



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, Connie Chan, Rafael Mandelman

Clerk: John Carroll (415) 554-4445

Thursday, July 1, 2021

10:00 AM

Regular Meeting

Present: 3 - Dean Preston, Connie Chan, and Rafael Mandelman

The Government Audit and Oversight Committee met in regular session through videoconferencing, and provided public comment through teleconferencing, on Thursday, July 1, 2021, with Chair Dean Preston presiding. Chair Preston called the meeting to order at 10:01 a.m.

Remote Access to Information and Participation

On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely (via Microsoft Teams) and will allow remote public comment via teleconference. Visit the SFGovTV website at (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: john.carroll@sfgov.org; all comments received will be made a part of the official record. Regularly-scheduled Government Audit and Oversight Committee Meetings begin at 10:00 a.m. every first and third Thursday of each month. Committee agendas and their associated documents are available at <https://sfbos.org/committees>.

ROLL CALL AND ANNOUNCEMENTS

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

AGENDA CHANGES

REGULAR AGENDA

210587 [Accept and Expend Grant and Amend the Annual Salary Ordinance - California Highway Patrol - Cannabis Tax Fund Grant Program - \$986,248]**Sponsor: Peskin**

Ordinance authorizing the Office of the Chief Medical Examiner to accept and expend a grant in the amount of \$986,248 from the California Highway Patrol Cannabis Tax Fund Grant Program; and amending Ordinance No. 166-20 (Annual Salary Ordinance File No. 200568 for Fiscal Years 2020-2021 and 2021-2022) to provide for the addition of one grant funded Class 2403 Forensic Laboratory Analyst (FTE 1.0), and one grant funded Class 2456 Forensic Toxicologist (FTE 1.0), for the period beginning July 1, 2021, through June 30, 2023.

06/08/21; ASSIGNED to Government Audit and Oversight Committee. June 10, 2021 - President Walton waived the 30-day rule pursuant to Board Rule No. 3.22.

Heard in Committee. Speakers: David Serrano Sewell, and Dr. Luke Rodda (Office of the Chief Medical Examiner); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Preston, Chan, Mandelman

210636 [Mental Health Services Act Annual Update - FY2021-2022]

Resolution authorizing adoption of the San Francisco Mental Health Services Act Annual Update Fiscal Year (FY) 2021-2022. (Public Health Department)

05/25/21; RECEIVED FROM DEPARTMENT.

06/08/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speakers: Tracey Helton, Charles Mayer-Twomey, Jessica Brown, and Hillary Kunins (Department of Public Health); presented information and answered questions raised throughout the discussion. Francisco da Costa; spoke on various concerns relating to the hearing matter.

Chair Preston moved that this Resolution be CONTINUED to the Government Audit and Oversight Committee meeting of July 15, 2021. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

210609 [Grant Contract - Retroactive - California Department of Parks and Recreation Habitat Conservation Fund Grant - Sharp Park Habitat Conservation Project - \$200,500]**Sponsors: Mayor; Chan**

Resolution retroactively approving a California Department of Parks and Recreation Habitat Conservation Fund Grant Contract in the amount of \$200,500 that requires the Recreation and Park Department to maintain a certain portion of Sharp Park as habitat for the San Francisco Garter Snake for the duration of the contract performance period from July 1, 2019, through June 30, 2039, pursuant to Charter, Section 9.118(a); and authorizing the Recreation and Park Department General Manager to file a Deed Restriction against the property designated as San Mateo County Assessor's Parcel Block No. 016-43-0020, providing the restrictions contained in the Grant Contract will apply until June 30, 2039. (Recreation and Park Department)

05/25/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speaker: Toni Moran (Recreation and Parks Department); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Preston, Chan, Mandelman

210720 [Accept and Expend Grant - Retroactive - Centers for Disease Control and Prevention - PS20-2010: Integrated Human Immunodeficiency Virus (HIV) Programs for Health Departments to Support Ending the HIV Epidemic in the United States - \$2,740,288]

Sponsor: Mayor

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$2,740,288 from the Centers for Disease Control and Prevention for participation in a program, entitled "PS20-2010: Integrated Human Immunodeficiency Virus (HIV) Programs for Health Departments to Support Ending the HIV Epidemic in the United States," for the period of August 1, 2020, through July 31, 2021. (Public Health Department)

06/15/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speakers: Hanna Hjord, and Greg Wong (Department of Public Health); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Preston, Chan, Mandelman

Chair Preston requested that File Nos. 210686 and 210687 be heard together.

