



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, December 2, 2021

10:00 AM

Regular Meeting

President Shamann Walton appointed Supervisor Hillary Ronen, in place of Supervisor Rafael Mandelman, for the Government Audit and Oversight Committee meeting of December 2, 2021.

Present: 3 - Dean Preston, Connie Chan, and Hillary Ronen

Excused: 1 - Rafael Mandelman

The Government Audit and Oversight Committee met in regular session through videoconferencing, and provided public comment through teleconferencing, on Thursday, December 2, 2021, with Chair Dean Preston presiding. Chair Preston called the meeting to order at 10:01 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 and Vice Chair Chan were noted present. Member Ronen 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 the meeting. The motion carried by the following vote:

Ayes: 2 - Preston, Chan
Excused: 1 - Mandelman
Absent: 1 - Ronen

REGULAR AGENDA

211125 [Memorandum of Understanding - International Union of Operating Engineers Stationary Engineers, Local 39]

Sponsor: Mayor

Ordinance adopting and implementing the First Amendment to the 2019-2022 Memorandum of Understanding between the City and County of San Francisco and the International Union of Operating Engineers Stationary Engineers, Local 39, to revise San Francisco Public Utilities Commission Wastewater Enterprise rules regarding work schedules and shift assignments.

10/26/21; ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 11/25/2021.

11/03/21; REFERRED TO DEPARTMENT. Referred to the Office of the Controller for cost analysis.

11/15/21; RESPONSE RECEIVED. Received cost analysis from the Office of the Controller pursuant to Ordinance No. 92-94.

Heard in Committee. Speaker: Ardis Graham (Department of Human Resources); presented information and answered questions raised throughout the discussion.

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

Ayes: 2 - Preston, Chan
Excused: 1 - Mandelman
Absent: 1 - Ronen

Member Ronen was noted present at 10:34 a.m.

Supervisor Preston Excused from Voting

Supervisor Preston requested to be excused from voting on File No. 211088, due to a possible conflict of interest.

Vice Chair Chan moved that Chair Preston be excused from voting on File No. 211088. The motion carried by the following vote:

Ayes: 2 - Chan, Ronen

Excused: 2 - Preston, Mandelman

211088 [Mills Act Historical Property Contract - 714 Steiner Street]

Resolution approving a historical property contract between Leah Culver Revocable Trust, the owner of 714 Steiner Street, and the City and County of San Francisco, under Administrative Code, Chapter 71; and authorizing the Planning Director and the Assessor-Recorder to execute and record the historical property contract. (Historic Preservation Commission)

10/15/21; RECEIVED FROM DEPARTMENT.

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

Heard in Committee. Speakers: Elizabeth Gordon-Jonckheer and Jonathan Vimr (Historic Preservation Commission); Supervisor Aaron Peskin (Board of Supervisors); Michael Jine (Office of the Assessor-Recorder); Leah Culver, property owner of 714 Steiner Street; 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: 2 - Chan, Ronen

Excused: 2 - Preston, Mandelman

211198 [Approving Infrastructure and Revitalization Financing Plan - Infrastructure and Revitalization Financing District No. 1 (Treasure Island)]

Sponsor: Mayor

Resolution approving addition of territory to and adoption of amendments to the Infrastructure Financing Plan for the City and County of San Francisco Infrastructure and Revitalization Financing District No. 1 (Treasure Island) and project areas therein; and determining other matters in connection therewith, as defined herein.

11/16/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speaker: Luke Brewer (Office of the Controller); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Preston, Chan, Ronen

Excused: 1 - Mandelman

211159 [Hearing - Comprehensive Annual Financial Report, Single Audit, and Management Letters - FY2019-2020 - External Audit Plans for FY2020-2021]**Sponsor: Preston**

Hearing to receive and review external auditors' Comprehensive Annual Financial Report (CAFR), Single Audit, and Management Letters, if any, related to the City audit for Fiscal Year (FY) ended June 30, 2020, and external audit plans for FY2020-2021, as required under Charter, Section 9.117; and requesting the City's external auditors Macias Gini & O'Connell and KPMG LLP to report.

11/02/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

11/10/21; REFERRED TO DEPARTMENT. Referred to the Office of the Controller for informational purposes.

Heard in Committee. Speakers: Ben Rosenfield, Controller (Office of the Controller); Annie Louie (Macias Gini & O'Connell); Lisa M. Avis (KPMG LLP); Matthew Sur (Department of Public Health); Mark de la Rosa (Office of the Controller); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Preston, Chan, Ronen

Excused: 1 - Mandelman

Chair Preston requested that File Nos. 211122 and 211108 be called together.

