

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

Tuesday, November 2, 2021 - 2:00 PM

Legislative Chamber, Room 250  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

*(remote public access provided via teleconference)*

[www.sfgovtv.org](http://www.sfgovtv.org)

### Regular Meeting

SHAMANN WALTON, PRESIDENT

CONNIE CHAN, MATT HANEY, RAFAEL MANDELMAN, GORDON MAR, MYRNA MELGAR,  
AARON PESKIN, DEAN PRESTON, HILLARY RONEN, AISHA SAFAI, CATHERINE STEFANI

*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

#### Committee Membership

#### Meeting Days

<b>Budget and Appropriations Committee</b> Supervisors Haney, Safai, Mar, Ronen, Walton	Wednesday 1:00 PM
<b>Budget and Finance Committee</b> Supervisors Haney, Safai, Mar	Wednesday 10:30 AM
<b>Government Audit and Oversight Committee</b> Supervisors Preston, Chan, Mandelman	1st and 3rd Thursday 10:00 AM
<b>Land Use and Transportation Committee</b> Supervisors Melgar, Preston, Peskin	Monday 1:30 PM
<b>Public Safety and Neighborhood Services Committee</b> Supervisors Mar, Stefani, Haney	2nd and 4th Thursday 10:00 AM
<b>Rules Committee</b> Supervisors Peskin, Mandelman, Chan	Monday 10:00 AM
<b>Youth, Young Adult, and Families Committee</b> Supervisors Ronen, Safai, Melgar	2nd Friday 10:00 AM

First-named Supervisor is Chair, Second-named Supervisor is Vice-Chair of the Committee.

---

**Members Present:** Connie Chan, Matt Haney, Rafael Mandelman, Gordon Mar, Myrna Melgar, Aaron Peskin, Dean Preston, Hillary Ronen, Ahsha Safai, Catherine Stefani, and Shamann Walton

---

*The Board of Supervisors of the City and County of San Francisco met in regular session and provided public comment through teleconferencing, on Tuesday, November 2, 2021, with President Shamann Walton presiding.*

*President Walton called the meeting to order at 2:01 p.m.*

## **Remote Access to Information and Participation**

*On March 17, 2020, the Board of Supervisors (Board) authorized their Board and Committee meetings to convene remotely and allow remote public comment via teleconference. Effective June 29, 2021, the Board and staff began to reconvene for in-person Board proceedings. Committee meetings will continue to convene remotely until further notice. Visit the SFGovTV website at ([www.sfgovtv.org](http://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: [bos@sfgov.org](mailto:bos@sfgov.org); all comments received will be made a part of the official record. Board of Supervisors Regular Meetings begin at 2:00 p.m. on Tuesdays. Board Agendas and their associated documents are available at <https://sfbos.org/meetings/42>. Please visit the Board's website ([www.sfbos.org](http://www.sfbos.org)) regularly to be updated on the current situation as it affects the legislative process. For more information contact the Office of the Clerk of the Board at (415) 554-5184.*

## **ROLL CALL AND PLEDGE OF ALLEGIANCE**

*On the call of the roll, Supervisors Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, and Walton were noted present.*

*All Members were present.*

*President Walton presented the ancestral homeland acknowledgement of the Ramaytush Ohlone, who are the original inhabitants of the San Francisco Peninsula, pursuant to Board Rule 4.7.1.*

## **COMMUNICATIONS**

*Angela Calvillo, Clerk of the Board, 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, 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 ([bos@sfgov.org](mailto:bos@sfgov.org)) or the U.S. Postal Service at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.*

## APPROVAL OF MEETING MINUTES

President Walton inquired whether any Member of the Board had any corrections to the September 28, 2021, Board Regular Meeting Minutes, as presented. There were no corrections requested from any Member of the Board.

Supervisor Stefani, seconded by Supervisor Chan, moved to approve the September 28, 2021, Board Regular Meeting Minutes, as presented. The motion carried by the following vote, following general public comment:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

## AGENDA CHANGES

There were no agenda changes.

## CONSENT AGENDA

### Recommendation of the Budget and Finance Committee

#### 210937 [Business and Tax Regulations Code - Affordable Housing Transfer Tax Exemption]

**Sponsors: Preston; Chan, Mar, Safai, Haney, Mandelman, Ronen, Walton and Melgar**  
Ordinance amending the Business and Tax Regulations Code to exempt certain transfers of rent-restricted affordable housing occurring on or after January 1, 2021, from the increased transfer tax rates when the consideration or value of the interest or property conveyed equals or exceeds \$5,000,000; and affirming the Planning Department's determination under the California Environmental Quality Act.  
(Fiscal Impact)