210686 [Accept and Expend Gift - Hanson Aggregates Mid-Pacific, Inc. - Heron's Head Park Shoreline Resilience Project - Beach Materials - Estimated Market Value \$417,000]

Sponsor: Mayor

Resolution authorizing the Port of San Francisco to accept a gift of donated beach materials with an estimated market value of \$417,000 from Hanson Aggregates Mid-Pacific, Inc. to support implementation of the Heron's Head Park Shoreline Resilience Project for the period of August 1, 2021, through January 31, 2023. (Port)

06/08/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speaker: Carol Bach (Port of San Francisco); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Preston, Chan, Mandelman

210687 [Accept and Expend State Grant - California State Ocean Protection Council - Heron's Head Park Shoreline Resilience Project - \$1,667,000]

Sponsors: Mayor; Chan

Resolution authorizing the Port of San Francisco to accept and expend a grant in the amount of \$1,667,000 from the California State Ocean Protection Council to fund the Heron's Head Park Shoreline Resilience Project for the period of July 15, 2021, through May 31, 2025. (Port)

06/08/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Heard in Committee. Speaker: Carol Bach (Port of San Francisco); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Preston, Chan, Mandelman

200924 [Hearing - Performance Audit of the Department of Homelessness and Supportive Housing]**Sponsor: Mar**

Hearing on the findings and recommendations of the Budget and Legislative Analyst's 2020 performance audit of the Department of Homelessness and Supportive Housing; and requesting the Budget and Legislative Analyst and Department of Homelessness and Supportive Housing to report.

08/11/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

08/19/20; REFERRED TO DEPARTMENT. Referred to the Budget and Legislative Analyst and Department of Homelessness and Supportive Housing for informational purposes.

02/04/21; REMAIN ACTIVE. Supervisor Mar requested this matter remain active for an additional six months until August 4, 2021.

Heard in Committee. Speakers: Supervisor Gordon Mar (Board of Supervisors); Amanda Guma (Office of the Budget and Legislative Analyst); Shireen McSpadden, Director (Department of Homelessness and Supportive Housing); Severin Campbell (Office of the Budget and Legislative Analyst); presented information and answered questions raised throughout the discussion. Mary Kate Becalao (Compass Family Services); spoke on various concerns relating to the hearing matter.

Chair Preston moved that this Hearing be HEARD AND FILED. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

LITIGATION

Chair Preston requested that File Nos. 210557, 210558, 210630, 210631, 210528, 210632, 210633, and 210634 be heard together.

Heard in Committee. Speakers: None.

Conference with City Attorney

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

Motion that the Government Audit and Oversight Committee of the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing litigation and anticipated litigation. Administrative Code Section 67.10(d) permit this closed session. Discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the pending lawsuits and claims listed below.

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

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

Persons in attendance: Anne Pearson, and Ronald Flynn (Office of the City Attorney); and Alisa Somera and John Carroll (Office of the Clerk of the Board).

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

Ayes: 3 - Preston, Chan, Mandelman

210557 [Settlement of Lawsuits - Square, Inc. - \$2,625,000]

Ordinance authorizing settlement of the lawsuits filed by Square, Inc. against the City and County of San Francisco for \$2,625,000; the lawsuits were filed on September 6, 2019, and August 18, 2020, in San Francisco County Superior Court, Case Nos. CGC-19-579061 and CGC-20-586039; both entitled Square, Inc. v. City and County of San Francisco et al.; the lawsuits both involve claims for a refund of gross receipts taxes; other material terms of the settlement are the agreement that Square, Inc. and its related entities will not take certain filing positions with respect to their gross receipts taxes for tax years 2019 and 2020. (City Attorney)

05/12/21; RECEIVED FROM DEPARTMENT.

05/25/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

210558 [Settlement of Lawsuit - Yun Wan Pang - \$200,000]

Ordinance authorizing settlement of the lawsuit filed by Yun Wan Pang against the City and County of San Francisco for \$200,000; the lawsuit was filed on June 26, 2020, in San Francisco Superior Court, Case No. CGC-20-585148; entitled Yun Wan Pang v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City sidewalk. (City Attorney)

05/12/21; RECEIVED FROM DEPARTMENT.

