



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, July 30, 2020

10:00 AM

Special Meeting

Present: 4 - Gordon Mar, Aaron Peskin, Matt Haney, and Ahsha Safai

The Government Audit and Oversight Committee met in special session through videoconferencing, and provided public comment through teleconferencing, on Thursday, July 30, 2020, with Chair Gordon Mar presiding. Chair Mar called the meeting to order at 10:05 a.m.

Remote Access to Information and Participation

In accordance with Governor Newsom's Executive Order No. N-33-20 declaring a State of Emergency regarding the COVID-19 outbreak and Mayor London N. Breed's Proclamation declaring a Local Emergency issued on February 25, 2020, including the guidance for gatherings issued by the San Francisco Department of Public Health Officer, aggressive directives were issued to reduce the spread of COVID-19. 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. on the first and third Thursdays of each month. Committee agendas and their associated documents are available at <https://sfbos.org/committees>.

ROLL CALL AND ANNOUNCEMENTS

President Norman Yee appointed Supervisor Ahsha Safai, in place of Supervisor Matt Haney, for the Government Audit and Oversight Committee meeting of July 30, 2020, until 11:01 a.m. when Supervisor Haney joined the meeting.

On the call of the roll, Chair Mar, Vice Chair Peskin, and Member Safai were noted present. Member Haney was noted not present. A quorum was present.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

Supervisor Haney was noted present at 11:01 a.m.

200688 [Hearing - Current Hiring and Recruitment Processes for First Responders]

Sponsors: Safai; Walton

Hearing on the current hiring and recruitment practices and review of detailed plans and practices related to first responders of the Police, Sheriff, and Fire Departments, with a special emphasis and focus on strategies to diversify the make-up of the respective workforces, including statistics and demographics regarding how each Department staffs their respective recruitment team; and requesting the Police Department, Sheriff's Department, Fire Department, Human Resource Department, Human Rights Commission, and Office of Racial Equity to report.

06/23/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

07/01/20; REFERRED TO DEPARTMENT. Referred to the Police Department, Sheriff's Department, Fire Department, Human Resource Department, Human Rights Commission, and Office of Racial Equity for informational purposes.

Heard in Committee. Speakers: Supervisor Ahsha Safai (Board of Supervisors); Chief Jeanine Nicholson and Jose Velo (Fire Department); Supervisor Shamann Walton (Board of Supervisors); Chief William Scott and Commander Steven Ford (Police Department); Sheriff Paul Miyamoto (Sheriff's Department); Shakirah Simley, Director (Office of Racial Equity); Adrienne Sims and Shon Buford, President (San Francisco Firefighters Local 798); Mawuli Tugbenyoh and Dave Johnson (Department of Human Resources); presented information and answered questions raised throughout the discussion. Speaker: Ryan White; Brian Pointer; Capitan Julie Mau (Fire Department); Nathan Larsdale; Keith Baraka and Attica Bowden (Fire Department), Antoine Davis (San Francisco Black Firefighters Association); Linda Chapman; Ms. Romero; spoke on various concerns relating to the hearing matter.

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

Ayes: 3 - Mar, Peskin, Haney

LITIGATION

Chair Mar requested that File Nos. 200661, 200662, 200663, 200664, 200692, 200693, 200694, 200695, 200726, 200727, 200758, 200665, 200666, 200696, and 200697 be heard together.

Heard in Committee. Speakers: Simone Manganeli; Speaker; spoke in opposition to the settlement of the lawsuit between the City and the Hastings College of the Law.

Vice Chair Peskin was noted absent at 2:13 p.m., and for the remainder of the meeting.

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, Jeremy Goldman, and Tara Steeley (Office of the City Attorney); Alisa Somera, Erica Major, 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: 2 - Mar, Haney

Absent: 1 - Peskin

200661 [Settlement of Lawsuit - David Timothy Rudolf - \$120,000]

Ordinance authorizing settlement of the lawsuit filed by David Timothy Rudolf against the City and County of San Francisco for \$120,000; the lawsuit was filed on January 15, 2019, in San Francisco Superior Court, Case No. CGC-19-572800; entitled David Timothy Rudolf v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City street. (City Attorney)

06/15/20; RECEIVED FROM DEPARTMENT.

06/30/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 2 - Mar, Haney

Absent: 1 - Peskin

200662 [Settlement of Lawsuit - Jonathan Garcia Valle - \$850,000]

Ordinance authorizing settlement of the lawsuit filed by Jonathan Garcia Valle against the City and County of San Francisco for \$850,000; the lawsuit was filed on December 19, 2017, in San Francisco Superior Court, Case No. CGC-17-563210; entitled Jonathan Garcia Valle v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury from vehicle collision. (City Attorney)

06/15/20; RECEIVED FROM DEPARTMENT.

