



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: Dean Preston, Connie Chan, Rafael Mandelman

Clerk: John Carroll (415) 554-4445

Thursday, February 4, 2021

10:00 AM

Regular Meeting

Present: 3 - Dean Preston, Connie Chan, and Rafael Mandelman

The Government Audit and Oversight Committee met in regular session through videoconferencing, and provided public comment through teleconferencing, on Thursday, February 4, 2021, with Chair Dean Preston presiding. Chair Preston 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 Preston, Vice Chair Chan, and Member Mandelman were noted present. A quorum was present.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

201388 [Administrative Code - Protections for Occupants of Residential Hotels During COVID-19 Pandemic]

Sponsor: Peskin

Ordinance amending the Administrative Code to establish protections for occupants of residential hotels ("SRO Residents") during the COVID-19 pandemic by, among other things: making it City policy to place in solitary hotel rooms SRO residents who meet the criteria for isolation or quarantine established by the County Health Officer, and requiring the Department of Public Health to post a notice in the common area and notify the operator of a residential hotel when an SRO Resident has tested positive for COVID-19, to facilitate contact tracing, testing for COVID-19, and cleaning; establish a telephone hotline for SRO Residents, to respond to questions about accessing COVID-19 health screenings, testing, and solitary hotel rooms; provide face coverings to SRO Residents and workers in residential hotels; and provide daily aggregate data concerning the incidence of COVID-19 among SRO Residents, access to quarantine rooms by such residents, and the number of such residents who have died due to complications from COVID-19.

(Fiscal Impact)

12/15/20; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 1/14/2021.

12/22/20; REFERRED TO DEPARTMENT. Referred to Rent Board and the Department of Public Health for informational purposes.

12/22/20; TRANSFERRED to Government Audit and Oversight Committee. President Yee transferred this matter from the Land Use and Transportation Committee to the Government Audit and Oversight Committee.

Heard in Committee. Speaker: Supervisor Aaron Peskin (Board of Supervisors); presented information and answered questions raised throughout the discussion.

Vice Chair Chan moved that this Ordinance be CONTINUED to the Government Audit and Oversight Committee meeting of February 18, 2021. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

210052 [Emergency Ordinance - Public Health Emergency Leave]**Sponsor: Mar**

Reenactment of emergency ordinance (Ordinance No. 59-20 as reenacted by Ordinance Nos. 90-20, 136-20, 217-20, and 270-20) to temporarily require private employers with 500 or more employees to provide public health emergency leave during the public health emergency related to COVID-19. (Pursuant to Charter, Section 2.107, this matter requires the affirmative vote of two-thirds of the Board of Supervisors (8 votes) for passage.)

01/19/21; ASSIGNED to Government Audit and Oversight Committee. January 28, 2021 - President Walton waived the 30-day hold pursuant to Board Rule 3.22.

Heard in Committee. Speaker: Supervisor Gordon Mar (Board of Supervisors); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Preston, Chan, Mandelman

Chair Preston moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

Member Mandelman moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 3, Lines 5-10, by inserting 'and amends Sections 3, 4, and 5 of such emergency ordinance to read as follows. Although both Ordinance No. 59-20 and this reenacted emergency ordinance are uncodified, for purposes of clarity, the respective fonts for additions and deletions to the Municipal Code as stated in the "Note" that appears at the beginning of this ordinance are used to show the amendments to Sections 3, 4, and 5 of Ordinance No. 59-20'; on Page 3, Lines 18-22, by inserting 'Further, "Employer" shall not include a Non-Profit Organization if the majority of the annual revenue of the Non-Profit Organization is program service revenue that is not unrelated business taxable income under 26 U.S.C. § 512, as may be amended from time to time, and the Non-Profit Organization does not engage in Healthcare Operations'; on Page 4, Lines 1-12, by inserting "'Healthcare Operations" means the provision of diagnostic and healthcare services and devices including, without limitation, hospitals, medical clinics, diagnostic testing locations, dentists, pharmacies, blood banks and blood drives, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. "Healthcare Operations" also includes veterinary care and all healthcare services provided to animals. "Healthcare Operations" excludes fitness and exercise gyms and similar facilities. "Nonprofit Organization" means a nonprofit corporation, duly organized, validly existing and in good standing under the laws of the jurisdiction of its incorporation and (if a foreign corporation) in good standing under the laws of the State of California, which corporation has established and maintains valid nonprofit status under 26 U.S.C. § 501(c)(3), as may be amended from time to time, and all rules and regulations promulgated under such Section'; and on Page 4, Lines 16-21, by inserting '(h) The amendments contained in the reenacted emergency ordinance in Board File No. 210052, to the definition of Employer, excluding certain Non-Profit Organizations, and to Section 5, striking a provision allowing leave to be taken without regard to Employees' work schedules, are prospective only. Such amendments do not extinguish the right of a person to pursue a complaint pursuant to Section 8 that arose prior to the effective date of such amendments'; on Page 5, Lines 5-9, by striking 'Public Health Emergency Leave may be taken regardless of whether and when the Employee is scheduled to work, provided that the total number of hours of leave taken in a week may not exceed the average number of hours over a one-week period that the Employee was scheduled over the previous six months ending on February 25, 2020, including hours for which the Employee took leave of any type.' The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