05/25/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

210630 [Settlement of Lawsuit - Shanay Jones - \$80,000]

Ordinance authorizing settlement of the lawsuit filed by Shanay Jones against the City and County of San Francisco for \$80,000; the lawsuit was filed on December 3, 2019, in United States District Court - Northern District, Case No. 19-cv-07921; entitled Shanay Jones v. City and County of San Francisco the lawsuit involves an alleged prescription medication error; City and County of San Francisco agree to pay for any unreimbursed medical costs related to Shanay Jones' care at Zuckerberg San Francisco General Hospital as to Ms. Jones' medical care from January-February 2018 in addition to the \$80,000 payment. (City Attorney)

05/27/21; RECEIVED FROM DEPARTMENT.

06/08/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

210631 [Settlement of Lawsuit - Omar Abdullah, by and through his Conservator, Theresa Hoskins-Ford - \$800,000]

Ordinance authorizing settlement of the lawsuit filed by Omar Abdullah, by and through his Conservator, Theresa Hoskins-Ford against the City and County of San Francisco for \$800,000; the lawsuit was filed on February 24, 2020, in San Francisco Superior Court, Case No. CGC-20-583155; entitled Omar Abdullah, by and through his Conservator, Theresa Hoskins-Ford v. City and County of San Francisco, et al.; the lawsuit involves allegations of negligence, dependent adult neglect/abuse, violations of the Patient's Bill of Rights, assault, battery, and violation of privacy concerning Mr. Abdullah's care at Laguna Honda Hospital and Rehabilitation Center. (City Attorney)

05/27/21; RECEIVED FROM DEPARTMENT.

06/08/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

210528 [Settlement of Unlitigated Claims - Wing Lok ("Walter") Wong; W. Wong Construction; Alternate Choice, LLC; Jaidin Consulting Group, LLC; and Jaidin International Ventures, LLC - City to Receive Settlement Payments and Credits Totaling \$1,772,271.64]

Resolution approving settlement of unlitigated claims against Wing Lok "Walter" Wong; W. Wong Construction; Alternate Choice, LLC; Jaidin Consulting Group, LLC; and Jaidin International Ventures, LLC, (collectively "the Wong Parties") for payments and credits totaling \$1,772,271.64; the claims involve allegations that the Wong Parties provided gifts to officials of the City and County of San Francisco ("the City") in exchange for the unlawful award of City contracts to the Wong Parties, failure to report contacts with City officials, and failure to report contributions to political campaigns as required under City law; other material terms of the settlement are that the Wong Parties will not do business with the City, including as permit expeditors, for five years. (City Attorney)

05/10/21; RECEIVED FROM DEPARTMENT.

05/18/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

210632 [Settlement of Unlitigated Claim - State Farm Insurance - \$46,181.51]

Resolution approving the settlement of the unlitigated claim filed by State Farm Insurance against the City and County of San Francisco for \$46,181.51; the claim was filed on October 30, 2020; the claim involves alleged property damage due to flooding caused by a water main rupture. (City Attorney)

05/27/21; RECEIVED FROM DEPARTMENT.

06/08/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

210633 [Settlement of Unlitigated Claim - Julieta Jay Carlos, DMD - \$175,000]

Resolution approving the settlement of the unlitigated claim filed by Julieta Jay Carlos, DMD against the City and County of San Francisco for \$175,000; the claim was filed on July 17, 2020; the claim involves alleged property damage due to sewer flooding. (City Attorney)

05/27/21; RECEIVED FROM DEPARTMENT.

06/08/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

210634 [Settlement of Unlitigated Claim - State Farm Insurance - \$29,107.03]

Resolution approving the settlement of the unlitigated claim filed by State Farm Insurance against the City and County of San Francisco for \$29,107.03; the claim was filed on August 5, 2020; the claim involves alleged property damage due to flooding caused by a water main rupture. (City Attorney)

05/27/21; RECEIVED FROM DEPARTMENT.

06/08/21; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

RECOMMENDED by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

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

Ayes: 3 - Preston, Chan, Mandelman

ADJOURNMENT

There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 1:16 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.