



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: Stephanie Cabrera
(415) 554-7722 ~ stephanie.cabrera@sfgov.org

Thursday, June 1, 2023

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, in-person with remote access and public comment via telephone, on Thursday, June 1, 2023, with Chair Dean Preston presiding. Chair Preston called the meeting to order at 10:04 a.m.

Remote Access to Information and Participation

The Board of Supervisors (www.sfbos.org) and its committees convene hybrid meetings that allow in-person attendance, in-person public comment (prioritized before remote public comment), remote access (watch: www.sfgovtv.org), and remote public comment via teleconference (<https://sfbos.org/remote-meeting-call>). Members of the public may also submit their comments by email to the Clerk listed above; all comments received will be made a part of the official record.

ROLL CALL AND ANNOUNCEMENTS

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

COMMUNICATIONS

Brent Jalipa, Government Audit and Oversight Committee Clerk, instructed members of the public, that when general public comment is called, to contribute live comments in-person or by dialing the telephone number published on the agenda and scrolling across the screen. Clerk Jalipa further announced that in-person public comment will be taken before remote public comment is called.

*(Those who are providing public comment remotely must dial *3 to be added to the remote queue to speak. Written comments may be submitted through email (stephanie.cabrera@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

230537 [Contract Amendment - HealthRIGHT 360 - Check-Writing Services - Not to Exceed \$107,416,172]

Resolution approving Amendment No. 2 to the agreement between HealthRIGHT 360 and the Department of Public Health (DPH), for check-writing services; to increase the agreement by \$60,650,012 for an amount not to exceed \$107,416,172; to extend the term by two years and six months from June 30, 2023, for a total agreement term of January 1, 2021, through December 31, 2025; and to authorize DPH to enter into amendments or modifications to the contract prior to its final execution by all parties that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the contract or this Resolution. (Public Health Department) (Fiscal Impact)

05/05/23; RECEIVED FROM DEPARTMENT.

05/16/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speakers: Michelle Ruggles and Kelly Hiramoto (Department of Public Health); presented information and answered questions raised throughout the discussion. Efrain; shared various concerns with the committee.

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

Ayes: 3 - Preston, Stefani, Chan

230392 [Hearing - Community Ambassadors]

Sponsor: Preston

Hearing to discuss Community Ambassadors, including training, roles and responsibilities, deployment, cost, and oversight/accountability; and requesting the Department of Emergency Management, Department of Homelessness and Supportive Housing, Office of Civic Engagement and Immigrant Affairs, and Office of Economic and Workforce Development to report.

04/04/23; RECEIVED AND ASSIGNED to Public Safety and Neighborhood Services Committee.

04/10/23; TRANSFERRED to Government Audit and Oversight Committee. President Peskin transferred this matter from the Public Safety and Neighborhood Services Committee to the Government Audit and Oversight Committee.

Heard in Committee. Speakers: Mary Ellen Carroll, Director, Andre Torrey, and Sam Dodge (Department of Emergency Management); Katherine Daniel, Chris Corgas (Office of Economic and Workforce Development); Jorge Rivas, Director, and David McKinley (Office of Civic Engagement and Immigrant Affairs); Unidentified Speaker (Urban Alchemy); provided an overview and responded to questions raised throughout the discussion. Jesse James; Pamela Grissomholden; Rosine Garcia; Ms. Guitierrez; Speaker; Chris Schulman; Betta Hom; Kate Robinson; Johnathan Turner; Speaker; Francisco Da Costa; Emily Shawn; David Pilpel; Ms. Kopholder; shared various concerns relating to the hearing matter.

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

Ayes: 3 - Preston, Stefani, Chan

190785 [Follow-Up Board Response - Civil Grand Jury Report - Act Now Before it is Too Late: Aggressively Expand and Enhance Our High-Pressure Emergency Firefighting Water System]

Hearing on the 2018-2019 Civil Grand Jury Report, entitled "Act Now Before it is Too Late: Aggressively Expand and Enhance Our High-Pressure Emergency Firefighting Water System." (Government Audit and Oversight Committee)

07/17/19; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

07/25/19; REFERRED TO DEPARTMENT. Referred to the Office of the Mayor, the San Francisco Public Utilities Commission, the Fire Department, the Fire Commission, the Office of the City Administrator, and the Office of the Budget and Legislative Analyst for the required response.

09/11/19; RESPONSE RECEIVED. The San Francisco Public Utilities Commission submitted a response to the Civil Grand Jury Report.

09/12/19; RESPONSE RECEIVED. The Fire Commission submitted a response to the Civil Grand Jury Report.

09/16/19; RESPONSE RECEIVED. The Mayor's Office submitted a consolidated response to the Civil Grand Jury Report for the following departments: Office of the Mayor; City Administrator's Office, Public Utilities Commission, Fire Department, and the Department of the Environment.

