



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, November 18, 2021

10:00 AM

Regular Meeting

President Shamann Walton appointed Supervisor Gordon Mar, in place of Supervisor Rafael Mandelman, for the regular Government Audit and Oversight Committee meeting of November 18, 2021.

Present: 3 - Dean Preston, Connie Chan, and Gordon Mar

Excused: 1 - Rafael Mandelman

The Government Audit and Oversight Committee met in regular session through videoconferencing, and provided public comment through teleconferencing, on Thursday, November 18, 2021, with Chair Dean Preston presiding. Chair Preston called the meeting to order at 10:05 a.m.

Remote Access to Information and Participation

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 Mar were noted present. Member Mandelman was noted not present. A quorum was present.

COMMUNICATIONS

*John Carroll, Government Audit and Oversight Committee Clerk, instructed members of the public, when general public comment is called, to contribute live comments for up to two minutes by dialing the provided telephone number. When connected, they will receive another prompt to dial * 3 to be added to the queue to speak. Make sure to call from a quiet location, speak clearly and slowly, and turn down your television or radio. Written comments may be submitted through email (john.carroll@sfgov.org) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.*

AGENDA CHANGES

There were no agenda changes.

Supervisor Mandelman Excused from Attendance

Chair Preston moved that Supervisor Mandelman be excused from attending the regular Government Audit and Oversight Committee meeting of November 18, 2021. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mar

Excused: 1 - Mandelman

REGULAR AGENDA

190785 [Hearing - Civil Grand Jury Report - Act Now Before it is Too Late: Aggressively Expand and Enhance Our High-Pressure Emergency Firefighting Water System]

Hearing on the 2018-2019 Civil Grand Jury Report, entitled "Act Now Before it is Too Late: Aggressively Expand and Enhance Our High-Pressure Emergency Firefighting Water System." (Clerk of the Board)

07/17/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

07/25/19; REFERRED TO DEPARTMENT. Referred to the Office of the Mayor, the San Francisco Public Utilities Commission, the Fire Department, the Fire Commission, the Office of the City Administrator, and the Office of the Budget and Legislative Analyst for the required response.

09/11/19; RESPONSE RECEIVED. The San Francisco Public Utilities Commission submitted a response to the Civil Grand Jury Report.

09/12/19; RESPONSE RECEIVED. The Fire Commission submitted a response to the Civil Grand Jury Report.

09/16/19; 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's Office, Public Utilities Commission, Fire Department, and the Department of the Environment.

09/19/19; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Supervisor Sandra Lee Fewer (Board of Supervisors); Rasha Harvey, Foreperson, and Stephen Garber (2018-2019 Civil Grand Jury); John Scarpulla (San Francisco Public Utilities Commission); Heather Green (Office of the City Administrator); presented information and answered questions raised throughout the discussion. Eileen Boken; Tom Doudiet; Nancy Wuerfel; Dick Morten; Ted Lowenberg; David Hooper; Ellen Lee Zhou; Ken; spoke on various concerns relating to the hearing matter.

06/25/20; RESPONSE RECEIVED. The San Francisco Public Utilities commission transmitted a report on the City's Emergency Firefighting Water System (EFWS), prepared pursuant to Resolution No. 484-19 .

07/16/20; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: John Scarpulla (San Francisco Public Utilities Commission); Heather Green (Office of Resilience and Capital Planning); Jose Velo, Deputy Chief (Fire Department); Dave Myerson (San Francisco Public Utilities Commission); presented information and answered questions raised throughout the discussion.

12/02/20; RESPONSE RECEIVED. Received a report from the Budget and Legislative Analyst on the Emergency Firefighting Water System.

01/21/21; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Supervisor Gordon Mar (Board of Supervisors); John Scarpulla (San Francisco Public Utilities Commission); Severin Campbell (Office of the Budget and Legislative Analyst); Jose Velo (Fire Department); presented information and answered questions raised throughout the discussion. Eileen Boken; Francisco da Costa; spoke on various concerns relating to the hearing matter.

