



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, May 16, 2024

10:00 AM

City Hall, Legislative Chamber, Room 250

Regular Meeting

Present: 3 - Dean Preston, Catherine Stefani, and Connie Chan

The Government Audit and Oversight Committee met in regular session on Thursday, May 16, 2024, with Chair Dean Preston presiding. Chair Preston called the meeting to order at 10:03 a.m.

ROLL CALL AND ANNOUNCEMENTS

On the call of the roll, Chair Preston, Vice Chair Stefani, and Member Chan were noted present. A quorum of the committee was present.

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

Chair Preston requested File Nos. 240208 and 240209 be called together.

240208 [Central Market Community Benefit District - Annual Report - CY2022]**Sponsor: Dorsey**

Resolution receiving and approving an annual report for the Central Market Community Benefit District for Calendar Year (CY) 2022, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's management agreement with the City, Section 3.4.

03/05/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

03/12/24; REFERRED TO DEPARTMENT. Referred to the Office of Economic and Workforce Development and the Office of the City Controller for informational purposes.

Heard in Committee. Speaker(s): Jackie Hazelwood (Office of Economic and Workforce Development); Tracy Everwine, Executive Director (Central Market Community Benefit District); 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, Stefani, Chan

240209 [Civic Center Community Benefit District - Annual Report - CY2022]**Sponsor: Dorsey**

Resolution receiving and approving an annual report for the Civic Center Community Benefit District for Calendar Year (CY) 2022, submitted as required by the Property and Business Improvement District Law of 1994 (California Streets and Highways Code, Sections 36600, et seq.), Section 36650, and the District's Management Agreement with the City, Section 3.4.

03/05/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

03/12/24; REFERRED TO DEPARTMENT. Referred to the Office of Economic and Workforce Development and the Office of the City Controller for informational purposes.

Heard in Committee. Speaker(s): Jackie Hazelwood (Office of Economic and Workforce Development); Tracy Everwine, Executive Director (Civic Center Community Benefit District); 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, Stefani, Chan

240415 [Hosting Panda Bears at the San Francisco Zoo - Behested Payment Waiver]**Sponsors: Mayor; Melgar and Engardio**

Resolution authorizing the Office of the Mayor, Recreation and Park Department, Office of Economic and Workforce Development, San Francisco International Airport, Office of the City Administrator, and the Chief of Protocol to solicit donations from various private entities and organizations to support San Francisco in hosting Panda Bears from the People's Republic of China, notwithstanding the Behested Payment Ordinance.

04/23/24; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

04/29/24; REFERRED TO DEPARTMENT. Referred to Mayor's Office for informational purposes.

Heard in Committee. Speaker(s): Ahsha Safai (Board of Supervisors); Sean Elsbernd (Mayor's Office); Anne Pearson (City Attorney's Office); presented information and answered questions raised throughout the discussion. Corey Hallman (Teamsters Local Union 856); shared various concerns regarding the hearing matter.

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

Ayes: 2 - Preston, Chan

Noes: 1 - Stefani

LITIGATION

Chair Preston requested File Nos. 240352, 240360, 240398, 240399, 240400, 240401, and 240402 be called together.

Heard in Committee. Speaker(s): 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.

Chair Preston elected not to convene in Closed Session.

240352 [Settlement of Lawsuit - Mary Manning and Richard Manning - \$299,999]

Ordinance authorizing settlement of the lawsuit filed by Mary Manning and Richard Manning against the City and County of San Francisco for \$299,999; the lawsuit was filed on May 23, 2022, in San Francisco Superior Court, Case No. CGC-22-599750; entitled Mary Manning and Richard Manning v. City and County of San Francisco; the lawsuit involves an alleged personal injury on a City sidewalk. (City Attorney)

04/03/24; RECEIVED FROM DEPARTMENT.

04/16/24; 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

240360 [Settlement of Unlitigated Claims - Eastern Investment Management Co. - \$124,669.74]

Resolution approving the settlement of the unlitigated claims filed by Eastern Investment Management Co. against the City and County of San Francisco for \$124,669.74, the claims were filed on November 15, 2023, the claims involve a refund of gross receipts and commercial rents taxes. (City Attorney)

04/08/24; RECEIVED FROM DEPARTMENT.

04/23/24; 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

240398 [California Code of Civil Procedure, Section 998 Offer to Compromise - Michael Christopher Daniel - \$350,000]

Ordinance authorizing the service of an Offer To Compromise under Code of Civil Procedure, Section 998 in the lawsuit filed by Michael Christopher Daniel against Emrulkayes Akter and the City and County of San Francisco for up to \$350,000; the lawsuit was filed on May 18, 2022, in Alameda Superior Court, Case No. 22-cv-011434, and transferred by stipulation on December 30, 2022, to Contra Costa Superior Court, Case No. C23-00311; entitled Michael Christopher Daniel v. Emrulkayes Akter, et al.; the lawsuit involves alleged personal injuries arising from a collision between a City-owned vehicle and a pedestrian. (City Attorney)

04/22/24; RECEIVED FROM DEPARTMENT.

04/30/24; 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

240399 [Settlement of Lawsuit - Helen Mattson - \$190,000]

Ordinance authorizing settlement of the lawsuit filed by Helen Mattson against the City and County of San Francisco for \$190,000; the lawsuit was filed on December 2, 2021, in San Francisco Superior Court, Case No. CGC-21-596901; entitled Helen Mattson v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City sidewalk. (City Attorney)

04/22/24; RECEIVED FROM DEPARTMENT.

04/30/24; 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

240400 [Settlement of Lawsuit - Jane Swigart - \$150,000]

Ordinance authorizing settlement of the lawsuit filed by Jane Swigart against the City and County of San Francisco for \$150,000; the lawsuit was filed on March 16, 2022, in San Francisco Superior Court, Case No. CGC-22-598721; entitled Jane Swigart v. San Francisco Department of Public Works, et al.; the lawsuit involves alleged personal injury on a City sidewalk. (City Attorney)

04/22/24; RECEIVED FROM DEPARTMENT.

04/30/24; 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

240401 [Settlement of Unlitigated Claim - Walid Zaki Nijem - \$28,732.50]

Resolution approving the settlement of the unlitigated claim filed by Walid Zaki Nijem against the City and County of San Francisco for \$28,732.50; the claim was filed on August 1, 2023; the claim arises from a car accident involving the claimant and the driver of a City fire truck. (City Attorney)

04/22/24; RECEIVED FROM DEPARTMENT.

04/30/24; 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

240402 [Settlement of Unlitigated Claim - Jason Shah - \$33,384.31]

Resolution approving the settlement of the unlitigated claim filed by Jason Shah against the City and County of San Francisco for \$33,384.31; the claim was filed on December 7, 2023; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)

04/22/24; RECEIVED FROM DEPARTMENT.

04/30/24; 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

ADJOURNMENT

There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 11:41 a.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.