



City and County of San Francisco

Meeting Agenda

Government Audit and Oversight Committee

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

Members: Gordon Mar, Aaron Peskin, Matt Haney

Clerk: John Carroll (415) 554-4445

Thursday, January 16, 2020

10:00 AM

City Hall, Committee Room 263

Regular Meeting

ROLL CALL AND ANNOUNCEMENTS

AGENDA CHANGES

REGULAR AGENDA

- [191303](#)** **[Management Agreement - Owners' Association for Administration/Management - Downtown Community Benefit District]**
Sponsor: Peskin
Resolution approving an agreement with the nonprofit Owners' Association for administration/management of the established property-based Community Benefit District known as the "Downtown Community Benefit District," pursuant to the California Streets and Highways Code, Section 36651, for a period commencing upon Board approval, through June 30, 2034.

12/17/19; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
12/20/19; REFERRED TO DEPARTMENT.
- [191133](#)** **[Setting the Budget and Legislative Analyst Services Audit Plan - Ethics Commission - FY2019-2020]**
Sponsor: Yee
Motion directing the Budget and Legislative Analyst to conduct a performance audit in FY2019-2020 of the Ethics Commission as a priority.

11/5/19; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
11/13/19; REFERRED TO DEPARTMENT.

3. [171320](#) **[Real Property Lease - NPU, Inc. - United States Old Mint - 88 Fifth Street - \$20,000 per Month]**

Sponsor: Mayor

Resolution authorizing and approving a Lease with NPU, Inc., a California corporation, for the United States Old Mint at 88 Fifth Street, at the monthly base rent of \$20,000; requiring tenant to be responsible for all utilities and services, participation rent of 50% of venue rental fees and \$2,500 per ticketed event, for a two year term to commence upon approval by the Board of Supervisors and Mayor through July 31, 2019, with three one-year options to extend; adopting findings under the California Environmental Quality Act, Public Resources Code, Section 21000 et seq.; and making findings that the proposed transaction is in conformity with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Real Estate Department)

12/12/17; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

7/26/18; REMAIN ACTIVE.

2/27/19; REMAIN ACTIVE.

9/4/19; REMAIN ACTIVE.

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.

4. [191204](#) **[Settlement of Lawsuit - PJ Dayacamos - \$57,000]**
Ordinance authorizing settlement of the lawsuit filed by PJ Dayacamos against the City and County of San Francisco for \$57,500; the lawsuit was filed on May 8, 2017, in the United States District Court, Northern District of California, Case No. 3:17-cv-02644-JSC; entitled PJ Dayacamos v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

11/18/19; RECEIVED FROM DEPARTMENT.

12/10/19; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
5. [191205](#) **[Settlement of Lawsuit - Tureko Straughter and K.R., a minor - \$160,000]**
Ordinance authorizing settlement of the lawsuit filed by Tureko Straughter and K.R., a minor, against the City and County of San Francisco for \$160,000; the lawsuit was filed on August 22, 2018, in the United States District Court, Case No. 18-cv-03651; entitled Tureko Straughter, individually and as the guardian for minor K.R.; and K.R., a minor, by and through his guardian Tureko Straughter; the lawsuit involves alleged civil rights violations. (City Attorney)

11/25/19; RECEIVED FROM DEPARTMENT.

12/10/19; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
6. [191206](#) **[Settlement of Lawsuit - Scanvinski Jerome Hymes - \$35,000]**
Ordinance authorizing settlement of the lawsuit filed by Scanvinski Jerome Hymes against the City and County of San Francisco for \$35,000; the lawsuit was filed on July 28, 2016, in United States District Court - Northern District of California, Case No. 16-cv-04288 JSC; entitled Scanvinski Jerome Hymes v. Milton Bliss, et al.; the lawsuit involves alleged excessive force and personal injuries by Sheriff's deputies. (City Attorney)

11/25/19; RECEIVED FROM DEPARTMENT.

