



City and County of San Francisco

Meeting Agenda

Government Audit and Oversight Committee

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

Members: Dean Preston, Connie Chan, Rafael Mandelman

Clerk: John Carroll (415) 554-4445

Friday, September 17, 2021

2:00 PM

WATCH SF Cable Channel 26, 78 or 99 (depending on provider)

WATCH www.sfgovtv.org

PUBLIC COMMENT CALL-IN

1 (415) 655-0001 / Meeting ID: 2495 642 0243 # #

Special Meeting

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. on the first and third Thursdays of each month. Committee agendas and their associated documents are available at <https://sfbos.org/committees>.

PUBLIC COMMENT CALL IN

1 (415) 655-0001 / Meeting ID: 2495 642 0243 # #

Please visit the Board's website (www.sfbos.org) regularly to be updated on the current situation as it affects the legislative process. For more information contact Assistant Clerk John Carroll at (415) 554-4445.

ROLL CALL AND ANNOUNCEMENTS

AGENDA CHANGES

LITIGATION

Conference with City Attorney

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

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

1. **210783** **[Settlement of Lawsuit - Juanita Stockwell, et al. - \$480,000]**
Ordinance authorizing settlement of the lawsuit filed by Guillermo Amigo, E.R. Balinton, Mike Bolte, Nikolaus Borthne, Edward Browne, Peter Busalacchi, Gary Castel, Philip Fleck, Severo Flores, George S. Fogarty, Malcolm Fong, Mary Godfrey, Jason Hui, Terrye Ivy, Jacklyn Jehl, Bartholomew Johnson, James Jones, Richard Jue, Robert Leung, Michael Lewis, Paul Lozada, D.H. Bud Massey, Bruce Meadors, Vince Neeson, Thomas O'Connor, Susan Rolovich, Juanita Stockwell, Jessie A. Washington, and Michael Wells against the City and County of San Francisco for \$480,000; the lawsuit was filed on December 17, 2015, in San Francisco Superior Court, Case No. CGC 15-549482; entitled Juanita Stockwell, et al. v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

6/25/21; RECEIVED FROM DEPARTMENT.

7/13/21; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

2. **210784** **[Settlement of Lawsuit - Michael Devin - \$400,000]**
Ordinance authorizing settlement of the lawsuit filed by Michael Devin against the City and County of San Francisco for \$400,000; the lawsuit was filed on October 25, 2019, in San Francisco Superior Court, Case No. CGC-19-580276; entitled Michael Devin v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City street. (City Attorney)

6/25/21; RECEIVED FROM DEPARTMENT.

7/13/21; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

3. [210785](#) **[Settlement of Lawsuit - Nadezhua Oshmansky - \$100,000]**
Ordinance authorizing settlement of the lawsuit filed by Nadezhua Oshmansky against the City and County of San Francisco for \$100,000; the lawsuit was filed on June 25, 2020, in San Francisco County Superior Court, Case No. CGC-20-585036; entitled Nadezhua Oshmansky v. City and County of San Francisco et al.; the lawsuit involves alleged personal injury on a City sidewalk. (City Attorney)

6/25/21; RECEIVED FROM DEPARTMENT.

7/13/21; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
4. [210786](#) **[Settlement of Lawsuit - Mike Buckley and Mary Buckley - \$57,900]**
Ordinance authorizing settlement of the lawsuit filed by Mike Buckley and Mary Buckley against the City and County of San Francisco for \$57,900; the lawsuit was filed on November 16, 2017, in San Francisco Superior Court, Case No. CGC-17-562543; entitled Mike Buckley, an individual; and Mary Buckley, an individual v. City and County of San Francisco; the lawsuit involves property damaged by erosion. (City Attorney)

6/25/21; RECEIVED FROM DEPARTMENT.

7/13/21; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
5. [210787](#) **[Settlement of Lawsuit - Stephanie Brunton - City to Receive \$40,000 from Walsh Construction Company]**
Ordinance authorizing settlement of the lawsuit filed by Stephanie Brunton against the City and County of San Francisco by payment of \$40,000 to the City by Walsh Construction Company; the lawsuit was filed on April 29, 2019, in San Francisco Superior Court, Case No. CGC-19-575558; entitled Stephanie Brunton v. City and County of San Francisco, et al; the underlying lawsuit involves alleged personal injury suffered as a result of an alleged dangerous condition on public property; other material terms of the settlement are that the City and County of San Francisco will dismiss its Cross-Complaint for indemnity and contribution against Walsh Construction Company. (City Attorney)

7/1/21; RECEIVED FROM DEPARTMENT.