**FINALLY PASSED**

### Recommendations of the Land Use and Transportation Committee

#### 210497 [Planning Code and Zoning Map - Delete Life Science and Medical Special Use District]

**Sponsor: Walton**

Ordinance amending the Planning Code and Zoning Map to eliminate the Life Science and Medical Special Use District; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

**FINALLY PASSED**

**210699 [Planning, Administrative Codes - Accessory Dwelling Units]****Sponsors: Mandelman; Ronen, Preston, Melgar, Peskin, Chan and Haney**

Ordinance amending the Planning Code to clarify the requirements for applications to construct Accessory Dwelling Units under the City's local Accessory Dwelling Unit approval process; amending the Administrative Code to clarify that landlords may not remove certain tenant housing services without just cause and that issuance of a building permit does not constitute just cause; making findings as required by the Tenant Protection Act of 2019; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

*Supervisor Haney requested to be added as a co-sponsor.*

**FINALLY PASSED****210934 [Building Code - Mandatory Disability Access Improvements for Places of Public Accommodation - Extension of Time Deadlines]****Sponsors: Mayor; Chan and Haney**

Ordinance amending the Building Code to extend the time by approximately two years for existing buildings with a place of public accommodation to comply with the requirement to have all primary entries and paths of travel into the building accessible to persons with disabilities or to receive a City determination of equivalent facilitation, technical infeasibility, or unreasonable hardship; to extend the period for granting extensions from those deadlines; and to extend the time for the Department of Building Inspection's report to the Board of Supervisors.

*Supervisor Haney requested to be added as a co-sponsor.*

**FINALLY PASSED****210963 [Administrative Code - Extension Of Temporary Tenant Protections Due To COVID-19]****Sponsors: Preston; Peskin, Walton, Ronen, Chan, Mandelman, Haney, Melgar and Safai**

Ordinance amending the Administrative Code to extend the COVID-19 based limit on residential evictions, which allows evictions only if based on the non-payment of rent or violence or health and safety issues, from September 30, 2021, through December 31, 2021.

**FINALLY PASSED**

## **Recommendations of the Rules Committee**

### **210835 [Administrative Code - Local Business Enterprise Program]**

**Sponsors: Mayor; Walton, Safai, Melgar, Ronen, Mandelman, Mar and Haney**

Ordinance amending the Administrative Code to revise the Local Business Enterprise (LBE) and Non-Discrimination in Contracting Ordinance (Chapter 14B) to: 1) increase the LBE certification size thresholds and authorize an automatic increase to the thresholds every five years based on the consumer price index; 2) change the LBE certification size threshold term of calculation from an average of gross annual receipts in the prior three to the prior five years; 3) increase penalties for violations of Chapter 14B from up to 10% to up to 25% of the contract or subcontract amount; 4) require prime contractors to include LBE subcontractors' approved payment requests in payment applications within 30 days of receipt of an invoice; 5) authorize application of separate LBE subcontract participation requirements for micro, small, and SBA-LBEs; 6) extend the bonding assistance program to certain City-funded construction projects; 7) authorize a pilot Mentor-Protégé expansion program, a pilot micro-LBE set-aside program for certain design-build and construction manager/general contractor projects, and a pilot Neighborhood LBE program; and 8) increase the contracting Threshold Amount from \$706,000 to \$1,000,000 and the Minimum Competitive Amount from \$129,000 to \$200,000; and make various other changes and clarifications to Chapter 14B, as defined herein.

*Supervisor Haney requested to be added as a co-sponsor.*

**FINALLY PASSED**

### **210961 [Municipal Elections Code - Non-United States Citizen Voting in School Board Elections]**

**Sponsors: Chan; Melgar, Walton, Ronen, Preston, Mar, Mandelman, Peskin, Safai and Haney**

Ordinance amending the Municipal Elections Code to reauthorize Non-United States citizen voting in elections for the Board of Education of the San Francisco Unified School District and specifying that Non-United States citizens may vote in recall elections regarding members of the Board of Education.

*Supervisors Safai and Haney requested to be added as co-sponsors.*

**FINALLY PASSED**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

## REGULAR AGENDA

### NEW BUSINESS

#### Recommendations of the Budget and Finance Committee

**210874 [Contract Amendment - Heluna Health - San Francisco Homeless Outreach Team - Not to Exceed \$51,819,067]**

**Sponsor: Mayor**

Resolution approving the seventh amendment to the contract between the City and County of San Francisco and Heluna Health to provide comprehensive outreach and case management programming to meet the needs of people experiencing homelessness in San Francisco, known as the San Francisco Homeless Outreach Team, to extend the contract agreement term for 19 months from November 30, 2021, for a total term of August 1, 2014, through June 30, 2023, and increasing the contract amount by \$12,685,125 for a total contract amount not to exceed \$51,819,067.