12/10/19; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

7. [191207](#) **[Settlement of Lawsuit - Claudia High-Matthews - \$40,000]**
Ordinance authorizing settlement of the lawsuit filed by Claudia High-Matthews against the City and County of San Francisco for \$40,000; the lawsuit was filed on May 25, 2018, in San Francisco Superior Court, Case No. CGC-18-566804; entitled Claudia High-Matthews v. City and County of San Francisco; the lawsuit involves an alleged personal injury on a City sidewalk. (City Attorney)

12/2/19; RECEIVED FROM DEPARTMENT.

12/10/19; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
8. [191221](#) **[Settlement of Lawsuit - Peggy Ung - \$50,000]**
Ordinance authorizing settlement of the lawsuit filed by Peggy Ung against the City and County of San Francisco for \$50,000; the lawsuit was filed on November 8, 2017, in San Francisco Superior Court, Case No. CGC-17-562378; entitled Peggy Ung v. Yong L. Wang, et al.; the lawsuit involves alleged personal injury on a City sidewalk; other material terms of the settlement are that the City, Yong L. Wang, Michelle Wang, and Farmers Insurance Company mutually waive any and all rights they may have against each other for indemnity concerning the lawsuit. (City Attorney)

12/2/19; RECEIVED FROM DEPARTMENT.

12/10/19; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
9. [191236](#) **[Settlement of Lawsuit - Katherine Cantwell - \$150,000]**
Ordinance authorizing settlement of the lawsuit filed by Katherine Cantwell against the City and County of San Francisco for \$150,000; the lawsuit was filed on February 27, 2018, in San Francisco Superior Court, Case No. CGC-18-564646; entitled Katherine Cantwell v. Mohammad Waraich et al.; the lawsuit involves alleged personal injury from a vehicle versus pedestrian collision. (City Attorney)

12/4/19; RECEIVED FROM DEPARTMENT.

12/17/19; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
10. [200001](#) **[Settlement of Lawsuit - Rosa Rivera Keel - \$75,000]**
Ordinance authorizing settlement of the lawsuit filed by Rosa Rivera Keel against the City and County of San Francisco for \$75,000; the lawsuit was filed on October 4, 2018, in San Francisco Superior Court, Case No. CGC-18-570303; entitled Rosa Rivera Keel v. City and County of San Francisco; the lawsuit involves an alleged personal injury on a City crosswalk. (City Attorney)

12/13/19; RECEIVED FROM DEPARTMENT.

1/7/20; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
11. [200002](#) **[Settlement of Lawsuit - William Maier - \$198,000]**
Ordinance authorizing settlement of the lawsuit filed by William Maier against the City and County of San Francisco for \$198,000; the lawsuit was filed on February 2, 2018, in Superior Court of the State of California, County of San Francisco, Case No. CGC-18-564070, entitled William "Bill" Maier v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

12/30/19; RECEIVED FROM DEPARTMENT.

1/7/20; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

12. [200003](#) **[Settlement of Lawsuit - Tiffany Cross, Tiana Reddic, Arron Mathews, Acacia McNeal, Shalonda Adams, Crystal Anthony, and Darlene Rouse - \$225,000]**
Ordinance authorizing settlement of the lawsuit filed by Tiffany Cross, Tiana Reddic, Arron Mathews, Acacia McNeal, Shalonda Adams, Crystal Anthony, and Darlene Rouse against the City and County of San Francisco for \$225,000; the lawsuit was filed on October 3, 2018, in United States District Court, Case No. 18-cv-06097; entitled Tiffany Cross, et al. v. City and County of San Francisco, et al.; the lawsuit involves alleged civil rights violations. (City Attorney)

12/30/19; RECEIVED FROM DEPARTMENT.

1/7/20; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
13. [200004](#) **[Settlement of Lawsuit - Luz de Verano Cervantes - \$49,500]**
Ordinance authorizing settlement of the lawsuit filed by Luz de Verano Cervantes against the City and County of San Francisco for \$49,500; the lawsuit was filed on May 16, 2018, in San Francisco Superior Court, Case No. CGC-18-566598; entitled Luz de Verano Cervantes v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from a motor vehicle collision. (City Attorney)

12/30/19; RECEIVED FROM DEPARTMENT.