06/23/21; RESPONSE RECEIVED. Received two reports from the San Francisco Public Utilities Commission, Emergency Firefighting Water System (EFWS) Seawater Supply Report; and Fire Following Earthquake Water Requirements Study Report.

Heard in Committee. Speakers: John Scarpulla (San Francisco Public Utilities Commission); Severin Campbell (Office of the Budget and Legislative Analyst); Brian Strong (Office of the City Administrator); Tom O'Connor (Fire Department); presented information and answered questions raised throughout the discussion. Eileen Boken; Dick Morton; Ted Lowenberg; Pat Scane (Pine Lake Neighborhood Association); Catherine Howard; Jeff Regal; Erica Blight; spoke on various concerns relating to the hearing matter.

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

Ayes: 3 - Preston, Chan, Mar

Excused: 1 - Mandelman

211138 [Hearing - Interim Use Plan for 730 Stanyan Street]**Sponsor: Preston**

Hearing on the interim use plan for 730 Stanyan Street; and requesting the Mayor's Office of Housing and Community Development, Department of Homelessness and Supportive Housing, and Department of Public Health to present.

10/26/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

11/03/21; REFERRED TO DEPARTMENT. Referred to the Mayor's Office of Housing and Community Development, the Department of Homelessness and Supportive Housing, and the Department of Public Health for informational purposes.

Heard in Committee. Speakers: Shireen McSpadden, Executive Director (Department of Homelessness and Supportive Housing); Eric Shaw, Director (Mayor's Office of Housing and Community Development); Emily Cohen (Department of Homelessness and Supportive Housing); Deborah Borne (Department of Public Health); Mary Howe, Director (Homeless Youth Alliance); presented information and answered questions raised throughout the discussion. Speaker; Melissa Matheney (Homeless Youth Alliance); Tes Welborn; Evan Owski; Calvin Welch (Coalition for a Complete Community); Speaker; Carlos Watkins (Coalition on Homelessness); Speaker; David Woo; Speaker; Tab Buckner; Marny Reagan; Ian James (Coalition on Homelessness); Speaker; Jason Wyman; Ilsa Lund (Larkin Street Youth Services); Dan Gallo (Homeless Youth Alliance); Speaker; Michael Howley; Peter Warfield; Daniel Lansky; Speaker; Lisa Aubrey; Richard Ivanhoe; Eliza Wheeler; Speaker; 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, Mar

Excused: 1 - Mandelman

210351 [Hearing - SF Parks Alliance and Golden Gate Park 150th Anniversary]**Sponsor: Chan**

Hearing to discuss the SF Parks Alliance, with a specific focus on reviewing the Golden Gate Park 150th Anniversary agreement between SF Parks Alliance and Recreation and Park Department, to determine whether the terms of this agreement have been incorrectly categorized as a permit when they substantially resemble a contract, which has different public oversight and approval processes; and requesting the Recreation and Park Department, Controller's Office, and Budget and Legislative Analyst to report.

04/06/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

04/14/21; REFERRED TO DEPARTMENT. Referred to the Recreation and Park Department, Controller's Office, and Budget and Legislative Analyst for informational purposes.

Heard in Committee. Speakers: Tiffany Wong and Amanda Sobrepena (Office of the Controller); Supervisor Aaron Peskin (Board of Supervisors); Fred Brousseau (Office of the Budget and Legislative Analyst); Anne Pearson (Office of the City Attorney); Rashi Kesarwani (Office of the Budget and Legislative Analyst); Sarah Madland (Recreation and Park Department); Liz Farrel, Chair (San Francisco Parks Alliance Board); presented information and answered questions raised throughout the discussion. Catherine Howard; Linda Shaffer; Tes Welborn; spoke on various concerns relating to the hearing matter.

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

Ayes: 3 - Preston, Chan, Mar

Excused: 1 - Mandelman

Issuance of a Subpoena Pursuant to Board Rule 3.3.1

During the discussion for File No. 210351, Vice Chair Chan moved that a subpoena be issued pursuant to Board Rule 3.3.1 to the San Francisco Parks Alliance, for documentation held by the Parks Alliance detailing accounts and sub-accounts that the Parks Alliance has with the Recreation and Park department, including accounts which may detail transactions made on behalf of the Recreation and Park department during the past five fiscal years, and identification of the funding sources for those sub-accounts. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mar

Excused: 1 - Mandelman

Chair Preston requested that File Nos. 210943 and 211049 be heard together.

