



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

Member: Jackie Fielder, Danny Sauter, Stephen Sherrill

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

Thursday, February 20, 2025

10:00 AM

City Hall, Legislative Chamber, Room 250

Regular Meeting

Present: 3 - Jackie Fielder, Danny Sauter, and Stephen Sherrill

The Government Audit and Oversight Committee met in regular session on Thursday, February 20, 2025, with Chair Jackie Fielder presiding. Chair Fielder called the meeting to order at 10:02 a.m.

ROLL CALL AND ANNOUNCEMENTS

On the call of the roll, Chair Fielder, Vice Chair Sauter, and Member Sherrill were noted present.

COMMUNICATIONS

Brent Jalipa, Assistant 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

250106 [Affirming San Francisco's Support for Birthright Citizenship]

Sponsors: Chan; Chen, Melgar, Fielder, Walton, Sauter, Mandelman, Dorsey, Mahmood, Engardio and Sherrill

Resolution affirming San Francisco's commitment to birthright citizenship as a constitutional right and opposing President Donald Trump's Executive Order that attempts to unconstitutionally limit birthright citizenship.

01/28/25; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

02/04/25; REFERRED TO DEPARTMENT. Referred to the Office of the Mayor for informational purposes.

Heard in Committee. Speaker(s): Supervisor Connie Chan (Board of Supervisors); provided an overview and responded to questions raised throughout the discussion. Judge Lillian Sing; Sophia, Amy Aguilera (PODER); Nick Gee, Chon Yang Lee, and Crystal Van (Chinese for Affirmative Action); Kevin Benedicto; Annie; Fen Shen Woo; Christina; Sharon (Chinatown Community Development Center); Aashika Srinivas (Asian Law Caucus); Myrna and Blanca Catalan (Coleman Advocates); Trinh Fong; Dean Ito Taylor; Paul Osaki (Japanese Cultural and Community Center); spoke in support of the resolution matter.

Chair Fielder moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 2, Line 7, by replacing '1894' with '1895'. The motion carried by the following vote:

Ayes: 3 - Fielder, Sauter, Sherrill

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

Ayes: 3 - Fielder, Sauter, Sherrill

250139 [Fundraising for Services Related to Immigration, LGBTQ+ Rights, Environmental Protection, Reproductive Rights, and Racial Equity - Behested Payment Waiver]

Sponsors: Mandelman; Engardio, Dorsey, Sauter and Sherrill

Resolution authorizing the Office of the Assessor Recorder to solicit donations from various private, nonprofit, philanthropic, and other entities to support 1) the urgent provision of legal services related to the creation and enforcement of immigration laws, regulations, and policies, including litigation and regulatory reform efforts at the local, state, and federal level and non-legal services and support for the City's immigrant communities, 2) goods and services, including legal services, related to defending and supporting LGBTQ+ rights, 3) goods and services, including legal services, related to defending and supporting reproductive rights, 4) goods and services, including legal services, related to defending existing environmental protection laws and promoting environmental protection efforts, and 5) goods and services, including legal services, related to racial equity initiatives, all notwithstanding the Behested Payment Ordinance.

02/06/25; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Duplicated from File No. 250047.

02/06/25; CONTINUED AS AMENDED.

02/06/25; DUPLICATED AS AMENDED.

Heard in Committee. Speaker(s): Holly Lung (Office of the Assessor-Recorder); provided an overview and responded to questions raised throughout the discussion.

Chair Fielder moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by replacing 'Office of the Assessor Recorder' with 'Assessor Recorder and the Deputy Assessors and Director of Policy and Government Affairs in the Assessor-Recorder's Office', and striking 'and employees under the supervision of the Office of the Assessor-Recorder' throughout the legislation; on Page 4, Lines 6-11, to read 'WHEREAS, The parties receiving this waiver have agreed to report to the Board of Supervisors on a monthly basis solicitations made under this waiver and donations that resulted from such solicitations; the reports will identify the party solicited or the party who made a donation, the amount of the solicitation or donation, and the interested relationship the party who was solicited or the party who made a donation has with the Assessor-Recorder's Office; now, therefore, be it'; and making clerical and conforming changes throughout the resolution text. The motion carried by the following vote:

Ayes: 3 - Fielder, Sauter, Sherrill

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

Ayes: 3 - Fielder, Sauter, Sherrill

250105 [Behested Payment Waiver - Embarcadero Plaza and Sue Bierman Park]**Sponsors: Mayor; Sauter**

Resolution authorizing the Mayor, officers and employees of the Office of the Mayor, and officers and employees of the Recreation and Park Department to solicit donations for the renovation of Embarcadero Plaza and Sue Bierman parks from individuals, nonprofits, private organizations, grantmakers, and foundations for six months, effective upon approval of this Resolution, notwithstanding the Behested Payment Ordinance.

01/28/25; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speaker(s): None.

Vice Chair Sauter moved that this Resolution be CONTINUED to the Government Audit and Oversight Committee meeting of March 6, 2025. The motion carried by the following vote:

Ayes: 3 - Fielder, Sauter, Sherrill

LITIGATION

Chair Fielder requested File Nos. 240004, 250005, 250006, 250007, 250008, 250009, 250010, 250011, 250012, 250013, 250014, and 250067 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.

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.

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

Ayes: 3 - Fielder, Sauter, Sherrill

250004 [Settlement of Lawsuit - Vincent Keith Bell - \$825,000]

Ordinance authorizing settlement of the lawsuit filed by Vincent Keith Bell against the City and County of San Francisco for \$825,000; the lawsuit was filed on February 26, 2018, in United States District Court, Case No. 18-cv-01245-SI; entitled Vincent Keith Bell v. City and County of San Francisco, et al.; the lawsuit involves alleged civil rights violations. (City Attorney)

12/30/24; RECEIVED FROM DEPARTMENT.

01/14/25; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Fielder, Sauter, Sherrill

250005 [Settlement of Lawsuit - Javier Grajeda - \$30,000]

Ordinance authorizing settlement of the lawsuit filed by Javier Grajeda against the City and County of San Francisco for \$30,000; the lawsuit was filed on April 6, 2021, in San Francisco, Case No. CGC-21-590836; entitled Javier Grajeda v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from vehicle collision and an associated workers' compensation lien. (City Attorney)

12/30/24; RECEIVED FROM DEPARTMENT.

01/14/25; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Fielder, Sauter, Sherrill

250006 [Settlement of Lawsuit - Marvella Branner - \$110,000]

Ordinance authorizing settlement of the lawsuit filed by Marvella Branner against the City and County of San Francisco for \$110,000; the lawsuit was filed on January 25, 2023, in San Francisco Superior Court, Case No. CGC-23-604225; entitled Marvella Branner v. City and County of San Francisco; the lawsuit involves an alleged personal injury on a City sidewalk. (City Attorney)

12/30/24; RECEIVED FROM DEPARTMENT.

01/14/25; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Fielder, Sauter, Sherrill

250007 [Settlement of Lawsuit - Matthew Gyves - \$500,000]

Ordinance authorizing settlement of the lawsuit filed by Matthew Gyves against the City and County of San Francisco for \$500,000; the lawsuit was filed on November 2, 2023, in San Francisco Superior Court, Case No. CGC-23-610147; entitled Matthew Gyves v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury arising from an incident on April 3, 2023, in which Mr. Gyves sustained significant injuries when he was thrown from his bike after hitting a pothole on 15th Street in San Francisco. (City Attorney)

12/30/24; RECEIVED FROM DEPARTMENT.

01/14/25; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Fielder, Sauter, Sherrill

250008 [Settlement of Lawsuit - John Pugh - \$60,000]

Ordinance authorizing settlement of the lawsuit filed by John Pugh against the City and County of San Francisco for \$60,000; the lawsuit was filed on December 22, 2022, in San Francisco Superior Court, Case No. CGC-22-603655; entitled John Pugh v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from a vehicle collision. (City Attorney)

12/31/24; RECEIVED FROM DEPARTMENT.