(Fiscal Impact)

**ADOPTED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

**210959 [Agreement Amendment - Blythe Solar IV, LLC - CleanPowerSF Power Purchase - Energy Storage Capability - Not to Exceed \$220,280,744]**

Resolution approving amendments to CleanPowerSF's power purchase agreement with Blythe Solar IV, LLC, to add energy storage capability to the existing solar energy facility and increase the contract amount by \$83,096,000 for a total not to exceed cost of \$220,280,744 to commence in October 2022, with no change to the term. (Public Utilities Commission)

(Fiscal Impact)

**ADOPTED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

**210960 [Grant Agreement and Amendments - Retroactive - Japanese Community Youth Council - Mayor's Youth Employment and Education Program - Not to Exceed \$39,662,265]**

Resolution retroactively approving the original grant agreement, first amendment, and second amendment for Contract No. 1000009982 for the Mayor's Youth Employment and Education Program between the Japanese Community Youth Council and the City and County of San Francisco, acting by and through its Department of Children, Youth and Their Families, for a total term of July 1, 2018, through June 30, 2024, and for a total not to exceed amount of \$39,662,265.

(Department of Children, Youth & Their Families)

(Fiscal Impact)

*Privilege of the floor was granted unanimously to Ben Rosenfield, Controller (Office of the City Controller), and Anne Pearson (Office of the City Attorney) who responded to questions raised throughout the discussion.*

**ADOPTED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

**211001** [Real Property Sale Agreement - State of California - Portions of SFPUC Parcel No. 65 - State Route 84 / Interstate 680 Widening Project in Alameda County - \$152,952] Resolution 1) approving and authorizing the General Manager of the San Francisco Public Utilities Commission ("SFPUC") and/or the Director of Property, on behalf of the City and County of San Francisco ("City"), to sell certain real property located along State Route 84 and Interstate 680 in unincorporated Alameda County to the State of California (Parcel No. 65) for public highway improvements, acting through its California Department of Transportation ("Caltrans"), and the Alameda County Transportation Commission ("Alameda CTC" and together with Caltrans, the "Buyers") for the amount of \$152,952; 2) approving and authorizing an Agreement for Sale of Real Estate ("Sale Agreement") for the sale of the Property to the Buyers, which includes a liquidated damages clause in case of default by the City; 3) authorizing the SFPUC General Manager and/or City's Director of Property to execute the Sale Agreement, make certain modifications, and take certain actions in furtherance of this Resolution and the Sale Agreement, as defined herein; 4) adopting findings declaring that the real property is "surplus land" and "exempt surplus land" pursuant to the California Surplus Lands Act; 5) determining that a competitive bidding process for the conveyance of the Property is impractical and not in the public interest, in accordance with Section 23.3 of the Administrative Code; 6) affirming the Planning Department's determination under the California Environmental Quality Act ("CEQA") and adopting the findings required by Section 15091 of the CEQA Guidelines previously adopted by Caltrans in conjunction with the Project; and 7) adopting the Planning Department's findings that the Sale Agreement, and the transaction contemplated therein, is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Public Utilities Commission)

**ADOPTED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

**211047** [Accept and Expend Grant - Retroactive - Mental Health Services Oversight and Accountability Commission - Mental Health Student Services Act of 2019 - \$6,000,000]

**Sponsor: Mayor**

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$6,000,000 from the Mental Health Services Oversight and Accountability Commission for participation in a program, entitled "Mental Health Student Services Act of 2019," for the period of October 1, 2021, through September 30, 2025. (Public Health Department)

**ADOPTED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

**211048** [Accept and Expend Grant - Retroactive - California Department of Parks and Recreation - Crocker Amazon Playfields and Lake Merced Trail - \$1,634,540]

**Sponsors: Mayor; Safai and Melgar**

Resolution retroactively authorizing the Recreation and Park Department to accept and expend grant funding in the amount of \$1,634,540 from the California Department of Parks and Recreation for the Crocker Amazon Playfield Project and Lake Merced Trail Improvement Project; and approving the form of the grant contract which requires the Recreation and Park Department to maintain the projects for the duration of the Contract Performance Period from July 1, 2019, through June 30, 2049, pursuant to Charter, Section 9.118(a). (Recreation and Park Department)

**ADOPTED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

## **Recommendations of the Government Audit and Oversight Committee**

*President Walton requested File Nos. 210614 and 210615 be called together.*

### **210614 [Union Square Business Improvement District - Annual Report - FY2019-2020]**

**Sponsor: Peskin**

Resolution receiving and approving the annual report for the Greater Union Square Business Improvement District for Fiscal Year (FY) 2019-2020, 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.

