



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, Catherine Stefani, Connie Chan

Clerk: Monique Crayton
(415) 554-7750 ~ monique.crayton@sfgov.org

Thursday, March 21, 2024

10:00 AM

City Hall, Legislative Chamber, Room 250

Regular Meeting

President Aaron Peskin appointed Supervisor Mandelman, in place of Vice-Chair Stefani, to the Government Audit and Oversight Committee for the regular meeting of March 21, 2024, from 10:00 a.m. to 11:00 a.m.

Present: 4 - Dean Preston, Catherine Stefani, Connie Chan, and Rafael Mandelman

The Government Audit and Oversight Committee met in regular session on Thursday, March 21, 2024, with Chair Dean Preston presiding. Chair Preston called the meeting to order at 10:01 a.m.

ROLL CALL AND ANNOUNCEMENTS

On the call of the roll, Chair Preston, and Members Chan and Mandelman were noted present. Vice Chair Stefani was noted excused. A quorum of the Committee was present.

Supervisor Stefani Excused from Attendance

Chair Preston moved to excuse Supervisor Stefani from attending the Government Audit and Oversight Committee meeting on March 21, 2024, until their arrival. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman
Excused: 1 - Stefani

COMMUNICATIONS

Monique Crayton, Government Audit and Oversight Committee Clerk, instructed members of the public that public comment is taken on each item on the agenda. Alternatively, written comments may be submitted through email (monique.crayton@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.

REGULAR AGENDA

240111 [Memorandum of Understanding - Retroactive - San Francisco Deputy Sheriffs' Association]

Sponsor: Mayor

Ordinance retroactively adopting and implementing the decision and award of the Arbitration Board under Charter, Section A8.409-4, establishing the Memorandum of Understanding between the City and County of San Francisco and the San Francisco Deputy Sheriffs' Association, to be effective July 1, 2022, through June 30, 2024.

02/06/24; ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 3/7/2024.

02/13/24; REFERRED TO DEPARTMENT. Referred to the Office of the Controller for cost analysis.

03/12/24; RESPONSE RECEIVED. Received cost analysis from the Office of the Controller pursuant to Ordinance No. 92-94.

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

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

Ayes: 3 - Preston, Chan, Mandelman

Excused: 1 - Stefani

230903 [Sheriff's Department Oversight Board First and Second Quarter Report]

Resolution accepting the Sheriff's Department Oversight Board's First and Second Quarter Reports for the calendar year 2023. (Sheriff's Department Oversight Board)

07/25/23; RECEIVED FROM DEPARTMENT.

09/05/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speaker(s): Supervisor Shamann Walton (Board of Supervisors); Terry Wiley (Office of the Inspector General); presented information and answered questions raised throughout the discussion. Julie Soo (Sheriff's Department Oversight Board); spoke in support of the matter.

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

Ayes: 3 - Preston, Chan, Mandelman

Excused: 1 - Stefani

240157 [Sheriff's Department Oversight Board Third and Fourth Quarter Report - CY 2023]

Resolution accepting the Sheriff's Department Oversight Board's Third and Fourth Quarter Reports for the calendar year (CY) 2023. (Sheriff's Department Oversight Board)

02/14/24; RECEIVED FROM DEPARTMENT.

02/27/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

03/06/24; REFERRED TO DEPARTMENT. Referred to Sheriff's Department for informational purposes.

Heard in Committee. Speaker(s): Supervisor Shamann Walton (Board of Supervisors); Terry Wiley (Office of the Inspector General); presented information and answered questions raised throughout the discussion. Julie Soo (Sheriff's Department Oversight Board); spoke in support of the matter.

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

Ayes: 3 - Preston, Chan, Mandelman

Excused: 1 - Stefani

240158 [Sheriff's Department Oversight Board 2023 Annual Report]

Resolution accepting the Sheriff's Department Oversight Board's Annual Report for the calendar year 2023. (Sheriff's Department Oversight Board)

02/14/24; RECEIVED FROM DEPARTMENT.

02/27/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

03/06/24; REFERRED TO DEPARTMENT. Referred to Sheriff's Department for informational purposes.

Heard in Committee. Speaker(s): Supervisor Shamann Walton (Board of Supervisors); Terry Wiley (Office of the Inspector General); presented information and answered questions raised throughout the discussion. Julie Soo (Sheriff's Department Oversight Board); spoke in support of the matter.

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

Ayes: 3 - Preston, Chan, Mandelman

Excused: 1 - Stefani

240129 [Temporary Shelter and Homeless Services - Behested Payment Waiver]
Sponsors: Mayor; Ronen, Mandelman and Engardio

Resolution authorizing the Office of the Mayor and the Department of Homelessness and Supportive Housing to solicit donations from various private entities and organizations to support the expansion of temporary shelter and other homeless services to support people experiencing homelessness, notwithstanding the Behested Payment Ordinance.

02/13/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

03/08/24; REFERRED TO DEPARTMENT. Referred to Mayor's Office for informational purposes.

Heard in Committee. Speaker(s): Emily Cohen (Department of Homelessness and Supportive Housing); Anne Pearson (Office of the City Attorney); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Preston, Chan, Mandelman

Excused: 1 - Stefani

Vice-Chair Stefani was noted present at 11:05 a.m.