06/30/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 2 - Mar, Haney

Absent: 1 - Peskin

200663 [Settlement of Lawsuit - Anthony Economus - \$275,000]

Ordinance authorizing settlement of the lawsuit filed by Anthony Economus against the City and County of San Francisco for \$275,000; the lawsuit was filed on May 2, 2019, in San Francisco Superior Court, Case No. CGC-19-575669; entitled Anthony Economus v. Flint Paul; the lawsuit involves an alleged civil rights violation. (City Attorney)

06/15/20; RECEIVED FROM DEPARTMENT.

06/30/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 2 - Mar, Haney

Absent: 1 - Peskin

200664 [Settlement of Lawsuit - Oliver Barcenas, Sofia Barcenas - \$180,000]

Ordinance authorizing settlement of the lawsuit filed by Oliver Barcenas and Sofia Barcenas against the City and County of San Francisco for \$180,000; the lawsuit was filed on May 10, 2019, in San Francisco County Superior Court, Case No. CGC-19-575896; entitled Oliver Barcenas, et. al v. City and County of San Francisco, et. al; the lawsuit involves alleged civil rights violations. (City Attorney)

06/15/20; RECEIVED FROM DEPARTMENT.

06/30/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 2 - Mar, Haney

Absent: 1 - Peskin

200692 [Settlement of Lawsuit - Lina Lu, Alexandra Anderson, and Stella Osborne - \$49,000]

Ordinance authorizing settlement of the lawsuit filed by Lina Lu, Alexandra Anderson, and Stella Osborne against the City and County of San Francisco for \$49,000; the lawsuit was filed on May 6, 2019, in San Francisco Superior Court, Case No. CPF-19-516659; entitled Lina Lu et al. v. City and County of San Francisco et al.; the lawsuit involves a challenge to the San Francisco Police Department's procedures for producing incident reports in domestic violence cases; other material terms of the settlement are the adoption of changes in City protocols for producing domestic violence incident reports. (City Attorney)

06/23/20; RECEIVED FROM DEPARTMENT.

07/07/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 2 - Mar, Haney

Absent: 1 - Peskin

200693 [Settlement of Lawsuit - Erin Sheeran, as Conservator for Cara Sheeran - \$97,500]

Ordinance authorizing settlement of the lawsuit filed by Erin Sheeran, as Conservator for Cara Sheeran, against the City and County of San Francisco for \$97,500; the lawsuit was filed on July 25, 2018, in San Francisco Superior Court, Case No. CGC-18-568392; entitled Erin Sheeran, as Conservator for Cara Sheeran v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury by San Francisco Fire Department employees. (City Attorney)

06/23/20; RECEIVED FROM DEPARTMENT.

07/07/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 2 - Mar, Haney

Absent: 1 - Peskin

200694 [Settlement of Lawsuit - San Francisco Museum of Modern Art; Yerba Buena Arts & Events - City to Receive \$1,200,000]

Ordinance authorizing settlement of the lawsuit brought by the City and County of San Francisco against San Francisco Museum of Modern Art and Yerba Buena Arts & Events for \$1,200,000; the lawsuit was filed on April 27, 2017, in San Francisco Superior Court, Case No. CGC-17-558438; entitled Successor Agency to the Redevelopment Agency of the City and County of San Francisco, commonly known as the Office of Community Investment and Infrastructure (OCII) v. San Francisco Museum of Modern Art, Yerba Buena Arts & Events, and Does 1-20; the lawsuit involves damage to the Crescent Pool at the Yerba Buena Gardens Plaza allegedly caused by an SFMOMA fundraiser. (City Attorney)

06/25/20; RECEIVED FROM DEPARTMENT.

07/07/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 2 - Mar, Haney

Absent: 1 - Peskin

200695 [Settlement of Lawsuit - Rashad Abdullah, Individually and as the Guardian for Minor T.A.; and T.A., a Minor, By and Through Her Guardian - \$150,000]

Ordinance authorizing settlement of the lawsuit filed by Rashad Abdullah, individually and as the guardian for minor T.A.; and T.A., a minor, by and through her guardian against the City and County of San Francisco for \$150,000; the lawsuit was filed on September 3, 2019, in the United States District Court, Northern District of California, Case No. 19-cv-05526-LB; entitled Rashad Abdullah, et al. v. City and County of San Francisco, et al.; the lawsuit involves alleged civil rights violations. (City Attorney)

06/29/20; RECEIVED FROM DEPARTMENT.