**ADOPTED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

### **210615 [Fisherman's Wharf Landside Community Benefit District and Fisherman's Wharf Portside Community Benefit District - Annual Report - FY2019-2020]**

**Sponsor: Peskin**

Resolution receiving and approving the annual report for the Fisherman's Wharf Community Benefit District and Fisherman's Wharf Portside Community Benefit District for Fiscal Year (FY) 2019-2020, 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 Districts' management agreements with the City, Section 3.4. (Department of Economic and Workforce Development)

**ADOPTED by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

## **Recommendations of the Land Use and Transportation Committee**

### **210808 [Planning Code - Requirements for Laundromats and On-site Laundry Services]**

**Sponsors: Peskin; Chan, Preston, Ronen, Mandelman, Haney, Walton, Mar and Melgar**

Ordinance amending the Planning Code to add Laundromat as a defined term, to require conditional use authorization for uses replacing Laundromats, and to prohibit Accessory Dwelling Units that reduce on-site laundry services unless replaced; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton



**210868 [Planning Code - Inclusionary Housing Program Updates]****Sponsors: Ronen; Chan, Peskin, Preston, Melgar, Mandelman, Safai and Haney**

Ordinance amending the Planning Code to update inclusionary housing program requirements; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of necessity, convenience, and welfare under Planning Code, Section 302.

*Supervisors Mandelman, Safai, and Haney requested to be added as co-sponsors.*

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

**Recommendation of the Rules Committee****Supervisor Mandelman Excused from Voting**

Supervisor Preston, seconded by Supervisor Mar, moved that Supervisor Mandelman be excused from voting on File No. 211080. The motion carried by the following vote:

Ayes: 10 - Chan, Haney, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Excused: 1 - Mandelman

**211080 [Appointment, California State Association of Counties - Supervisor Rafael Mandelman]**

Motion appointing Supervisor Rafael Mandelman, term ending December 1, 2022, to the California State Association of Counties. (Clerk of the Board)

**Motion No. M21-151**

**APPROVED by the following vote:**

Ayes: 10 - Chan, Haney, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

Excused: 1 - Mandelman

**SPECIAL ORDER 2:30 P.M. - Recognition of Commendations**

Supervisor Ronen, seconded by Supervisor Melgar, moved to suspend Rule 5.36 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guest. The motion carried by the following vote:

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

*Supervisor Ronen introduced, welcomed, and presented a Certificate of Honor to Tim Paulson on the occasion of his retirement from the San Francisco Building and Construction Trades Council after more than 40 years of public service, and in recognition of his tireless advocacy for workers and unions. President Walton and Supervisors Peskin and Mar shared in this commendation.*

## SPECIAL ORDER 3:00 P.M.

*President Walton requested File Nos. 210709, 210710, 210711, and 210712 be called together.*

*Due to technical difficulties, President Walton recessed the meeting at 3:06 p.m. and reconvened the meeting at 3:11 p.m.*

*Upon reconvening, Supervisor Safai was noted absent.*

### **210709 [Hearing - Appeal of Conditional Use Authorization Approval - 575 Vermont Street]**

Hearing of persons interested in or objecting to the approval of a Conditional Use Authorization pursuant to Sections 209.1, 303, and 307 of the Planning Code, for a proposed project at 575 Vermont Street, Assessor's Parcel Block No. 4010, Lot No. 006, identified in Planning Case No. 2020-000886CUA, issued by the Planning Commission by Motion No. 20921, dated May 13, 2021, to allow demolition of an existing single family home and construction of a new, four-story, 40-foot tall residential building containing two dwelling units, one accessory dwelling unit, one off-street automobile parking space, and three class one bicycle parking spaces within the RH-2 (Residential, House, Two-Family) Zoning District and a 40-X Height and Bulk District. (District 10) (Appellants: Marion Parr, Scott Carr, Ron Altoonian, Victoria Carradero, and Chris Stephens) (Filed June 11, 2021) (Clerk of the Board)

*President Walton opened the public hearing and informed the Members that a settlement agreement between the parties has been reached, and the Appellant has withdrawn their appeal of the project by correspondence received on October 29, 2021. The President then inquired as to whether any individual wished to address the Board on the understanding that the appeal has been withdrawn. There were no speakers. President Walton closed public comment and declared the public hearing heard and filed.*

**HEARD AND FILED**

### **210710 [Approving Conditional Use Authorization - 575 Vermont Street]**

Motion approving the decision of the Planning Commission by its Motion No. 20921, approving a Conditional Use Authorization, identified as Planning Case No. 2020-000886CUA, for a proposed project located at 575 Vermont Street; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Clerk of the Board)

**Motion No. M21-152**

**Supervisor Walton, seconded by Supervisor Ronen, moved that this Motion be APPROVED. The motion carried by the following vote:**

Ayes: 10 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Stefani, Walton

Absent: 1 - Safai

**210711 [Conditionally Disapproving Conditional Use Authorization - 575 Vermont Street]**

Motion conditionally disapproving the decision of the Planning Commission by its Motion No. 20921, approving a Conditional Use Authorization, identified as Planning Case No. 2020-000886CUA, for a proposed project at 575 Vermont Street, subject to the adoption of written findings by the Board in support of this determination. (Clerk of the Board)  
(Charter, Section 4.105, and Planning Code, Section 308.1(d), provides that the Board of Supervisors may disapprove the decision of the Planning Commission by a vote of not less than two-thirds (8 votes) of the members of the Board.)