1/7/20; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
14. [191208](#) **[Amended Settlement of Unlitigated Claim - United States Environmental Protection Agency - Yosemite Slough Sediment Site - \$821,839; Related Appropriation - Wastewater Enterprise Fund Balance]**
Ordinance approving an amendment to the 2016 settlement of United States Environmental Protection Agency's ("EPA") unlitigated claim against the City and County of San Francisco approved by Resolution No. 350-16; no formal claim has been filed; the amendment resolves EPA's claims against the City to perform additional pre-design technical studies in support of cleanup of the Yosemite Slough Sediment Site; the amendment requires the City to perform two technical studies at an estimated cost of \$821,839; additional material terms of the amended settlement are that the City will contract with a third party environmental consultant to perform the studies, the City will assume responsibility for completion of the work pursuant to the amendment, the City will assume responsibility and indemnify EPA for any stipulated penalties or claims arising in connection with performance of the additional work under the amendment, and the City will reimburse EPA for its future response costs related to the additional work; and appropriating \$821,839 from the Public Utilities Commission Wastewater Enterprise fund balance for payment of the costs. (City Attorney)

11/25/19; RECEIVED FROM DEPARTMENT.

12/10/19; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
15. [191213](#) **[Settlement of Unlitigated Claim - Spotify USA Inc. - \$217,290.29]**
Resolution approving the settlement of the unlitigated claim filed by Spotify USA Inc. against the City and County of San Francisco for \$217,290.29; the claim was filed on July 15, 2019; the claim involves a refund of payroll expense and gross receipts taxes, penalties, and interest (City Attorney)

11/25/19; RECEIVED FROM DEPARTMENT.

12/10/19; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

16. [191222](#) **[Settlement of Unlitigated Claim - Clinton Bailey - \$49,076.68]**
Resolution approving the settlement of the unlitigated claim filed by Clinton Bailey against the City and County of San Francisco for \$49,076.68; the claim was filed on February 19, 2016; the claim involves an employment dispute. (City Attorney)

12/2/19; RECEIVED FROM DEPARTMENT.

12/10/19; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
17. [191239](#) **[Settlement of Unlitigated Claim - Ho Tan and Lionel Tan - \$47,000]**
Resolution approving the settlement of the unlitigated claim filed by Ho Tan and Lionel Tan against the City and County of San Francisco for \$47,000; the claim was filed on June 20, 2017; the claim involves flooding damage during major rainstorms. (City Attorney)

12/6/19; RECEIVED FROM DEPARTMENT.

12/17/19; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
18. [191238](#) **[California Code of Civil Procedure, Section 998 - Offer to Compromise Litigation - Kellan Dunn - \$45,000]**
Ordinance authorizing the service of an Offer to Compromise under Code of Civil Procedure, Section 998, in the lawsuit filed by Kellan Dunn against the City and County of San Francisco, to include a payment from the City and County of San Francisco of up to \$45,000 plus reasonable attorneys' fees and costs to be determined by the Court; the lawsuit was filed on May 9, 2018, in San Francisco Superior Court, Case No. CGC-18-566427; entitled Kellan Dunn v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

12/9/19; RECEIVED FROM DEPARTMENT.

12/17/19; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

[Elect To Disclose]

Motion that the Board finds it is in the public interest to disclose information discussed in closed session, and directs the Chair immediately to disclose that information.

[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.

ADJOURNMENT

LEGISLATION UNDER THE 30-DAY RULE

NOTE: The following legislation will not be considered at this meeting. Board Rule 3.22 provides that when an Ordinance or Resolution is introduced which would CREATE OR REVISE MAJOR CITY POLICY, the Committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general, the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply URGE action to be taken.

(There is no legislation pending under the 30-Day Rule.)

Agenda Item Information

Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation, 2) Budget and Legislative Analyst report,
- 3) Department or Agency cover letter and/or report, 4) Public correspondence

Items will be available for review at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, Reception Desk.