09/19/19; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Supervisor Sandra Lee Fewer (Board of Supervisors); Rasha Harvey, Foreperson, and Stephen Garber (2018-2019 Civil Grand Jury); John Scarpulla (San Francisco Public Utilities Commission); Heather Green (Office of the City Administrator); presented information and answered questions raised throughout the discussion. Eileen Boken; Tom Doudiet; Nancy Wuerfel; Dick Morten; Ted Lowenberg; David Hooper; Ellen Lee Zhou; Ken; spoke on various concerns relating to the hearing matter.

06/25/20; RESPONSE RECEIVED. The San Francisco Public Utilities commission transmitted a report on the City's Emergency Firefighting Water System (EFWS), prepared pursuant to Resolution No. 484-19 .

07/16/20; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: John Scarpulla (San Francisco Public Utilities Commission); Heather Green (Office of Resilience and Capital Planning); Jose Velo, Deputy Chief (Fire Department); Dave Myerson (San Francisco Public Utilities Commission); presented information and answered questions raised throughout the discussion.

12/02/20; RESPONSE RECEIVED. Received a report from the Budget and Legislative Analyst on the Emergency Firefighting Water System.

01/21/21; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Supervisor Gordon Mar (Board of Supervisors); John Scarpulla (San Francisco Public Utilities Commission); Severin Campbell (Office of the Budget and Legislative Analyst); Jose Velo (Fire Department); presented information and answered questions raised throughout the discussion. Eileen Boken; Francisco da Costa; spoke on various concerns relating to the hearing matter.

06/23/21; RESPONSE RECEIVED. Received two reports from the San Francisco Public Utilities Commission, Emergency Firefighting Water System (EFWS) Seawater Supply Report; and Fire Following Earthquake Water Requirements Study Report.

11/18/21; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: John Scarpulla (San Francisco Public Utilities Commission); Severin Campbell (Office of the Budget and Legislative Analyst); Brian Strong (Office of the City Administrator); Tom O'Connor (Fire Department); presented information and answered questions raised throughout the discussion. Eileen Boken; Dick Morton; Ted Lowenberg; Pat Scane (Pine Lake Neighborhood Association); Catherine Howard; Jeff Regal; Erica Blight; spoke on various concerns relating to the hearing matter.

12/30/21; RESPONSE RECEIVED. Received copy of the San Francisco Public Utilities Commission's EFWS 2050 Planning Study, dated December 19, 2021.

Heard in Committee. Speakers: Katie Miller (SFPUC); Brian Strong, Office of Resilience and Capital Planning; Severin Campbell (Budget and Legislative Analyst's Office); provided an overview and responded to questions raised throughout the discussion. Eileen Boken; Speaker; spoke on various concerns relating to the hearing matter.

PREPARED IN COMMITTEE AS A MOTION

Motion responding to the Civil Grand Jury's request to provide a status update on the Board of Supervisor's response to Recommendation Nos. R1, R2, R3, R6, R7, and R8 contained in the 2018-2019 Civil Grand Jury Report, entitled "Act Now Before it is Too Late: Aggressively Expand and Enhance Our High-Pressure Emergency Firefighting Water System." (Government Audit and Oversight Committee)

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

Ayes: 3 - Preston, Stefani, Chan

230474 [Airport Professional Services Agreement - SP Plus SF Joint Venture - Management and Operations of Airport Public and Employee Parking Facilities - Not to Exceed \$214,947,987]

Resolution approving the Professional Services Agreement, Contract No. 50337, for a five-year term commencing July 1, 2023, through June 30, 2028, in an amount not to exceed \$214,947,987 for the Management and Operations of Airport Public and Employee Parking Facilities between SP Plus SF Joint Venture and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)
(Fiscal Impact)

04/20/23; RECEIVED FROM DEPARTMENT.

05/02/23; RECEIVED AND ASSIGNED to Budget and Finance Committee.

05/22/23; TRANSFERRED to Government Audit and Oversight Committee. President Peskin transferred this matter from the Budget and Finance Committee to the Government Audit and Oversight Committee.

Heard in Committee. Speakers: Ivar Satero, CFO (San Francisco International Airport); Severin Campbell (Budget and Legislative Analyst's Office); provided an overview and responded to questions raised throughout the discussion. Patty Rodriguez; spoke in support of the matter. Speaker; provided information on the matter.

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

Ayes: 3 - Preston, Stefani, Chan

Chair Preston recessed the meeting at 1:12 p.m., and reconvened the meeting at 1:33 p.m.

Supervisor Chan was noted not present from 1:33 p.m. to 2:25 p.m.