**Supervisor Walton, seconded by Supervisor Ronen, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 10 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Stefani, Walton  
Absent: 1 - Safai

**210712 [Preparation of Findings Related to Conditional Use Authorization - 575 Vermont Street]**

Motion directing the Clerk of the Board to prepare findings in support of the Board of Supervisors' disapproval of the proposed Conditional Use Authorization, identified as Planning Case No. 2020-000886CUA, for a proposed project at 575 Vermont Street. (Clerk of the Board)

**Supervisor Walton, seconded by Supervisor Ronen, moved that this Motion be TABLED. The motion carried by the following vote:**

Ayes: 10 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Stefani, Walton  
Absent: 1 - Safai

*Supervisor Safai was noted present at 3:17 p.m.*

## SPECIAL ORDER 3:00 P.M.

*President Walton requested File Nos. 211113, 211115, 211071, and 211072 be called together.*

## Board of Supervisors Sitting as a Committee of the Whole

**211113 [Hearing - Committee of the Whole - Existing Litigation - AmerisourceBergen Corp., Cardinal Health, Inc., and McKesson Corp. - City to Receive up to \$50 Million (File 211071) - Johnson & Johnson - City to Receive up to \$11 Million (File 211072)]**  
Hearing of the Board of Supervisors sitting as a Committee of the Whole on November 2, 2021, at 3:00 p.m., to hold a public hearing to consider the proposed Ordinances (File Nos. 211071 and 211072) regarding existing litigation relating to the partial settlement of the lawsuit filed on behalf of the City and County of San Francisco and the People of the State of California against three large distributors of prescription opioids (AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson Corporation) for abatement funds in the range of \$27 million to \$50 million to be paid over 18 years, entitled The City and County of San Francisco and the People of the State of California v. Purdue Pharma L.P., Richard S. Sackler, Jonathan D. Sackler, Mortimer D.A. Sackler, Kathe A. Sackler, Ilene Sackler Lefcourt, Beverly Sackler, Theresa Sackler, David A. Sackler, Trust for the Benefit of Members of the Raymond Sackler Family, Rhodes Pharmaceuticals L.P., Cephalon, Inc., Teva Pharmaceutical Industries Ltd., Teva Pharmaceuticals USA, Inc., Endo International Plc, Endo Health Solutions Inc., Endo Pharmaceuticals Inc., Janssen Pharmaceuticals, Inc., Insys Therapeutics, Inc., Mallinckrodt Plc, Mallinckrodt LLC, Allergan Plc F/K/A Actavis Plc, Watson Pharmaceuticals, Inc. N/K/A Actavis, Inc., Watson Laboratories, Inc., Actavis LLC, Actavis Pharma, Inc. F/K/A/ Watson Pharma, Inc., AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson Corporation; and the partial settlement of the lawsuit filed on behalf of the City and County of San Francisco and the People of the State of California against Johnson & Johnson and its subsidiary, Janssen Pharmaceuticals, Inc., for abatement funds in the range of \$6 million to \$11 million to be paid over nine years, entitled The City and County of San Francisco and the People of the State of California v. Purdue Pharma L.P., Richard S. Sackler, Jonathan D. Sackler, Mortimer D.A. Sackler, Kathe A. Sackler, Ilene Sackler Lefcourt, Beverly Sackler, Theresa Sackler, David A. Sackler, Trust for the Benefit of Members of the Raymond Sackler Family, Rhodes Pharmaceuticals L.P., Cephalon, Inc., Teva Pharmaceutical Industries Ltd., Teva Pharmaceuticals USA, Inc., Endo International Plc, Endo Health Solutions Inc., Endo Pharmaceuticals Inc., Janssen Pharmaceuticals, Inc., Insys Therapeutics, Inc., Mallinckrodt Plc, Mallinckrodt LLC, Allergan Plc F/K/A Actavis Plc, Watson Pharmaceuticals, Inc. N/K/A Actavis, Inc., Watson Laboratories, Inc., Actavis LLC, Actavis Pharma, Inc. F/K/A/ Watson Pharma, Inc., AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson Corporation; scheduled pursuant to Motion Nos. M21-148 (File No. 211112) and M21-149 (File No. 211114), approved on October 26, 2021. (Clerk of the Board)