Reenactment of emergency ordinance (Ordinance No. 59-20, as reenacted by Ordinance Nos. 90-20, 136-20, 217-20, and 270-20) to temporarily require private employers with 500 or more employees to provide public health emergency leave during the public health emergency related to COVID-19, with amendments to prospectively exempt certain non-profit organizations from the emergency ordinance and to strike a provision allowing leave to be taken without regard to employees' work schedules. (Pursuant to Charter, Section 2.107, this matter requires the affirmative vote of two-thirds of the Board of Supervisors (8 votes) for passage.)

RECOMMENDED AS AMENDED AS A COMMITTEE REPORT by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

200279 [Hearing - Investigations Into Public Corruption]

Sponsors: Mar; Haney and Preston

Hearing on the progress and findings of investigations into public corruption; and requesting the Controller and City Attorney to report.

03/10/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

03/18/20; REFERRED TO DEPARTMENT. Referred to the Office of the Controller and the City Attorney for informational purposes.

06/29/20; RESPONSE RECEIVED. Received a report prepared by the Office of the Controller entitled 'Preliminary Assessment: San Francisco Public Works Contracting.'

07/02/20; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Todd Rydstrom, Deputy Controller, and Mark de la Rosa (Office of the Controller); Andrew Shen, and Anne Pearson (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Francisco da Costa; Speaker; Speaker; Linda Chapman; Speaker; spoke on various concerns relating to the hearing matter.

09/24/20; RESPONSE RECEIVED. Received a report prepared by the Office of the Controller entitled 'Preliminary Assessment: Gifts to Departments Through Non-City Organizations Lack Transparency and Create "Pay-to-Play" Risk.'

10/01/20; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Mark de la Rosa (Office of the Controller); presented information and answered questions raised throughout the discussion. Anastasia Yovanopolous; spoke on various concerns relating to the hearing matter.

Heard in Committee. Speakers: Supervisor Gordon Mar (Board of Supervisors); Mark de la Rosa and Todd Rydstrom (Controller's Office); Anne Pearson and Ronald Flynn (Office of the City Attorney); presented information and answered questions raised throughout the discussion. David Pilpel; spoke on various concerns relating to the hearing matter.

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

Ayes: 3 - Preston, Chan, Mandelman

210075 [Emergency Ordinance - San Francisco COVID-19 Vaccination Plan]**Sponsors: Haney; Walton, Ronen, Mar, Preston, Chan and Melgar**

Emergency ordinance requiring the Department of Public Health to prepare a COVID-19 Vaccination Plan and to make publicly available on its website information relating to the number and availability of COVID-19 vaccines in San Francisco, and the methods by which people who live or work in the City may access vaccines.

(Pursuant to Charter, Section 2.107, this matter requires the affirmative vote of two-thirds of the Board of Supervisors (8 votes) for passage.)

01/26/21; ASSIGNED to Government Audit and Oversight Committee. January 28, 2021 - President Walton waived the 30-day rule pursuant to Board Rule No. 3.22.

01/29/21; REFERRED TO DEPARTMENT. Referred to the Department of Public Health and the Office of Racial Equity for informational purposes.

Heard in Committee. Speakers: Supervisor Matt Haney (Board of Supervisors); Mary Ellen Carroll, Director (Department of Emergency Management); Dr. Naveena Bobba (Department of Public Health); presented information and answered questions raised throughout the discussion. La Shon Walker (San Francisco Aids Foundation); Francisco da Costa; Angela Jay; Jon Jacobo (Latino Task Force); spoke on various concerns relating to the hearing matter.

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

Ayes: 3 - Preston, Chan, Mandelman

ADJOURNMENT

There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 1:41 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.