Meeting Procedures

The Board of Supervisors is the legislative body of the City and County of San Francisco. The Board has several standing committees where ordinances and resolutions are the subject of hearings at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers, and similar sound-producing electronic devices; 3) bringing in or displaying signs in the meeting room; and 4) standing in the meeting room.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the President or Chair at the beginning of each item or public comment, excluding City representatives, except that public speakers using interpretation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous interpretation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting interpretation assistance. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

IMPORTANT INFORMATION: The public is encouraged to testify at Committee meetings. Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors. Written communications should be submitted to the Clerk of the Board or Clerk of the Committee: 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Communications not received prior to the hearing may be delivered to the Clerk of the Board or Clerk of the Committee at the hearing and you are encouraged to bring enough copies for distribution to all of its members.

LAPTOP COMPUTER FOR PRESENTATIONS: Contact City Hall Media Services at (415) 554-7490 to coordinate the use of the laptop computer for presentations. Presenters should arrive 30 minutes prior to the meeting to test their presentations on the computer.

COPYRIGHT: System content that is broadcasted live during public proceedings is secured by High-bandwidth Digital Content Protection (HDCP), which prevents copyrighted or encrypted content from being displayed or transmitted through unauthorized devices. Members of the public who utilize chamber digital, audio and visual technology may not display copyrighted or encrypted content during public proceedings.

AGENDA PACKET: Available for review in the Office of the Clerk of the Board, City Hall, 1 Dr. Carlton B Goodlett Place, Room 244, or on the internet at <http://www.sfbos.org/meetings>. Meetings are cablecast on SFGovTV, the Government Channel 26. For DVD copies and scheduling call (415) 554-4188.

LANGUAGE INTERPRETERS: Requests must be received at least 48 hours in advance of the meeting to help ensure availability. Contact Peggy Nevin at (415) 554-5184. **AVISO EN ESPAÑOL:** La solicitud para un traductor debe recibirse antes de mediodía de el viernes anterior a la reunion. Llame a Peggy Nevin at (415) 554-5184. **Paunawa:** Ang mga kahilingan ay kailangang matanggap sa loob ng 48 oras bago mag miting upang matiyak na matutugunan ang mga hiling. Mangyaring tumawag ka sa (415) 554-5184.

翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7719

Disability Access

The Legislative Chamber (Room 250) and the Committee Room (Room 263) in City Hall are wheelchair accessible. Meetings are real-time captioned and are cablecast open-captioned on SFGovTV, the Government Channel 26. Assistive listening devices for the Legislative Chamber are available upon request at the Clerk of the Board's Office, Room 244. Assistive listening devices for the Committee Room are available upon request at the Clerk of the Board's Office, Room 244 or in the Committee Room. To request sign language interpreters, readers, large print agendas or other accommodations, please contact Wilson Ng at (415) 554-5184 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability.

The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 5R, 6, 7, 7R, 7X, 9, 9R, 19, 21, 47, and 49. For more information about MUNI accessible services, call (415) 701-4485. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to perfumes and various other chemical-based scented products. Please help the City to accommodate these individuals.

Know Your Rights Under The Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) or to report a violation of the ordinance, contact by mail Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102; phone at (415) 554-7724; fax at (415) 554-5163; or by email at sotf@sfgov.org <<mailto:sotf@sfgov.org>>. Citizens may obtain a free copy of the Sunshine Ordinance by printing the San Francisco Administrative Code, Chapter 67, on the Internet at <http://www.sfbos.org/sunshine>

Ethics Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code, Section 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100; fax (415) 252-3112; web site <http://www.sfgov.org/ethics>

Under Campaign and Governmental Conduct Code, Section 1.127, no person or entity with a financial interest in a land use matter pending before the Board of Appeals, Board of Supervisors, Building Inspection Commission, Commission on Community Investment and Infrastructure, Historic Preservation Commission, Planning Commission, Port Commission, or the Treasure Island Development Authority Board of Directors, may make a campaign contribution to a member of the Board of Supervisors, the Mayor, the City Attorney, or a candidate for any of those offices, from the date the land use matter commenced until 12 months after the board or commission has made a final decision, or any appeal to another City agency from that decision has been resolved. For more information about this restriction, visit sfethics.org.