*President Walton opened the public hearing and Supervisor Preston provided introductory remarks. The President then inquired as to whether any individual wished to address the Board regarding the Hearing to consider existing litigation. Anne Pearson (Office of the City Attorney); presented an overview of the hearing matter and responded to questions raised throughout the discussion. Speaker; spoke on various concerns related to the hearing matter. There were no other speakers. President Walton closed public comment, declared the matter heard and filed, adjourned as a Committee of the Whole, and reconvened as the Board of Supervisors.*

**HEARD AND FILED**

## Committee of the Whole Adjourn and Report

## CLOSED SESSION

### CONFERENCE WITH CITY ATTORNEY - Existing Litigation

*(Public Comment for the Closed Session was taken during the Committee of the Whole hearing on the same subject matter (File No. 211113).*

**211115 [Closed Session - Existing Litigation - AmerisourceBergen Corp., Cardinal Health, Inc., and McKesson Corp. - City to Receive up to \$50 Million (File 211071) - Johnson & Johnson - City to Receive up to \$11 Million (File 211072)]**

Closed Session for the Board of Supervisors to convene on November 2, 2021, pursuant to California Government Code, Section 54956.9, and San Francisco Administrative Code, Section 67.10(d)(1), for the purpose of conferring with, or receiving advice from the City Attorney regarding existing litigation relating to the partial settlement of the lawsuit filed on behalf of the City and County of San Francisco and the People of the State of California against three large distributors of prescription opioids (AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson Corporation) for abatement funds in the range of \$27 million to \$50 million to be paid over 18 years, entitled The City and County of San Francisco and the People of the State of California v. Purdue Pharma L.P., Richard S. Sackler, Jonathan D. Sackler, Mortimer D.A. Sackler, Kathe A. Sackler, Ilene Sackler Lefcourt, Beverly Sackler, Theresa Sackler, David A. Sackler, Trust for the Benefit of Members of the Raymond Sackler Family, Rhodes Pharmaceuticals L.P., Cephalon, Inc., Teva Pharmaceutical Industries Ltd., Teva Pharmaceuticals USA, Inc., Endo International Plc, Endo Health Solutions Inc., Endo Pharmaceuticals Inc., Janssen Pharmaceuticals, Inc., Insys Therapeutics, Inc., Mallinckrodt Plc, Mallinckrodt LLC, Allergan Plc F/K/A Actavis Plc, Watson Pharmaceuticals, Inc. N/K/A Actavis, Inc., Watson Laboratories, Inc., Actavis LLC, Actavis Pharma, Inc. F/K/A/ Watson Pharma, Inc., AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson Corporation (File No. 211071); and the partial settlement of the lawsuit filed on behalf of the City and County of San Francisco and the People of the State of California against Johnson & Johnson and its subsidiary, Janssen Pharmaceuticals, Inc., for abatement funds in the range of \$6 million to \$11 million to be paid over nine years, entitled The City and County of San Francisco and the People of the State of California v. Purdue Pharma L.P., Richard S. Sackler, Jonathan D. Sackler, Mortimer D.A. Sackler, Kathe A. Sackler, Ilene Sackler Lefcourt, Beverly Sackler, Theresa Sackler, David A. Sackler, Trust for the Benefit of Members of the Raymond Sackler Family, Rhodes Pharmaceuticals L.P., Cephalon, Inc., Teva Pharmaceutical Industries Ltd., Teva Pharmaceuticals USA, Inc., Endo International Plc, Endo Health Solutions Inc., Endo Pharmaceuticals Inc., Janssen Pharmaceuticals, Inc., Insys Therapeutics, Inc., Mallinckrodt Plc, Mallinckrodt LLC, Allergan Plc F/K/A Actavis Plc, Watson Pharmaceuticals, Inc. N/K/A Actavis, Inc., Watson Laboratories, Inc., Actavis LLC, Actavis Pharma, Inc. F/K/A/ Watson Pharma, Inc., AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson Corporation (File No. 211072); scheduled pursuant to Motion Nos. M21-148 (File No. 211112) and M21-149 (File No. 211114), approved on October 26, 2021. (Clerk of the Board)

**CONVENED IN CLOSED SESSION**

The Board recessed at the hour of 3:23 p.m. to convene in closed session pursuant to Motion Nos. M21-148 (File No. 211112) and M21-149 (File No. 211114), approved on October 26, 2021.

The following Supervisors were noted present: Supervisors Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, and Walton

Persons in attendance: Anne Pearson, Yvonne Mere, Owen Clements, and Jaime Huling Delaye, Deputy City Attorneys (Office of the City Attorney); and Angela Calvillo, Clerk of the Board, and Alisa Somera, Legislative Deputy Director (Office of the Clerk of the Board).