231179 [Hearing - BLA's Performance Audit of San Francisco Street Teams]

Sponsor: Preston

Hearing on the Budget and Legislative Analyst's (BLA) performance audit of San Francisco's street teams, including the Fire Department's street response teams, the Department of Homelessness and Supportive Housing's (HSH) outreach and response teams, and the Department of Public Health's (DPH) street medicine and other teams, and planning, implementation, structure, and coordination for management of the street teams amongst various City departments, including the Department of Emergency Management (DEM); and requesting the Fire Department, HSH, DPH, and DEM to report.

11/07/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

11/13/23; REFERRED TO DEPARTMENT. Referred to the Fire Department, Department of Homelessness and Supportive Housing, Department of Public Health, and the Office of the Budget and Legislative Analyst for informational purposes and requesting the departments to report.

Heard in Committee. Speaker(s): Dan Goncher (Office of the Budget and Legislative Analyst); Mary Ellen Carroll, Lauren Bell, Sam Dodge (Department of Emergency Management), Simon Pang (San Francisco Fire Department), Kathleen Johnson-Silk, Dara Papo (Department of Public Health); Dylan Schneider (Department of Homelessness and Supportive Housing); 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, Stefani, Chan

LITIGATION

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 Sarah Crowley (Office of the City Attorney); Monique Crayton (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, Stefani, Chan

240073 [Settlement of Lawsuit - Mitzey Davis and Leslie Lankster - \$100,000]

Ordinance authorizing settlement of the lawsuit filed by Mitzey Davis and Leslie Lankster against the City and County of San Francisco for \$100,000; the lawsuit was filed on July 14, 2021, in San Francisco Superior Court, Case No. CGC-21-593819; entitled Mitzey Davis, et al. v. City and County of San Francisco, et al.; the lawsuit alleged personal injuries arising from a motor vehicle collision. (City Attorney)

01/25/24; RECEIVED FROM DEPARTMENT.

02/06/24; 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: 3 - Preston, Stefani, Chan

240074 [Settlement of Lawsuit - Jocelyn Li - \$45,000]

Ordinance authorizing settlement of the lawsuit filed by Jocelyn Li against the City and County of San Francisco for \$45,000; the lawsuit was filed on July 1, 2022, in San Francisco Superior Court, Case No. CGC-22-600516; entitled Jocelyn Li v. City and County of San Francisco; the lawsuit involves alleged personal injury and property damage from a vehicle collision. (City Attorney)

01/25/24; RECEIVED FROM DEPARTMENT.

02/06/24; 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: 3 - Preston, Stefani, Chan

240075 [Settlement of Lawsuit - Ibrahim Nimer Shiheiber - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Ibrahim Nimer Shiheiber against the City and County of San Francisco for \$50,000; the lawsuit was filed on April 30, 2021, in United States District Court-Northern District, Case No. 21-cv-00609 JCS; entitled Ibrahim Nimer Shiheiber v. Officer Brent Hernandez #307; the lawsuit involves alleged civil rights violation. (City Attorney)

01/25/24; RECEIVED FROM DEPARTMENT.

01/30/24; 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: 3 - Preston, Stefani, Chan

240076 [Settlement of Lawsuit - Charles Heard - \$900,000]

Ordinance authorizing settlement of the lawsuit filed by Charles Heard against the City and County of San Francisco for \$900,000; the lawsuit was filed on December 8, 2021, in United States District Court, Case No. 21-cv-09472-JSC; entitled Charles Heard v. City and County of San Francisco, et al.; the lawsuit involves an alleged civil rights violation relating to a wrongful conviction. (City Attorney)

01/25/24; RECEIVED FROM DEPARTMENT.

02/06/24; 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: 3 - Preston, Stefani, Chan

240077 [Settlement of Unlitigated Claim - Mapbox, Inc. - \$102,167.84]

Resolution approving the settlement of the unlitigated claim filed by Mapbox, Inc. against the City and County of San Francisco for \$102,167.84; the claim was filed on September 7, 2023; the claim involves a refund of gross receipts taxes. (City Attorney)

01/24/24; RECEIVED FROM DEPARTMENT.

02/06/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Preston, Stefani, Chan

240078 [Settlement of Unlitigated Claims - McKesson Corporation - \$444,925.88]

Resolution approving the settlement of the unlitigated claims filed by McKesson Corporation against the City and County of San Francisco for \$444,925.88; the claims were filed on July 20, 2023; the claims involve a refund of gross receipts and homelessness gross receipts taxes. (City Attorney)
01/24/24; RECEIVED FROM DEPARTMENT.

02/06/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Preston, Stefani, Chan

240079 [Settlement of Unlitigated Claim - The Nederlander Company LLC dba Broadway San Francisco, LLC - \$624,325 Plus Statutory Interest]

Resolution approving the settlement of the unlitigated claim filed by The Nederlander Company LLC dba Broadway San Francisco, LLC against the City and County of San Francisco for \$624,325 plus statutory interest; the claim was filed on April 3, 2023; the claim involves a refund of real property transfer taxes. (City Attorney)

01/24/24; RECEIVED FROM DEPARTMENT.