Supervisor Chan Excused from Attendance

Chair Preston moved to excuse Supervisor Chan for the remainder of the Government Audit and Oversight Committee meeting. The motion carried by the following vote:

Ayes: 2 - Preston, Stefani

Excused: 1 - Chan

Chair Preston request that File Nos. 230448, 230449, 230561, 230564, 230565, 230566, 230567, 230568, 230563, and 230562 be called together.

230448 [Memorandum of Understanding - San Francisco Fire Fighters Union Local 798, IAFF, AFL-CIO, Unit 1]

Sponsor: Mayor

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and San Francisco Fire Fighters Union Local 798, IAFF, AFL-CIO, Unit 1, to be effective July 1, 2023, through June 30, 2026.

04/18/23; ASSIGNED to Government Audit and Oversight Committee. 4/19/23 - President Peskin waived the 30-day rule pursuant to Board Rule No. 3.22.

04/28/23; REFERRED TO DEPARTMENT. Referred to the Office of the Controller for informational purposes and requesting a cost analysis.

05/01/23; RESPONSE RECEIVED. Cost Analysis received from the Office of the Controller.

05/04/23; RECOMMENDED. Heard in Committee. Speakers: Ardis Graham (Department of Human Resources); presented information and answered questions raised throughout the discussion. Adam Wood and Floyd Rollins (Union Local 798); spoke in support of the hearing matter. Ephraim; spoke on various concerns relating to the hearing matter.

05/16/23; RE-REFERRED to Government Audit and Oversight Committee. Supervisor Safai, seconded by Supervisor Dorsey, moved to accept Amendment No. 1 to the Memorandum of Understanding that revises 'Section 14.2, For Employees on a 48.7 Hours Average Work Week' by changing 'Effective July 1, 2022 through close of business June 30, 2023' to 'Upon request of the Chief of the Fire Department', by changing 'is' to 'may be', and adding 'by the DHR Director if DHR determines it is necessary to address mandatory overtime, DHR's determination on whether to provide a waiver is non-grievable.'

05/22/23; REFERRED TO DEPARTMENT. Referred to the Office of the Controller for informational purposes and requesting a cost analysis.

Heard in Committee. Speakers: Ardis Graham and Steve Ponder (Department of Human Resources); provided an overview and responded to questions raised throughout the discussion. Floyd Rollins; spoke in support of the matters.

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

Ayes: 2 - Preston, Stefani

Excused: 1 - Chan

Chair Preston moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 3 - Preston, Stefani, Chan

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

Ayes: 3 - Preston, Stefani, Chan

230449 [Memorandum of Understanding - San Francisco Fire Fighters Union Local 798, IAFF, AFL-CIO, Unit 2]**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and San Francisco Fire Fighters Union Local 798, IAFF, AFL-CIO, Unit 2, to be effective July 1, 2023, through June 30, 2026.

04/18/23; ASSIGNED to Government Audit and Oversight Committee. 4/19/23 - President Peskin waived the 30-day rule pursuant to Board Rule No. 3.22.

04/28/23; REFERRED TO DEPARTMENT. Referred to the Office of the Controller for informational purposes and requesting a cost analysis.

05/01/23; RESPONSE RECEIVED. Cost Analysis received from the Office of the Controller.

05/04/23; RECOMMENDED. Heard in Committee. Speakers: Ardis Graham (Department of Human Resources); presented information and answered questions raised throughout the discussion. Adam Wood and Floyd Rollins (Union Local 798); spoke in support of the hearing matter. Ephraim; spoke on various concerns relating to the hearing matter.

05/16/23; RE-REFERRED to Government Audit and Oversight Committee. Supervisor Safai, seconded by Supervisor Dorsey, moved to accept Amendment No. 1 to the Memorandum of Understanding that revises 'Section 14.2, For Employees on a 48.7 Hours Average Work Week' by changing 'Effective July 1, 2022 through close of business June 30, 2023' to 'Upon request of the Chief of the Fire Department', by changing 'is' to 'may be', and adding 'by the DHR Director if DHR determines it is necessary to address mandatory overtime, DHR's determination on whether to provide a waiver is non-grievable.'

05/22/23; REFERRED TO DEPARTMENT. Referred to the Office of the Controller for informational purposes and requesting a cost analysis.

Heard in Committee. Speakers: Ardis Graham and Steve Ponder (Department of Human Resources); provided an overview and responded to questions raised throughout the discussion. Floyd Rollins; spoke in support of the matters.

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

Ayes: 2 - Preston, Stefani

Excused: 1 - Chan

Chair Preston moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 3 - Preston, Stefani, Chan

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

Ayes: 3 - Preston, Stefani, Chan

230561 [Memorandum of Understanding - Municipal Executives Association - Fire]**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives Association - Fire, to be effective July 1, 2023, through June 30, 2026.