07/07/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 2 - Mar, Haney

Absent: 1 - Peskin

200726 [Settlement of Lawsuit - Christian Miller - \$750,000]

Ordinance authorizing settlement of the lawsuit filed by Christian Miller against the City and County of San Francisco for \$750,000; the lawsuit was filed on December 28, 2018, in San Francisco Superior Court, Case No. CGC-18-572391; entitled Christian Miller v. Juan Francisco Ceballos, et al.; the lawsuit involves alleged personal injury from a vehicle collision. (City Attorney)

07/01/20; RECEIVED FROM DEPARTMENT.

07/14/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 2 - Mar, Haney

Absent: 1 - Peskin

200727 [Settlement of Lawsuit - Christopher Kurrle - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Christopher Kurrle against the City and County of San Francisco for \$50,000; the lawsuit was filed on May 11, 2018, in San Francisco Superior Court, Case No. CGC-18-566499; entitled Christopher Kurrle v. City and County of San Francisco; the lawsuit involves alleged personal injury in connection with a bicycle collision. (City Attorney)

07/01/20; RECEIVED FROM DEPARTMENT.

07/14/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 2 - Mar, Haney

Absent: 1 - Peskin

200758 [Settlement of Lawsuit - Hastings College of the Law - \$0]

Ordinance authorizing settlement of the lawsuit filed by Hastings College of the Law against the City and County of San Francisco for \$0 and a Stipulated Injunction; the lawsuit was filed on May 4, 2020, in United States District Court, Case No. 20-cv-3033; entitled Hastings College of the Law, et al. v. City and County of San Francisco; the lawsuit involves alleged civil rights violations, Federal Americans with Disabilities and California Disabled Persons Act violations, Negligence; Public Nuisance; Private Nuisance and Inverse Condemnation. (City Attorney)

07/10/20; RECEIVED FROM DEPARTMENT.

07/21/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Member Haney moved that this Ordinance be RECOMMENDED. The motion carried by the following vote:

Ayes: 2 - Mar, Haney

Absent: 1 - Peskin

200665 [Settlement of Unlitigated Claim - Chez Maman West - \$36,664.99]

Resolution approving the settlement of the unlitigated claim filed by Chez Maman West against the City and County of San Francisco for \$36,664.99; the claim was filed on January 8, 2020; the claim involves alleged property damage due to sewer flooding. (City Attorney)

06/15/20; RECEIVED FROM DEPARTMENT.

06/30/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 2 - Mar, Haney

Absent: 1 - Peskin

200666 [Settlement of Unlitigated Claim - Francisco Rivero - \$39,700]

Resolution approving the settlement of the unlitigated claim filed by Francisco Rivero against the City and County of San Francisco for \$39,700; the claim was filed on January 7, 2020; the claim involves property damage arising from sewer main pipe overflow as a result of heavy rain. (City Attorney)

06/15/20; RECEIVED FROM DEPARTMENT.

06/30/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 2 - Mar, Haney

Absent: 1 - Peskin

200696 [Settlement of Unlitigated Claim - GSW Arena LLC - \$440,318]

Resolution approving the settlement of the unlitigated claim filed by GSW Arena LLC against the City and County of San Francisco for \$440,318; the claim seeks a refund of stadium operator admission tax ("Tax") paid for events occurring in September and October 2019; additional material terms of the settlement are an agreement by GSW Arena LLC to file and pay the Tax for all events on or after November 1, 2019, and a waiver of penalties and a portion of the interest for late-filed returns for events in November 2019 through March 2020. (City Attorney)

06/23/20; RECEIVED FROM DEPARTMENT.

07/07/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 2 - Mar, Haney

Absent: 1 - Peskin

200697 [Settlement of Grievance - San Francisco Fire Fighters Local 798 - \$68,420.98]

Resolution approving settlement of the grievance by the San Francisco Fire Fighters, Local 798, against the City and County of San Francisco for \$68,420.98; the grievance was filed on August 27, 2017; the grievance involves a compensation dispute under the Memorandum of Understanding. (City Attorney)

06/23/20; RECEIVED FROM DEPARTMENT.

07/07/20; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 2 - Mar, Haney

Absent: 1 - Peskin

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

Ayes: 2 - Mar, Haney

Absent: 1 - Peskin

ADJOURNMENT

There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 3:09 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.