospital and Trauma Center]**Sponsors: Mar; Haney**

Resolution condemning the naming of the San Francisco General Hospital and Trauma Center after Priscilla Chan and Mark Zuckerberg and urging City departments to establish clear standards with regards to naming rights for public institutions and properties that reflect San Francisco's values and a commitment to affirming and upholding human rights, dignity, and social and racial justice.

07/21/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speakers: Andrea Buffa; Tracy Rosenberg; Kim Meredith, Chief Executive Officer (San Francisco General Hospital Foundation); Francisco da Costa; Speaker; Peter Warfield (Library Users Association); Speaker; Lori Liederman; Sasha Cuttler; Mike Dingle; Guy Vandenberg; John Bliss; spoke on various concerns relating to the hearing matter.

Chair Mar moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 4, Lines 12-21, by inserting 'WHEREAS, According to an August 2020 study by Avaaz, during the last year, content from the top 10 websites spreading health misinformation had almost four times as many estimated views on Facebook as equivalent content from the websites of 10 leading health institutions, such as the World Health Organization (WHO) and the Centers for Disease Control and Prevention (CDC); and WHEREAS, A survey conducted by the International Center for Journalists and Columbia University's Tow Center Journalism of reporters covering the COVID-19 pandemic reported that the Facebook platform was the largest impediment to delivering accurate stories about the virus, and that efforts to reach out to the platform to stem the tide of lies were usually unsuccessful; and'. The motion carried by the following vote:

Ayes: 3 - Mar, Peskin, Haney

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

Ayes: 3 - Mar, Peskin, Haney

LITIGATION

Heard in Committee. 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.

The Deputy City Attorney 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.

Persons in attendance: Anne Pearson and Molly Alarcon (Office of the City Attorney); Jamie Parks (Municipal Transportation Agency); Alisa Somera and John Carroll (Office of the Clerk of the Board).

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

Ayes: 3 - Mar, Peskin, Haney

201279 [Settlement of Lawsuit - Bay Area Motivate, LLC - \$330,000]

Ordinance authorizing settlement of the lawsuit filed by Bay Area Motivate, LLC against the City and County of San Francisco for \$330,000 and other mutually beneficial terms; the lawsuit was filed on June 7, 2019, in San Francisco Superior Court, Case No. CGC-19-576554; entitled Bay Area Motivate, LLC v. City and County of San Francisco, San Francisco Municipal Transportation Agency, and Does 1-50; the lawsuit involves claims for breach of contract and declaratory relief; other material terms of the settlement involve the San Francisco Municipal Transportation Agency's agreement to acknowledge Bay Area Motivate, LLC's contractual exclusivity while retaining the ability to utilize a second bike share operator in certain enumerated circumstances, and other programmatic and operational terms regarding the Bay Area Bike Share Program in San Francisco. (City Attorney)

11/09/20; RECEIVED FROM DEPARTMENT.

11/17/20; 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 - Mar, Peskin, Haney

[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.

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

Ayes: 3 - Mar, Peskin, Haney

ADJOURNMENT

There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 1:50 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.