05/16/23; ASSIGNED to Government Audit and Oversight Committee. 5/18/23 - President Peskin waived the 30-day rule pursuant to Board Rule No. 3.22.

05/22/23; REFERRED TO DEPARTMENT. Referred to the Office of the Controller requesting a cost analysis.

05/26/23; RESPONSE RECEIVED. Cost Analysis received from the Office of the Controller.

Heard in Committee. Speakers: Ardis Graham and Steve Ponder (Department of Human Resources); provided an overview and responded to questions raised throughout the discussion. Floyd Rollins; spoke in support of the matters.

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

Ayes: 2 - Preston, Stefani

Excused: 1 - Chan

Chair Preston moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 3 - Preston, Stefani, Chan

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

Ayes: 3 - Preston, Stefani, Chan

230564 [Memorandum of Understanding - Service Employees International Union, Local 1021 - Amendment No. 2]**Sponsors: Mayor; Safai and Mandelman**

Ordinance adopting and implementing the Second Amendment to the 2022-2024 Memorandum of Understanding between the City and County of San Francisco and Service Employees International Union, Local 1021, effective July 1, 2023, to adopt a side letter agreement to undertake classification studies and equity adjustments for certain represented classifications.

05/16/23; ASSIGNED to Government Audit and Oversight Committee. 5/18/23 - President Peskin waived the 30-day rule pursuant to Board Rule No. 3.22.

05/22/23; REFERRED TO DEPARTMENT. Referred to the Office of the Controller requesting a cost analysis.

05/26/23; RESPONSE RECEIVED. Cost Analysis received from the Office of the Controller.

Heard in Committee. Speakers: Ardis Graham and Steve Ponder (Department of Human Resources); provided an overview and responded to questions raised throughout the discussion. Floyd Rollins; spoke in support of the matters.

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

Ayes: 2 - Preston, Stefani

Excused: 1 - Chan

Chair Preston moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 3 - Preston, Stefani, Chan

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

Ayes: 3 - Preston, Stefani, Chan

230565 [Memorandum of Understanding - Service Employees International Union, Local 1021 - Amendment No. 3]**Sponsors: Mayor; Safai**

Ordinance adopting and implementing the Third Amendment to the 2022-2024 Memorandum of Understanding between the City and County of San Francisco and Service Employees International Union Local 1021, effective July 1, 2023, to amend the compensation provision for 8238 Public Safety Communications Dispatcher and 8239 Senior Police Communications Dispatcher to provide an additional sixth salary step to both classifications.

05/16/23; ASSIGNED to Government Audit and Oversight Committee. 5/18/23 - President Peskin waived the 30-day rule pursuant to Board Rule No. 3.22.

05/22/23; REFERRED TO DEPARTMENT. Referred to the Office of the Controller requesting a cost analysis.

05/26/23; RESPONSE RECEIVED. Cost Analysis received from the Office of the Controller.

Heard in Committee. Speakers: Ardis Graham and Steve Ponder (Department of Human Resources); provided an overview and responded to questions raised throughout the discussion. Floyd Rollins; spoke in support of the matters.

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

Ayes: 2 - Preston, Stefani

Excused: 1 - Chan

Chair Preston moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 3 - Preston, Stefani, Chan

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

Ayes: 3 - Preston, Stefani, Chan

230566 [Memorandum of Understanding - Service Employees International Union, Local 1021 - Amendment No. 4]**Sponsors: Mayor; Safai**

Ordinance adopting and implementing the Fourth Amendment to the 2022-2024 Memorandum of Understanding between the City and County of San Francisco and Service Employees International Union, Local 1021, effective July 1, 2023, to adopt a side letter agreement for a retention payment program for certain Human Services Agency employees who provide child welfare emergency response services.

05/16/23; ASSIGNED to Government Audit and Oversight Committee. 5/18/23 - President Peskin waived the 30-day rule pursuant to Board Rule No. 3.22.

05/22/23; REFERRED TO DEPARTMENT. Referred to the Office of the Controller requesting a cost analysis.

05/26/23; RESPONSE RECEIVED. Cost Analysis received from the Office of the Controller.

Heard in Committee. Speakers: Ardis Graham and Steve Ponder (Department of Human Resources); provided an overview and responded to questions raised throughout the discussion. Floyd Rollins; spoke in support of the matters.

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

*Ayes: 2 - Preston, Stefani
Excused: 1 - Chan*

Chair Preston moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 3 - Preston, Stefani, Chan

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

Ayes: 3 - Preston, Stefani, Chan

230567 [Memorandum of Understanding - Municipal Executives Association - Amendment No. 1]**Sponsor: Mayor**

Ordinance adopting and implementing the First Amendment to the 2022-2024 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives Association, effective July 1, 2023, to adopt a side letter agreement for a retention payment program for certain Human Services Agency employees who provide child welfare emergency response services.