The matter was heard in closed session, no action was taken, and the hearing was filed.

**HEARD IN CLOSED SESSION****RECONVENED AS THE BOARD OF SUPERVISORS**

The Board reconvened at the hour of 3:56 p.m.

The following Supervisors were noted present: Supervisors Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, and Walton

*[Elect Not to Disclose]*

Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

**Supervisor Preston, seconded by Supervisor Peskin, moved not to disclose its Closed Session deliberations. The motion carried by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

## **Called from the Government Audit and Oversight Committee**

### **211071 [Settlement of Lawsuit - AmerisourceBergen Corp., Cardinal Health, Inc., and McKesson Corp. - City to Receive \$27 Million to \$50 Million Over 18 Years]**

Ordinance authorizing the partial settlement of the lawsuit filed on behalf of the City and County of San Francisco and the People of the State of California against three large distributors of prescription opioids (AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson Corporation) for abatement funds in the range of \$27 million to \$50 million to be paid over 18 years; the lawsuit was filed on December 18, 2018, in the United States District Court for the Northern District of California, Case No. 3:18-cv-7591-CRB-JSC; entitled The City and County of San Francisco and the People of the State of California v. Purdue Pharma L.P., Richard S. Sackler, Jonathan D. Sackler, Mortimer D.A. Sackler, Kathe A. Sackler, Ilene Sackler Lefcourt, Beverly Sackler, Theresa Sackler, David A. Sackler, Trust for the Benefit of Members of the Raymond Sackler Family, Rhodes Pharmaceuticals L.P., Cephalon, Inc., Teva Pharmaceutical Industries Ltd., Teva Pharmaceuticals USA, Inc., Endo International Plc, Endo Health Solutions Inc., Endo Pharmaceuticals Inc., Janssen Pharmaceuticals, Inc., Insys Therapeutics, Inc., Mallinckrodt Plc, Mallinckrodt LLC, Allergan Plc F/K/A Actavis Plc, Watson Pharmaceuticals, Inc. N/K/A Actavis, Inc., Watson Laboratories, Inc., Actavis LLC, Actavis Pharma, Inc. F/K/A/ Watson Pharma, Inc., AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson Corporation; the lawsuit involves allegations that AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson Corporation created a public nuisance and violated the Unfair Competition Law and the False Advertising Laws by distributing increasingly large volumes of opioids in and around San Francisco despite knowledge of the growing epidemic caused by opioid misuse, and by failing to prevent and report suspicious opioid orders as required by state and federal law. (City Attorney)

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

### **211072 [Settlement of Lawsuit - Johnson & Johnson - City to Receive \$6 Million to \$11 Million Over 9 Years]**

Ordinance authorizing the partial settlement of the lawsuit filed on behalf of the City and County of San Francisco and the People of the State of California against Johnson & Johnson and its subsidiary, Janssen Pharmaceuticals, Inc., for abatement funds in the range of \$6 million to \$11 million to be paid over 9 years; the lawsuit was filed on December 18, 2018, in the United States District Court for the Northern District of California, Case No. 3:18-cv-7591-CRB-JSC; entitled The City and County of San Francisco and the People of the State of California v. Purdue Pharma L.P., Richard S. Sackler, Jonathan D. Sackler, Mortimer D.A. Sackler, Kathe A. Sackler, Ilene Sackler Lefcourt, Beverly Sackler, Theresa Sackler, David A. Sackler, Trust for the Benefit of Members of the Raymond Sackler Family, Rhodes Pharmaceuticals L.P., Cephalon, Inc., Teva Pharmaceutical Industries Ltd., Teva Pharmaceuticals USA, Inc., Endo International Plc, Endo Health Solutions Inc., Endo Pharmaceuticals Inc., Janssen Pharmaceuticals, Inc., Insys Therapeutics, Inc., Mallinckrodt Plc, Mallinckrodt LLC, Allergan Plc F/K/A Actavis Plc, Watson Pharmaceuticals, Inc. N/K/A Actavis, Inc., Watson Laboratories, Inc., Actavis LLC, Actavis Pharma, Inc. F/K/A/ Watson Pharma, Inc., AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson Corporation; the lawsuit involves allegations that Johnson and Johnson's subsidiary, Janssen Pharmaceuticals, Inc., created a public nuisance and violated the Unfair Competition Law and the False Advertising Laws through deceptive marketing of opioids, manufacturing and distributing increasingly large volumes of opioids in and around San Francisco despite knowledge of the growing epidemic caused by opioid misuse, and by failing to prevent and to report suspicious opioid orders as required by state and federal law. (City Attorney)

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Jasmine; expressed concerns regarding a City contract with a certain car wash business.*

*Speaker; expressed concerns regarding a City contract with a certain car wash business.*