7/13/21; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
6. [210788](#) **[Settlement of Lawsuit - Cynthia Spears - \$137,500]**
Ordinance authorizing settlement of the lawsuit filed by Cynthia Spears against the City and County of San Francisco for \$137,500; the lawsuit was filed on May 5, 2020, in San Francisco Superior Court, Case No. CGC-20-584349; entitled Cynthia Spears v. City and County of San Francisco, et al.; the lawsuit involves an alleged personal injury on a City sidewalk tree basin. (City Attorney)

7/1/21; RECEIVED FROM DEPARTMENT.

7/13/21; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

-
7. [210827](#) **[Settlement of Lawsuit - Maurice Caldwell - \$8,000,000]**
Ordinance authorizing settlement of the lawsuit filed by Maurice Caldwell against the City and County of San Francisco for \$8,000,000; the lawsuit was filed on April 16, 2012, in United States District Court, Case No. 12-cv-1892 DMR; entitled Maurice Caldwell v. City and County of San Francisco, et al.; the lawsuit alleges fabrication of evidence in violation of the Fourteenth Amendment. (City Attorney)
- 7/16/21; RECEIVED FROM DEPARTMENT.
- 7/27/21; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
8. [210897](#) **[Settlement of Lawsuit - Christina McGovern - \$100,000]**
Ordinance authorizing settlement of the lawsuit filed by Christina McGovern against the City and County of San Francisco for \$100,000; the lawsuit was filed on March 10, 2020, in San Francisco Superior Court, Case No. CGC-20-583596; entitled Christina McGovern v. City and County of San Francisco; the lawsuit involves an alleged personal injury on a City sidewalk. (City Attorney)
- 8/6/21; RECEIVED FROM DEPARTMENT.
- 9/7/21; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
9. [210899](#) **[Settlement of Unlitigated Claim - San Francisco Bay Regional Water Quality Control Board - Regulatory Enforcement Action]**
Resolution approving the settlement of an unlitigated claim of the San Francisco Bay Regional Water Quality Control Board against the City and County of San Francisco regarding alleged violations of the California Water Code related to wet weather-related overflows from the City's combined sewer system; no formal claim has been filed; the settlement involves entry of a stipulated enforcement order requiring the City to implement flood control projects in the Wawona area, Folsom area, and Lower Alemany area and flooding response actions. (City Attorney)
- 8/6/21; RECEIVED FROM DEPARTMENT.
- 9/7/21; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
- The Chair intends to entertain a motion to refer this item to the full Board as a Committee Report for consideration on September 21, 2021.*
10. [210906](#) **[Settlement of Unlitigated Claims - Mizuho Securities USA LLC and Mizuho Americas LLC - \$531,910.34]**
Resolution approving the settlement of the unlitigated claims filed by Mizuho Securities USA LLC and Mizuho Americas LLC against the City and County of San Francisco for \$531,910.34; the claims were filed on May 6, 2021; the claims involve a refund of payroll expense, gross receipts, homelessness gross receipts, and early care and education commercial rents taxes. (City Attorney)
- 8/10/21; RECEIVED FROM DEPARTMENT.
- 9/7/21; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

11. [210907](#) **[Settlement of Unlitigated Claim - Lever, Inc. - \$30,756.32]**
Resolution approving the settlement of the unlitigated claim filed by Lever, Inc. against the City and County of San Francisco for \$30,756.32; the claim was filed on April 15, 2021; the claim involves a refund of payroll expense and gross receipts taxes. (City Attorney)

8/30/21; RECEIVED FROM DEPARTMENT.