05/16/23; ASSIGNED to Government Audit and Oversight Committee. 5/18/23 - President Peskin waived the 30-day rule pursuant to Board Rule No. 3.22.

05/22/23; REFERRED TO DEPARTMENT. Referred to the Office of the Controller requesting a cost analysis.

05/26/23; RESPONSE RECEIVED. Cost Analysis received from the Office of the Controller.

Heard in Committee. Speakers: Ardis Graham and Steve Ponder (Department of Human Resources); provided an overview and responded to questions raised throughout the discussion. Floyd Rollins; spoke in support of the matters.

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

*Ayes: 2 - Preston, Stefani
Excused: 1 - Chan*

Chair Preston moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 3 - Preston, Stefani, Chan

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

Ayes: 3 - Preston, Stefani, Chan

230568 [Memorandum of Understanding - Municipal Executives Association - Amendment No. 2]**Sponsor: Mayor**

Ordinance adopting and implementing the Second Amendment to the 2022-2024 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives Association, effective July 1, 2023, to adopt a side letter agreement to reinstate the Airport Employee Transit Pilot Program at San Francisco International Airport.

05/18/23; ASSIGNED to Government Audit and Oversight Committee. 5/18/23 - President Peskin waived the 30-day rule pursuant to Board Rule No. 3.22.

05/22/23; REFERRED TO DEPARTMENT. Referred to the Office of the Controller requesting a cost analysis.

05/26/23; RESPONSE RECEIVED. Cost Analysis received from the Office of the Controller.

Heard in Committee. Speakers: Ardis Graham and Steve Ponder (Department of Human Resources); provided an overview and responded to questions raised throughout the discussion. Floyd Rollins; spoke in support of the matters.

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

Ayes: 2 - Preston, Stefani

Excused: 1 - Chan

Chair Preston moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 3 - Preston, Stefani, Chan

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

Ayes: 3 - Preston, Stefani, Chan

230563 [Compensation for Unrepresented Employees]**Sponsor: Mayor**

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensation is subject to the provisions of Section A8.409 of the Charter, in job codes not represented by an employee organization, and establishing working schedules and other terms and conditions of employment and methods of payment effective July 1, 2023.

05/16/23; ASSIGNED to Government Audit and Oversight Committee. 5/18/23 - President Peskin waived the 30-day rule pursuant to Board Rule No. 3.22.

05/22/23; REFERRED TO DEPARTMENT. Referred to the Office of the Controller requesting a cost analysis.

05/26/23; RESPONSE RECEIVED. Cost Analysis received from the Office of the Controller.

Heard in Committee. Speakers: Ardis Graham and Steve Ponder (Department of Human Resources); provided an overview and responded to questions raised throughout the discussion. Floyd Rollins; spoke in support of the matters.

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

Ayes: 2 - Preston, Stefani

Excused: 1 - Chan

Chair Preston moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 3 - Preston, Stefani, Chan

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

Ayes: 3 - Preston, Stefani, Chan

230562 [Memorandum of Understanding - Municipal Executives Association - Police]**Sponsor: Mayor**

Ordinance adopting and implementing the Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives Association - Police, to be effective July 1, 2023, through June 30, 2026.

(Supervisor Peskin voted No on First Reading)

05/16/23; ASSIGNED to Government Audit and Oversight Committee. 5/18/23 - President Peskin waived the 30-day rule pursuant to Board Rule No. 3.22.

05/22/23; REFERRED TO DEPARTMENT. Referred to the Office of the Controller requesting a cost analysis.

05/26/23; RESPONSE RECEIVED. Cost Analysis received from the Office of the Controller.

Heard in Committee. Speakers: Ardis Graham and Steve Ponder (Department of Human Resources); provided an overview and responded to questions raised throughout the discussion. Floyd Rollins; spoke in support of the matters.

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

Ayes: 2 - Preston, Stefani

Excused: 1 - Chan

Chair Preston moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 3 - Preston, Stefani, Chan

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

Ayes: 3 - Preston, Stefani, Chan

LITIGATION

Chair Preston requested File Nos. 230432, 230535, 230400, 230494, 230595, 230496, 230497, 230498, 230530, 230531, 230532, 230533, 230534, 230555, 230566, 230431, 230470, 230471, 230472, 230499, and 230536 be called together.

Heard in Committee. Speaker: David Pilpel; shared various concerns relating to the litigation agenda items.

Conference with City Attorney

[Convene in Closed Session - Existing Litigation - City as Plaintiff and/or Defendant]

Motion that the Government Audit and Oversight Committee of the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing litigation and anticipated litigation. Administrative Code Section 67.10(d) permit this closed session.

Discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the pending lawsuits and claims listed below.

After a closed session, if one occurs, the Committee shall adopt a motion either to disclose or not to disclose.

The Deputy City Attorney reported that the Government Audit and Oversight Committee has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding settlements in the lawsuits or claims listed above.

Persons in attendance: Anne Pearson and Ari Baruth (Office of the City Attorney); Victor Young (Office of the Clerk of the Board); Supervisors Catherine Stefani and Dean Preston (Board of Supervisors).

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

Ayes: 2 - Preston, Stefani

Excused: 1 - Chan

230432 [Authorization to Expend Funds for Yosemite Slough Sediment Site Studies]

Resolution authorizing the San Francisco Public Utilities Commission to expend funds, subject to appropriation, to perform pre-design technical studies in support of cleanup of the Yosemite Slough Sediment Site as required by the interim settlement of the United States Environmental Protection Agency's unlitigated claim against the City and County of San Francisco approved in Resolution No. 350-16 and Ordinance No. 18-20. (City Attorney)

04/17/23; RECEIVED FROM DEPARTMENT.

04/25/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 2 - Preston, Stefani

Excused: 1 - Chan

230535 [Tolling Agreement - The Mexican Museum - Lawsuit Statute of Limitations]

Resolution approving a tolling agreement to toll the statute of limitations on The Mexican Museum's lawsuit against the City in exchange for a dismissal without prejudice in The Mexican Museum v. City and County of San Francisco, et al., San Francisco Superior Case No. CGC-14-542509. (City Attorney)

05/05/23; RECEIVED FROM DEPARTMENT.

05/16/23; 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: 2 - Preston, Stefani

Excused: 1 - Chan

230400 [Settlement of Lawsuit - New Cingular Wireless PCS LLC - \$463,593]

Ordinance authorizing settlement of the lawsuit filed by New Cingular Wireless PCS LLC against the City and County of San Francisco for \$463,593; the lawsuit was filed on December 12, 2022, in San Francisco Superior Court, Case No. CGC-22-603406; entitled New Cingular Wireless PCS LLC. v. City and County of San Francisco et al.; the lawsuit involves a claim for refund of penalties and interest related to the access line tax for tax periods February 1, 2021, through and including August 31, 2021. (City Attorney)

04/04/23; RECEIVED FROM DEPARTMENT.

04/18/23; 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: 2 - Preston, Stefani

Excused: 1 - Chan

230494 [Settlement of Lawsuit - Esquivel Grading & Paving, Inc. and Con-Quest Contractors, Inc. - \$250,000]

Ordinance authorizing settlement of the lawsuit filed by Esquivel Grading & Paving, Inc. against the City and County of San Francisco by the payment of \$250,000; the action against the City was filed on April 12, 2022, in the Superior Court of California, County of San Francisco, Case No. CGC-20-587321; entitled Con-Quest Contractors, Inc. v. Esquivel Grading & Paving, Inc., et al.; the lawsuit involves alleged breach of contract; material terms of the settlement are that the City will pay Con-Quest Contractors, Inc. \$250,000 and Esquivel will pay Con-Quest \$150,000. (City Attorney)

05/01/23; RECEIVED FROM DEPARTMENT.

05/09/23; 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: 2 - Preston, Stefani

Excused: 1 - Chan

230495 [Settlement of Lawsuit - Richard F. Bettencourt, et al. - City to Receive \$300,000]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco for payment to San Francisco for \$300,000; the lawsuit was filed on November 15, 2019, in Stanislaus County Superior Court, Case No. CV-19-006916; entitled City and County of San Francisco v. Richard F. Bettencourt, et al.; the lawsuit involves damage to approximately 500 feet of San Joaquin Pipeline ("SJPL No. 1"); other material terms of the settlement are the City shall receive \$300,000. (City Attorney)

05/01/23; RECEIVED FROM DEPARTMENT.

05/09/23; 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: 2 - Preston, Stefani

Excused: 1 - Chan

230496 [Settlement of Lawsuit - Cheryl Thornton - \$100,000]

Ordinance authorizing settlement of the lawsuit filed by Cheryl Thornton against the City and County of San Francisco for \$100,000; the lawsuit was filed on April 20, 2021, in United States District Court, Northern District of California, Case No. 3:21-cv-02938-SI; entitled Cheryl Thornton v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

05/01/23; RECEIVED FROM DEPARTMENT.

05/09/23; 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: 2 - Preston, Stefani

Excused: 1 - Chan

230497 [Settlement of Lawsuit - Darlene Daevu - \$90,000]

Ordinance authorizing settlement of the lawsuit filed by Darlene Daevu against the City and County of San Francisco for \$90,000; the lawsuit was filed on April 20, 2021, in United States District Court, Northern District of California, Case No. 4:21-cv-02936-JST; entitled Darlene Daevu v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

05/01/23; RECEIVED FROM DEPARTMENT.