210943 [Accept and Expend Grant - San Francisco Parks Alliance - Annual Support Grants - FY2021-2022 - Up to \$118,000]

Sponsor: Mayor

Resolution authorizing the Recreation and Park Department to accept and expend up to \$118,000 of cash or in-kind grants for annual support (for community events, staff development and appreciation, recreation programming and other activities) from the San Francisco Parks Alliance in Fiscal Year (FY) 2021-2022. (Recreation and Park Department)

09/07/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

10/05/21; SUBSTITUTED AND ASSIGNED to Budget and Finance Committee. Mayor Breed introduced a substitute Resolution bearing the same title.

10/26/21; TRANSFERRED to Government Audit and Oversight Committee. President Walton transferred this matter from the Budget and Finance Committee to the Government Audit and Oversight Committee.

Heard in Committee. Speakers: Lisa Bransten and Abigail Maher (Recreation and Park Department); Supervisor Aaron Peskin (Board of Supervisors); Sarah Madland (Recreation and Park Department); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Preston, Chan, Mar

Excused: 1 - Mandelman

211049 [Accept and Expend Grant - San Francisco Parks Alliance - Japanese Tea Garden Restoration Projects - Valued Up to \$400,000]**Sponsor: Mayor**

Resolution authorizing the Recreation and Park Department to accept and expend cash and/or in-kind grants from the San Francisco Parks Alliance (SFPA) valued at up to \$400,000 for restoration projects in the Japanese Tea Garden project for the project term of upon approval of Board of Supervisors until Notice of Substantial Completion. (Recreation and Park Department)

10/05/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

10/26/21; TRANSFERRED to Government Audit and Oversight Committee. President Walton transferred this matter from the Budget and Finance Committee to the Government Audit and Oversight Committee.

Heard in Committee. Speakers: Lisa Bransten and Abigail Maher (Recreation and Park Department); Supervisor Aaron Peskin (Board of Supervisors); Sarah Madland (Recreation and Park Department); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Preston, Chan, Mar

Excused: 1 - Mandelman

210877 [Memorandum of Understanding - Accept and Expend Grants - San Francisco Parks Alliance - Crane Cove Park - Up to \$7,000,000]**Sponsor: Mayor**

Resolution authorizing the Port of San Francisco to execute a Memorandum of Understanding and accept and expend grants from the San Francisco Parks Alliance of up to \$7,000,000 to fund the completion of certain project components of Crane Cove Park for the period of November 2021 to October 2029. (Port)

07/27/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

09/21/21; SUBSTITUTED AND ASSIGNED to Government Audit and Oversight Committee. Mayor Breed introduced a substitute Resolution bearing a new title.

Heard in Committee. Speakers: Mike Martin (Port of San Francisco); Nicolas Menard (Office of the Budget and Legislative Analyst); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Preston, Chan, Mar

Excused: 1 - Mandelman

LITIGATION

Chair Preston requested that File Nos. 211023, 211024, 211068, 211069, 211070, 211026, and 211066 be heard together.

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 Rose Darling (Office of the City Attorney); Erica Major and John Carroll (Office of the Clerk of the Board).

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

Ayes: 3 - Preston, Chan, Mar

Excused: 1 - Mandelman

211023 [Settlement of Lawsuit - David Joslyn - \$3,250,000]

Ordinance authorizing settlement of the lawsuit filed by David Joslyn against the City and County of San Francisco for \$3,250,000; the lawsuit was filed on October 2, 2019, in San Francisco Superior Court, Case No. CGC-19-579230; entitled David Joslyn, et al. v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from medical negligence; other material terms of the settlement are that Iris Solano, Frederick Stewart Joslyn and Iris Lorraine Solano waive any potential future claims for wrongful death. (City Attorney)

09/24/21; RECEIVED FROM DEPARTMENT.

