



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: Gordon Mar, Aaron Peskin, Matt Haney

Clerk: John Carroll (415) 554-4445

Thursday, June 4, 2020

10:00 AM

Regular Meeting

Present: 3 - Gordon Mar, Aaron Peskin, and Matt Haney

The Government Audit and Oversight Committee met remotely in regular session on June 4, 2020, with Chair Gordon Mar presiding. Chair Mar called the meeting to order at 10:05 a.m.

ROLL CALL AND ANNOUNCEMENTS

The Government Audit and Oversight Committee met remotely in regular session on June 4, 2020, with Chair Gordon Mar presiding. Chair Mar called the meeting to order at 10:05 a.m.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

200113 [Planning, Building Codes - Reauthorization and Extension of Fee Waiver - Legalization of Unauthorized Dwelling Units]

Sponsor: Mar

Ordinance amending the Planning and Building Codes to reauthorize the waiver of fees related to granting legal status to existing dwelling units constructed without required permits and extending the waiver through December 31, 2024; requiring annual reports on the fee waiver program; 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. (Fiscal Impact)

02/04/20; ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee, expires on 3/5/2020.

02/11/20; REFERRED TO DEPARTMENT. Referred to the Planning Department and Department of Building Inspection for informational purposes.

02/12/20; REFERRED TO DEPARTMENT. Referred to the Planning Commission pursuant to Planning Code Section 302, for public hearing and recommendation; Planning Department for environmental review; and Building Inspection Commission for comment and recommendation.

02/21/20; RESPONSE RECEIVED. On February 19, 2020, the Commission met and held a duly noticed hearing and recommended approval of the proposed legislation.

02/28/20; RESPONSE RECEIVED. Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

03/04/20; TRANSFERRED to Government Audit and Oversight Committee. President Yee transferred this matter from Land Use and Transportation Committee to Government Audit and Oversight Committee.

04/30/20; RESPONSE RECEIVED. On April 16, 2020, the Commission met and held a duly noticed hearing and recommended approval for the proposed legislation.

05/07/20; CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: None.

Heard in Committee. Speakers: John Murray (Department of Building Inspection); Severin Campbell (Office of the Budget and Legislative Analyst); presented information and answered questions raised throughout the discussion.

Chair Mar moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 5, Lines 10-16, by inserting '(g) if there was a tenant in the unauthorized unit at the time the applicant submitted the application for a permit to legalize the unit; and (h) if there was a tenant in the unauthorized unit in the five years prior to submitting the permit application to legalize the unit. The Director of the Department of Building Inspection shall decide how best to obtain the information required by subsections (d), (e), (f), (g), and (h) above, which could include but is not limited to self-reporting by applicants.' The motion carried by the following vote:

Ayes: 3 - Mar, Peskin, Haney
(Fiscal Impact)

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

Ayes: 3 - Mar, Peskin, Haney

LITIGATION

Chair Mar requested that File Nos. 200417, 200439, 200440, 200441, 200476, and 200475 be called together.

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 (Office of the City Attorney); Alisa Somera and John Carroll (Office of the Clerk of the Board).

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

Ayes: 3 - Mar, Peskin, Haney

200417 [Settlement of Lawsuit - Alonda Austin - \$240,000]

Ordinance authorizing settlement of the lawsuit filed by Alonda Austin against the City and County of San Francisco, et al. for \$240,000; the lawsuit was filed on July 26, 2018, in the Superior Court of California, County of San Francisco, Case No. CGC-18-568423; entitled Alonda Austin v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

04/24/20; RECEIVED FROM DEPARTMENT.

05/05/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Mar, Peskin, Haney

200439 [Settlement of Lawsuit - Christian Martinez - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Christian Martinez against the City and County of San Francisco for \$50,000; the lawsuit was filed on July 24, 2019, in San Francisco Superior Court, Case No. CGC-19-577895; entitled Christian Martinez v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury and property damage from a vehicle collision. (City Attorney)

04/29/20; RECEIVED FROM DEPARTMENT.

05/12/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Mar, Peskin, Haney

200440 [Settlement of Lawsuit - Tomasso Albonetti - \$150,000]

Ordinance authorizing settlement of the lawsuit filed by Tomasso Albonetti against the City and County of San Francisco for \$150,000; the lawsuit was filed on September 6, 2018, in San Francisco Superior Court, Case No. CGC-18-569483; entitled Tomasso Albonetti v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City street. (City Attorney)

04/29/20; RECEIVED FROM DEPARTMENT.

05/12/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Mar, Peskin, Haney

Supervisor Mar Excused from Voting

Vice Chair Peskin moved that Chair Mar be excused from voting on File No. 200441. The motion carried by the following vote:

Ayes: 2 - Peskin, Haney

Excused: 1 - Mar

200441 [Settlement of Lawsuit - Brian Soo - \$50,500]

Ordinance authorizing settlement of the lawsuit filed by Brian Soo against the City and County of San Francisco for \$50,500; the lawsuit was filed on May 18, 2017, in San Francisco Superior Court, Case No. CGC-17-559042; entitled Brian Soo v. City and County of San Francisco; the lawsuit involves alleged personal injury on a City street. (City Attorney)

04/29/20; RECEIVED FROM DEPARTMENT.

05/12/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 2 - Peskin, Haney

Excused: 1 - Mar

200476 [Settlement of Lawsuit - Deshaun Roberts, by and through his Guardian ad Litem, Jasmine Robinson - \$55,000]

Ordinance authorizing settlement of the lawsuit filed by Deshaun Roberts, by and through his Guardian ad Litem, Jasmine Robinson against the City and County of San Francisco for \$55,000; the lawsuit was filed on August 23, 2019, in United States District Court, Case No. 3:19-cv-5280-SK; entitled Deshaun Roberts, by and through his Guardian ad Litem, Jasmine Robinson v. City of San Francisco, et al.; the lawsuit involves alleged civil rights violations. (City Attorney)

05/05/20; RECEIVED FROM DEPARTMENT.

05/19/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Mar, Peskin, Haney

200475 [California Code of Civil Procedure Section 998 - Offer to Compromise Litigation - Mohammad Joiyah - \$65,000]

Ordinance authorizing the service of an Offer to Compromise under Code of Civil Procedure Section 998 in the lawsuit filed by Mohammad Joiyah against the City and County of San Francisco, to include a payment from the City and County of San Francisco of up to \$65,000 plus reasonable attorneys' fees and costs to be determined by the Court; the lawsuit was filed on August 6, 2018, in San Francisco Superior Court, Case No. CGC-18-568689; entitled Mohammad Joiyah v. City and County of San Francisco, et al.; the lawsuit involves an employment dispute. (City Attorney)

05/05/20; RECEIVED FROM DEPARTMENT.

05/19/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Mar, Peskin, Haney

[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.

Vice Chair Peskin moved not to disclose closed session deliberations. The motion carried by the following vote:

Ayes: 3 - Mar, Peskin, Haney

ADJOURNMENT

There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 10:41 a.m.

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