05/09/23; 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: 2 - Preston, Stefani

Excused: 1 - Chan

230498 [Settlement of Lawsuit - Dellfinia Hardy - \$116,250]

Ordinance authorizing settlement of the lawsuit filed by Dellfinia Hardy against the City and County of San Francisco for \$116,250; the lawsuit was filed on April 20, 2021, in United States District Court, Northern District of California, Case No. 3:21-cv-02934-SI; entitled Dellfinia Hardy v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

05/01/23; RECEIVED FROM DEPARTMENT.

05/09/23; 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: 2 - Preston, Stefani

Excused: 1 - Chan

230530 [Settlement of Lawsuit - Jane Doe 1, Jane Doe 4, Jane Doe 5, Jane Doe 6, Jane Doe 9, John Doe 1, John Doe 2, John Doe 3, John Doe 4, John Doe 6, John Doe 7 - \$2,223,500]

Ordinance authorizing settlement of the lawsuit, subject to the approval of the Probate Court, filed by Jane Doe 1, Jane Doe 4, Jane Doe 5, Jane Doe 6, Jane Doe 9, John Doe 1, John Doe 2, John Doe 3, John Doe 4, John Doe 6, John Doe 7 against the City and County of San Francisco for \$2,223,500; the lawsuit was filed on May 28, 2021, in San Francisco Superior Court, Case No. CGC-21-592296; entitled Jane Doe 1, et al. v. City and County of San Francisco, et al.; the lawsuit involves allegations of abuse and privacy violations brought by current and former residents of Laguna Honda Hospital and Rehabilitation Center. (City Attorney)

05/03/23; RECEIVED FROM DEPARTMENT.

05/16/23; 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: 2 - Preston, Stefani

Excused: 1 - Chan

230531 [Settlement of Lawsuit - Jonathan Valladares - \$45,000]

Ordinance authorizing settlement of the lawsuit filed by Jonathan Valladares against the City and County of San Francisco for \$45,000; the lawsuit was filed on October 3, 2019, in San Francisco Superior Court, Case No. CGC-19-579765; entitled Jonathan Valladares v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from vehicle collision. (City Attorney)

05/05/23; RECEIVED FROM DEPARTMENT.

05/16/23; 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: 2 - Preston, Stefani

Excused: 1 - Chan

230532 [Settlement of Lawsuit - Ricky Williams - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by Ricky Williams against the City and County of San Francisco for \$75,000; the lawsuit was filed on October 1, 2020, in San Francisco Superior Court, Case No. CGC-20-587073; entitled Ricky Williams v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

05/05/23; RECEIVED FROM DEPARTMENT.

05/16/23; 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: 2 - Preston, Stefani

Excused: 1 - Chan

230533 [Settlement of Lawsuit - Patrick Jackson - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Patrick Jackson against the City and County of San Francisco et al. for \$50,000; the lawsuit was filed on February 23, 2022, in San Francisco Superior Court, Case No. CGC-22-598303; entitled Patrick Jackson v. City and County of San Francisco et al.; the lawsuit involves an employment dispute. (City Attorney)

05/05/23; RECEIVED FROM DEPARTMENT.

05/16/23; 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: 2 - Preston, Stefani

Excused: 1 - Chan

230534 [Settlement of Lawsuit - Abdul Nevarez and Priscilla Nevarez - \$227,500]

Ordinance authorizing settlement of the lawsuit filed by Abdul Nevarez and Priscilla Nevarez against the City and County of San Francisco for \$227,500; the lawsuit was filed on September 27, 2019, in United States District Court, Northern District of California, Case No. 19-CV-06155-SK; entitled Abdul Nevarez and Priscilla Nevarez v. City of San Francisco, et al.; the lawsuit involves disability access violations in the City's golf courses; other material terms of the settlement are making certain disability access improvements at the Harding Park and Fleming Park golf courses. (City Attorney)

05/05/23; RECEIVED FROM DEPARTMENT.

05/16/23; 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: 2 - Preston, Stefani

Excused: 1 - Chan

230555 [Settlement of Lawsuit - David Cordero - \$69,999]

Ordinance authorizing settlement of the lawsuit filed by David Cordero against the City and County of San Francisco for \$69,999; the lawsuit was filed on April 9, 2019, in U.S. District Court for the Northern District of California, Case No. 19-cv-01834; entitled David Cordero v. City and County of San Francisco, et al.; the lawsuit involves alleged civil rights violations arising out of a traffic stop on August 12, 2018. (City Attorney)

05/09/23; RECEIVED FROM DEPARTMENT.