02/06/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Preston, Stefani, Chan

240080 [Settlement of Unlitigated Claim - Daniel Lopez - \$40,110.10]

Resolution approving the settlement of the unlitigated claim filed by Daniel Lopez against the City and County of San Francisco for \$40,110.10; the claim was filed on April 4, 2023; the claim arises from a car accident involving the claimant and the driver of a City firetruck. (City Attorney)

01/24/24; RECEIVED FROM DEPARTMENT.

02/06/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Preston, Stefani, Chan

240081 [Settlement of Grievance - Municipal Executives Association - \$146,453.23]

Resolution approving settlement of the grievance by the Municipal Executives Association on behalf of Anna Robert against the City and County of San Francisco for \$146,453.23; the grievance was filed on or around March 5, 2021; the grievance involves an employment dispute under the Memorandum of Understanding. (City Attorney)

01/24/24; RECEIVED FROM DEPARTMENT.

02/06/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Preston, Stefani, Chan

240104 [Settlement of Unlitigated Claim - State Farm Insurance - \$54,213.76]

Resolution approving the settlement of the unlitigated claim filed by State Farm Insurance against the City and County of San Francisco for \$54,213.76; the claim was filed on May 22, 2023; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)

01/30/24; RECEIVED FROM DEPARTMENT.

02/13/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Preston, Stefani, Chan

240105 [Settlement of Unlitigated Claim - Walter Shepps - \$36,837.93]

Resolution approving the settlement of the unlitigated claim filed by Walter Shepps against the City and County of San Francisco for \$36,837.93; the claim was filed on September 25, 2023; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)

01/31/24; RECEIVED FROM DEPARTMENT.

02/13/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Preston, Stefani, Chan

240106 [Settlement of Unlitigated Claim - Nicholas Navarro - \$33,291]

Resolution approving the settlement of the unlitigated claim filed by Nicholas Navarro against the City and County of San Francisco for \$33,291; the claim was filed on August 24, 2023; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)

01/31/24; RECEIVED FROM DEPARTMENT.

02/13/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Preston, Stefani, Chan

240146 [Settlement of Lawsuit - Kirstin Johnson, et al. - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by Kirstin Johnson, et al. against the City and County of San Francisco for \$75,000; the lawsuit was filed on October 25, 2019, in San Francisco Superior Court, Case No. CGC-19-580277; entitled Kirstin Johnson, et al. v. Kierstie Barr, et al; removed to United States District Court, Case No. 20-cv-01569-SK; the lawsuit involves alleged civil rights violations. (City Attorney)

02/09/24; RECEIVED FROM DEPARTMENT.

02/27/24; 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: 3 - Preston, Stefani, Chan

240147 [Settlement of Lawsuit - Yes in My Back Yard and Sonja Trauss - Appellants to Pay City \$32,000]

Ordinance authorizing settlement of the lawsuit filed by Yes in My Back Yard, a California nonprofit corporation, and Sonja Trauss against the City and County of San Francisco, Nordstrom, Inc., 469 Stevenson Investment, LLC, and Yerba Buena Neighborhood Consortium, LLC for a payment to the City of \$32,000; the lawsuit was filed on January 20, 2022, in San Francisco Superior Court, Case No. case # CPF-22-517661, and appealed by petitioners to the First District Court of Appeal, Case No. A167949; entitled Yes In My Back Yard, et al. vs. City and County of San Francisco, et al.; the lawsuit involves a challenge to San Francisco's requirement of further environmental review of a proposed project under the California Environmental Quality Act and compliance with the California Housing Accountability Act. (City Attorney)

02/09/24; RECEIVED FROM DEPARTMENT.

02/27/24; 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: 3 - Preston, Stefani, Chan

240148 [Settlement of Lawsuit - Danielle Dillard and Kim Lee - \$2,800,000]

Ordinance authorizing settlement of the lawsuit filed by Danielle Dillard and Kim Lee against the City and County of San Francisco for \$2,800,000; the lawsuit was filed on August 3, 2020, in San Francisco Superior Court, Case No. CGC-20-585992; entitled Danielle Dillard et al. v. City and County of San Francisco et al.; the lawsuit involves an employment dispute. (City Attorney)

02/16/24; RECEIVED FROM DEPARTMENT.

02/27/24; 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: 3 - Preston, Stefani, Chan

240150 [Settlement of Unlitigated Claims - Deloitte Tax LLP, Deloitte & Touche LLP, Deloitte Consulting LLP, and Deloitte Services LP - \$3,902,930]

Resolution approving the settlement of the unlitigated claims filed by Deloitte & Touche LLP, Deloitte Consulting LLP, Deloitte Tax LLP, and Deloitte Services LP against the City and County of San Francisco for \$3,902,930; the claims were filed on April 26, 2023; the claims involve a refund of gross receipts and homelessness gross receipts taxes. (City Attorney)

02/09/24; RECEIVED FROM DEPARTMENT.

02/27/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Preston, Stefani, Chan

[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, Stefani, Chan

ADJOURNMENT

There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 12:48 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.