10/05/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED by the following vote:

Ayes: 3 - Preston, Chan, Mar

Excused: 1 - Mandelman

211024 [Settlement of Lawsuit - Huan Zheng Fang and Zhourong Fang - \$2,000,000]

Ordinance authorizing settlement of the lawsuit filed by Huan Zheng Fang and Zhourong Fang against the City and County of San Francisco for \$2,000,000; the lawsuit was filed on May 18, 2020, in San Francisco Superior Court, Case No. CGC-20-584474; entitled Huan Zheng Fang, et al. v. City and County of San Francisco, et al.; the lawsuit involves the wrongful death of plaintiffs' husband and son. (City Attorney)

09/24/21; RECEIVED FROM DEPARTMENT.

10/05/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED by the following vote:

Ayes: 3 - Preston, Chan, Mar

Excused: 1 - Mandelman

211068 [Settlement of Lawsuit - Tamsyn Waterhouse - \$45,000]

Ordinance authorizing settlement of the lawsuit filed by Tamsyn Waterhouse against the City and County of San Francisco for \$45,000; the lawsuit was filed on March 6, 2020, in San Francisco Superior Court, Case No. CGC-20-583543; entitled Tamsyn Waterhouse v. City and County of San Francisco; the lawsuit involves a flooding event inside the plaintiff's home. (City Attorney)

10/04/21; RECEIVED FROM DEPARTMENT.

10/19/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED by the following vote:

Ayes: 3 - Preston, Chan, Mar

Excused: 1 - Mandelman

211069 [Settlement of Lawsuit - Christina Yiu and Jeremy Yiu - \$135,000]

Ordinance authorizing settlement of the lawsuit filed by Christina Yiu and Jeremy Yiu against the City and County of San Francisco for \$135,000; the lawsuit was filed on December 4, 2019, in San Francisco Superior Court, Case No. CGC-19-581298; entitled Christina Yiu, et al. v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury arising from a motor vehicle accident. (City Attorney)

10/04/21; RECEIVED FROM DEPARTMENT.

10/19/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED by the following vote:

Ayes: 3 - Preston, Chan, Mar

Excused: 1 - Mandelman

211070 [Settlement of Lawsuit - Victor Picazo - \$46,000]

Ordinance authorizing settlement of the lawsuit filed by Victor Picazo against the City and County of San Francisco for \$46,000; the lawsuit was filed on April 3, 2019, in San Francisco Superior Court, Case No. CGC-19-575009; entitled Victor Picazo v. George Gascon, et al.; the lawsuit involves alleged civil rights violations. (City Attorney)

10/04/21; RECEIVED FROM DEPARTMENT.

10/19/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED by the following vote:

Ayes: 3 - Preston, Chan, Mar

Excused: 1 - Mandelman

211026 [Settlement of Unlitigated Claim - Covidien Sales LLC - Medtronic to Pay City \$800,000]

Resolution approving the settlement of the unlitigated claim filed by the City against Covidien Sales LLC, a Medtronic Company (Medtronic) for \$800,000 including the return of a ventilator fleet at Medtronic's expense. (City Attorney)

09/24/21; RECEIVED FROM DEPARTMENT.

10/05/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED by the following vote:

Ayes: 3 - Preston, Chan, Mar

Excused: 1 - Mandelman

211066 [Settlement of Unlitigated Claim - Shimmick Construction Company, Inc. and F.D. Thomas, Inc. - City to Receive \$750,000]

Resolution approving settlement of the unlitigated claim filed by the City and County of San Francisco against Shimmick Construction Company, Inc. ("Shimmick") and F.D. Thomas, Inc. ("F.D. Thomas") for \$750,000; the claim involves compensation for construction defects allegedly caused by Shimmick Construction Company and F.D. Thomas, Inc. (City Attorney)

09/30/21; RECEIVED FROM DEPARTMENT.

10/19/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED by the following vote:

Ayes: 3 - Preston, Chan, Mar

Excused: 1 - Mandelman

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

Ayes: 3 - Preston, Chan, Mar

Excused: 1 - Mandelman

ADJOURNMENT

There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 4:42 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.