05/23/23; 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: 2 - Preston, Stefani

Excused: 1 - Chan

230556 [Settlement of Lawsuit - Xavier Pittman - \$195,000]

Ordinance authorizing settlement of the lawsuit filed by Xavier Pittman against the City and County of San Francisco for \$195,000; the lawsuit was filed on April 19, 2022, in United States District Court for the Northern District of California, Case No. 22-cv-02412-LB; entitled Xavier Pittman v. City and County of San Francisco, et al.; the lawsuit involves an officer involved shooting. (City Attorney)

05/09/23; RECEIVED FROM DEPARTMENT.

05/23/23; 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: 2 - Preston, Stefani

Excused: 1 - Chan

230431 [Settlement of Unlitigated Claim - Bonifacio Rei Q Salvador - \$39,223.18]

Resolution approving the settlement of the unlitigated claim filed by Bonifacio Rei Q Salvador against the City and County of San Francisco for \$39,223.18; the claim was filed on December 21, 2021; the claim involves alleged property damage and personal injury from a vehicle collision. (City Attorney)

04/11/23; RECEIVED FROM DEPARTMENT.

04/25/23; 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: 2 - Preston, Stefani

Excused: 1 - Chan

230470 [Settlement of Unlitigated Claim - Euphoria Hospitality, Inc., dba Nob Hill Hotel - \$245,152.11]

Resolution approving settlement of the unlitigated claim filed by Euphoria Hospitality, Inc., dba Nob Hill Hotel, against the City and County of San Francisco for \$245,152.11; the claim was filed on February 3, 2023; the claim involves allegations of property damage to the Nob Hill Hotel caused by shelter-in-place (SIP) hotel guests during the COVID-19 pandemic and resulting loss of use; other material terms of the settlement include a mutual full and final release, with each party to bear their own costs. (City Attorney)

04/18/23; RECEIVED FROM DEPARTMENT.

05/02/23; 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: 2 - Preston, Stefani

Excused: 1 - Chan

230471 [Settlement of Unlitigated Claim - SF Good LLC - \$3,893,862]

Resolution approving the settlement of the unlitigated claim filed by SF Good LLC, against the City and County of San Francisco for \$3,893,862; the claim was filed on February 21, 2023; the claim involves allegations of property damage to the Good Hotel caused by shelter-in-place (SIP) hotel guests during the COVID-19 pandemic and resulting loss of use; other material terms of the settlement include a mutual full and final release, with each party to bear their own costs. (City Attorney)

04/18/23; RECEIVED FROM DEPARTMENT.

05/02/23; 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: 2 - Preston, Stefani

Excused: 1 - Chan

230472 [Settlement of Unlitigated - Claim Goodwill of San Francisco, San Mateo, and Marin Counties, Inc., dba Goodwill of the San Francisco Bay - \$240,280.15]

Resolution approving the settlement of the unlitigated claim filed by Goodwill of the San Francisco Bay against the City and County of San Francisco for \$240,280.15; the claim was filed on September 23, 2022; the claim involves allegations of unpaid State Unemployment Insurance charges; other material terms of the settlement include a mutual full and final release, with each party to bear their own costs. (City Attorney)

04/18/23; RECEIVED FROM DEPARTMENT.

05/02/23; 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: 2 - Preston, Stefani

Excused: 1 - Chan

230499 [Settlement of Unlitigated Claim - Wing Kwok and Lai Leng Lei - \$71,000]

Resolution approving the settlement of the unlitigated claim filed by Wing Kwok and Lai Leng Lei against the City and County of San Francisco for \$71,000; the claim was filed on November 8, 2022; the claim involves alleged property damage due to flooding caused by a water main rupture. (City Attorney)

05/01/23; RECEIVED FROM DEPARTMENT.

05/09/23; 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: 2 - Preston, Stefani

Excused: 1 - Chan

230536 [Settlement of Unlitigated Claim - 1231 Market Street Owner L.P. - \$19,500,000]

Resolution approving the settlement of the unlitigated claim filed by 1231 Market Street Owner L.P. against the City and County of San Francisco for \$19,500,000; the claim was filed on April 13, 2023; the claim involves allegations of property damage to the Hotel Whitcomb caused by shelter-in-place (SIP) hotel guests during the COVID-19 pandemic and resulting loss of use; other material terms of the settlement include a mutual full and final release, with each party to bear their own costs. (City Attorney)

05/08/23; RECEIVED FROM DEPARTMENT.

05/16/23; 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: 2 - Preston, Stefani

Excused: 1 - Chan

[Elect Not To Disclose]

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

Chair Preston moved to not disclose closed session discussion. 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 2:31 p.m.

N.B. The Minutes of this meeting set forth all actions taken by the Government Audit and Oversight Committee on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.