9/7/21; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

[Elect To Disclose]

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

[Elect Not To Disclose]

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

ADJOURNMENT

LEGISLATION UNDER THE 30-DAY RULE

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

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

Agenda Item Information

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

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

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

Meeting Procedures

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

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

Each member of the public will be allotted the same maximum number of minutes to speak as set by the President or Chair at the beginning of each item or public comment, excluding City representatives, except that public speakers using interpretation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous interpretation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting interpretation assistance. Members of the public who want a document displayed should provide in advance of the meeting to the Clerk of the Board (bos.legislation@sfgov.org), clearly state such during testimony, and subsequently request the document be removed when they want the screen to return to live coverage of the meeting.

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

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

AGENDA PACKET: Available on the internet at <http://www.sfbos.org/meetings>. Meetings are cablecast on SFGovTV, the Government Channel 26. For DVD copies and scheduling call (415) 554-4188.

LANGUAGE INTERPRETERS: Language services are available in Spanish, Chinese and Filipino at all regular and special Board and Committee meetings if made at least 48 hours in advance of the meeting to help ensure availability. For more information or to request services: Contact Wilson Ng or Arthur Khoo at (415) 554-5184.

所有常規及特別市參事委員會會議 (Board meetings) 除委員會會議 (Committee meetings) 將予以提供西班牙文, 菲律賓文, 及中文的語言服務, 但須在會議前最少48小時作出請求, 旨在確保服務屆時可予以提供。更多資訊或請求有關服務, 請致電 (415) 554-7719聯絡Linda Wong.

AVISO EN ESPAÑOL: Los servicios de idiomas están disponibles en español, chino, y filipino en todas las reuniones regulares y reuniones especiales de la Junta, de los Comités, si se solicita por lo menos 48 horas antes de la reunión para ayudar a garantizar su disponibilidad. Para más información o solicitar servicios, por favor contactar a (415) 554-5184.

PAUNAWA: Mayroong serbisyong pang-wika sa Espanyol, Tsino at Pilipino para sa lahat ng mga regular at espesyal na pagpupulong ng Board, at Komite ng Board. Sa kasalukuyan, mayroong serbisyo sa wikang Pilipino na maaaring hilingin, 48 oras (o mas maaga) bago ng pagpupulong upang matiyak na matutugunan ang inyong kahilingan. Para sa karagdagang impormasyon o para humiling ng serbisyo pang-wika, tawagan lamang ang (415) 554-5184.

Americans with Disabilities Act (ADA)

The ADA is a civil rights law that protects people with different types of disabilities from discrimination in all aspects of social life. More specifically, Title II of the ADA requires that all programs offered through the state and local government such as the City and County of San Francisco must be accessible and usable to people with disabilities. The ADA and City policy require that people with disabilities have equal access to all City services, activities, and benefits. People with disabilities must have an equal opportunity to participate in the programs and services offered through the City and County of San Francisco. If you believe your rights under the ADA are violated, contact the ADA Coordinator.

Ordinance 90-10 added Section 2A.22.3 to the Administrative Code, which adopted a Citywide Americans with Disabilities Act Reasonable Modification Policy that requires City departments to: (1) provide notice to the public of the right to request reasonable modification; (2) respond promptly to such requests; (3) provide appropriate auxiliary aids and services to people with disabilities to ensure effective communication; and (4) train staff to respond to requests from the public for reasonable modification, and that requires the Mayor's Office on Disability to provide technical assistance to City departments responding to requests from the public for reasonable modifications.

The Board of Supervisors and Office of the Clerk of the Board support the Mayor's Office on Disability to help make San Francisco a city where all people enjoy equal rights, equal opportunity, and freedom from illegal discrimination under disability rights laws.

Meetings are real-time captioned and are cablecast open-captioned on SFGovTV, the Government Channel 26. Board and Committee meeting agendas and minutes are available on the Board's website (www.sfbos.org) and adhere to web development guidelines based upon the Federal Access Board's Section 508 Guidelines. To request sign language interpreters, readers, large print agendas or other accommodations, please contact (415) 554-5184 or (415) 554-5227 (TTY). Requests made at least 48 hours in advance of the meeting will help to ensure availability. If further assistance is needed, please contact Wilson Ng at (415) 554-5184 (wilson.l.ng@sfgov.org).

Know Your Rights Under The Sunshine Ordinance

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

Ethics Requirements

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

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