01/14/25; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Fielder, Sauter, Sherrill

250009 [Settlement of Lawsuit - Latoya Starks and Sanvada Kitcher - \$2,880,000]

Ordinance authorizing settlement of the lawsuit filed by Latoya Starks and Sanvada Kitcher against the City and County of San Francisco for \$2,880,000; the lawsuit was filed on December 8, 2021, in United States District Court for the Northern District of California, Case No. 21-cv-09500; entitled Markwhan Kitcher-Tucker, et al. v. City and County of San Francisco, et al.; the lawsuit involves an allegation of wrongful death of a pretrial detainee due to negligent supervision. (City Attorney)

01/02/25; RECEIVED FROM DEPARTMENT.

01/14/25; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Fielder, Sauter, Sherrill

250010 [Settlement of Unlitigated Claim - Nordstrom, Inc. - \$36,548.39 Plus Interest]

Resolution approving the settlement of the unlitigated claim filed by Nordstrom, Inc. against the City and County of San Francisco for \$36,548.39 plus statutory interest; the claim was filed on August 22, 2024; the claim involves a refund of property taxes. (City Attorney)

12/10/24; RECEIVED FROM DEPARTMENT.

01/14/25; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Fielder, Sauter, Sherrill

250011 [Settlement of Unlitigated Claims - Twilio Inc. and Segment.io, Inc. - \$101,291.38]

Resolution approving the settlement of the unlitigated claims filed by Twilio Inc. and Segment.io, Inc. against the City and County of San Francisco for \$101,291.38; the claims were filed on April 25, 2024; the claims involve a refund of gross receipts taxes. (City Attorney)

12/10/24; RECEIVED FROM DEPARTMENT.

01/14/25; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Fielder, Sauter, Sherrill

250012 [Settlement of Unlitigated Claim - Joanna Lei - \$35,491]

Resolution approving the settlement of the unlitigated claim filed by Joanna Lei against the City and County of San Francisco for \$35,491; the claim was filed on October 8, 2024; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)

12/30/24; RECEIVED FROM DEPARTMENT.

01/14/25; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Fielder, Sauter, Sherrill

250013 [Settlement of Unlitigated Claim - Peter Dumanian - \$88,000]

Resolution approving the settlement of the unlitigated claim filed by Peter Dumanian against the City and County of San Francisco for \$88,000; the claim was filed on June 24, 2024; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)

12/30/24; RECEIVED FROM DEPARTMENT.

01/14/25; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Fielder, Sauter, Sherrill

250014 [Settlement of Unlitigated Claim - 180 Post Street, LLC - \$66,858]

Resolution approving the settlement of the unlitigated claim filed by 180 Post Street, LLC against the City and County of San Francisco for \$66,858; the claim was filed on June 20, 2024; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)

12/30/24; RECEIVED FROM DEPARTMENT.

01/14/25; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Fielder, Sauter, Sherrill

250067 [Settlement of Lawsuits - CWI 2 San Francisco Hotel, L.P. - Stipulated Assessed Value of \$216,400,000 and Refund of \$495,900 Plus Statutory Interest]

Ordinance authorizing settlement of two related lawsuits filed by CWI 2 San Francisco Hotel, L.P. against the City and County of San Francisco concerning the real property located at 600 Stockton Street, San Francisco, CA (Assessor's Parcel Block No. 0257, Lot No. 012) (the "Subject Property") for a stipulated assessed value of the Subject Property of \$216,400,000 as of December 30, 2016, contingent upon the Assessment Appeals Board's approval, and a refund of \$495,900, plus statutory interest; the first lawsuit was filed on November 26, 2019, in San Francisco Superior Court, Case No. CGC-19-581046; entitled CWI 2 San Francisco Hotel, L.P. v. City and County of San Francisco; the second lawsuit was filed on June 18, 2020, in San Francisco Superior Court, Case No. CGC-20-584883; entitled CWI 2 San Francisco Hotel, L.P. v. City and County of San Francisco; the lawsuits involve the assessed value of the Subject Property for property tax purposes as of the December 30, 2016, purchase date and a transfer tax refund. (City Attorney)

01/16/25; RECEIVED FROM DEPARTMENT.

01/28/25; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Fielder, Sauter, Sherrill

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

Ayes: 3 - Fielder, Sauter, Sherrill

ADJOURNMENT

There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 11:13 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.