*Matthew Sutter; expressed concerns regarding the Municipal Transportation Agency and the plight of taxi medallion holders.*

*Barry Toronto; expressed concerns regarding the Municipal Transportation Agency and the plight of taxi medallion holders.*

*Mark Gruberg; expressed concerns regarding the Municipal Transportation Agency and the plight of taxi medallion holders.*

*Speaker; expressed concerns regarding the Municipal Transportation Agency and the plight of taxi medallion holders.*

*Marc Fonseca; expressed concerns regarding the Municipal Transportation Agency and the plight of taxi medallion holders.*

*Speaker; expressed support of the taxi medallion holders and concerns regarding the lack of City support to assist the homeless.*

*Emma Ringo; expressed concerns regarding the Municipal Transportation Agency and the plight of taxi medallion holders.*

*Benjamin Ballast; expressed concerns regarding the Municipal Transportation Agency and the plight of taxi medallion holders.*

*Speaker; expressed concerns regarding the Municipal Transportation Agency and the plight of taxi medallion holders.*

*Mohammed; expressed concerns regarding the Municipal Transportation Agency and the plight of taxi medallion holders.*

*Jonas Ngyuen; expressed concerns regarding the Municipal Transportation Agency and the plight of taxi medallion holders.*

*Speaker; expressed concerns regarding the Municipal Transportation Agency and the plight of taxi medallion holders.*

*Supervisor Safai was noted absent at 4:43 p.m. and for the remainder of the meeting.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

### **211136 [St. Gregory the Illuminator Armenian Church Day - November 7, 2021]**

**Sponsors: Stefani; Mandelman and Melgar**

Resolution recognizing November 7, 2021, as St. Gregory the Illuminator Armenian Church Day in the City and County of San Francisco.

*Supervisors Mandelman and Melgar requested to be added as co-sponsors.*

**ADOPTED**



**211140 [Findings to Allow Teleconferenced Meetings During Declared Emergency]**

Motion making findings to allow teleconferenced meetings under California Government Code, Section 54953(e). (Clerk of the Board)

**Motion No. M21-153**

**APPROVED**

**The foregoing items were acted upon by the following vote:**

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani, Walton

**IMPERATIVE AGENDA**

*There were no imperative agenda items.*

**LEGISLATION INTRODUCED AT ROLL CALL****Introduced by a Supervisor or the Mayor**

*Pursuant to Charter, Section 2.105, an Ordinance or Resolution may be introduced before the Board of Supervisors by a Member of the Board, a Committee of the Board, or the Mayor and shall be referred to and reported upon by an appropriate Committee of the Board.*

Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on [http://www.sfbos.org/legislation\\_introduced](http://www.sfbos.org/legislation_introduced).

**Introduced at the Request of a Department**

*Pursuant to Rules of Order of the Board of Supervisors, Section 2.7.1, Department Heads may submit proposed legislation to the Clerk of the Board, in which case titles of the legislation will be printed at the rear of the next available agenda of the Board.*

**PROPOSED ORDINANCE****211109 [Administrative Code - Trial Courts Courthouse Construction Fund - Termination of Penalties for Court Construction]**

Ordinance amending the Administrative Code to delete the Trial Courts Courthouse Construction Fund; and to reduce amounts that the City previously added to court-imposed penalties, fines, or forfeitures in San Francisco to support the acquisition, rehabilitation, construction, and financing of courtrooms or courtroom buildings. (Controller)

10/19/21; RECEIVED FROM DEPARTMENT.

11/02/21; ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee.

## PROPOSED RESOLUTIONS

**211128 [Accept and Expend Grant - Retroactive - California Department of Insurance - Automobile Insurance Fraud Program - \$321,357]**

Resolution retroactively authorizing the Office of the District Attorney to accept and expend a grant in the amount of \$321,357 from the California Department of Insurance for the Automobile Insurance Fraud Program, for the grant period of July 1, 2021, through June 30, 2022. (District Attorney)

10/22/21; RECEIVED FROM DEPARTMENT.

11/02/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

**211129 [Contract Amendment - Bayview Hunters Point Foundation for Community Improvement - Behavioral Health Services - Not to Exceed \$13,489,343]**

Resolution approving Amendment No. 2 to the agreement between Bayview Hunters Point Foundation for Community Improvement and the Department of Public Health for behavioral health services, to increase the agreement by \$3,689,230 for an amount not to exceed \$13,489,343; and to extend the term by fifteen months, from March 31, 2022, to June 30, 2023, for a total agreement term of July 1, 2018, through June 30, 2023. (Public Health Department)

10/25/21; RECEIVED FROM DEPARTMENT.

11/02/21; RECEIVED AND ASSIGNED to Budget and Finance Committee.

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour 4:52 p.m.*