211122 [Hearing - Prioritizing Criminal Trials and Safely Open Courtrooms to Ensure Speedy Trial Rights of Both Defendants and Victims and to Address the Backlog of Felony Cases]**Sponsor: Ronen**

Hearing on prioritizing criminal trials and safely opening courtrooms to ensure that speedy trial rights of both defendants and victims are upheld and to address the backlog of 437 felony cases and 248 untried defendants in custody past their statutory deadline; and requesting the San Francisco Superior Court, District Attorney, Public Defender, and Sheriff's Department to report.

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

10/25/21; REFERRED TO DEPARTMENT. Referred to the District Attorney, the Public Defender, and the Sheriff's Department for informational purposes.

11/19/21; REFERRED TO DEPARTMENT. Referred to the San Francisco Superior Court, District Attorney, the Public Defender, and the Sheriff's Department for informational purposes.

Heard in Committee. Speakers: Matt Gonzalez, Kathleen Guneratne, and Kathleen Natividad (Office of the Public Defender); Marshall Khine (Office of the District Attorney); Kevin McConnell (Sheriff's Department); presented information and answered questions raised throughout the discussion. Kwixuan Maloof, Yali Corea-Levy, Eric Fleischacker, Christopher Garcia, Herman Holland, and Gabriella Rodezno (Office of the Public Defender); Julie Traun (Bar Association of San Francisco); spoke on various concerns relating to the hearing matter.

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

Ayes: 3 - Preston, Chan, Ronen

Excused: 1 - Mandelman

**211108 [Urging the San Francisco Superior Court to Prioritize Criminal Trials and Safely Open Courtrooms to Uphold Justice-Involved Individuals' Speedy Trial Rights]
Sponsors: Ronen; Chan and Preston**

Resolution urging the San Francisco Superior Court to prioritize assignment of criminal trials and safely open more courtrooms to ensure that the speedy trial rights of both defendants and victims are upheld.

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

10/25/21; REFERRED TO DEPARTMENT. Referred to the Office of the District Attorney and the Public Defender for informational purposes.

Heard in Committee. Speakers: Matt Gonzalez, Kathleen Guneratne, and Kathleen Natividad (Office of the Public Defender); Marshall Khine (Office of the District Attorney); Kevin McConnell (Sheriff's Department); presented information and answered questions raised throughout the discussion. Kwixuan Maloof, Yali Corea-Levy, Eric Fleischacker, Christopher Garcia, Herman Holland, and Gabriella Rodezno (Office of the Public Defender); Julie Traun (Bar Association of San Francisco); spoke on various concerns relating to the hearing matter.

Supervisors Chan and Preston requested to be added as co-sponsors.

Chair Preston moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 4, Line 2, by inserting 'non-urgent.' The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Ronen

Excused: 1 - Mandelman

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

Ayes: 3 - Preston, Chan, Ronen

Excused: 1 - Mandelman

LITIGATION

Chair Preston requested that File Nos. 211074, 211075, and 211076 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 Meredith Osborn (Office of the City Attorney); Alisa Somera 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: 2 - Preston, Chan
Excused: 1 - Mandelman
Absent: 1 - Ronen

211074 [Settlement of Lawsuit - Judy O'Neil - \$2,500,000]

Ordinance authorizing settlement of the lawsuit filed by Judy O'Neil against the City and County of San Francisco for \$2,500,000; the lawsuit was filed on December 19, 2017, in U.S. District Court for the Northern District of California, Case No. 17-cv-07190; entitled Judy O'Neil v. City and County of San Francisco, et al.; the lawsuit involves an officer involved shooting that resulted in the death of Keita O'Neil. (City Attorney)

11/01/21; RECEIVED FROM DEPARTMENT.

11/09/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 2 - Preston, Chan
Excused: 1 - Mandelman
Absent: 1 - Ronen

211075 [Settlement of Lawsuit - Steven D. Lee - \$600,000]

Ordinance authorizing settlement of the lawsuit filed by Steven D. Lee against the City and County of San Francisco for \$600,000; the lawsuit was filed on April 29, 2020, in San Francisco Superior Court, Case No. CGC-20-584260; entitled Steven D. Lee v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City street. (City Attorney)

11/01/21; RECEIVED FROM DEPARTMENT.

11/09/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 2 - Preston, Chan
Excused: 1 - Mandelman
Absent: 1 - Ronen

211076 [Settlement of Lawsuit - Andrea Gansheimer - \$315,000]

Ordinance authorizing settlement of the lawsuit filed by Andrea Gansheimer against the City and County of San Francisco for \$315,000; the lawsuit was filed on January 23, 2020, in San Francisco Superior Court, Case No. CGC-20-582426; entitled Andrea Gansheimer v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from vehicle collision. (City Attorney)

11/01/21; RECEIVED FROM DEPARTMENT.

11/09/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 2 - Preston, Chan
Excused: 1 - Mandelman
Absent: 1 - Ronen

[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: 2 - Preston, Chan
Excused: 1 - Mandelman
Absent: 1 - Ronen

ADJOURNMENT

There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 1:37 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.