



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, September 21, 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, September 21, 2023, with Chair Dean Preston presiding. Chair Preston called the meeting to order at 10:03 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

Stephanie Cabrera, Government Audit and Oversight Committee Clerk, instructed members of the public, when general public comment is called, to contribute live comments for up to two minutes in-person or by dialing the provided telephone number. 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

230826 [Hearing - City's Efforts to Address Car Break-Ins]

Sponsor: Preston

Hearing to discuss the City's comprehensive plan to address car break-ins; and requesting the Mayor's Office, Police Department, Office of the District Attorney, Office of Economic and Workforce Development, Municipal Transportation Agency, and Department of Emergency Management to report.

07/11/23; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

07/18/23; REFERRED TO DEPARTMENT. Referred to the Office of the Mayor, Police Department, Office of the District Attorney, Office of Economic and Workforce Development, Municipal Transportation Agency, and the Department of Emergency Management for informational purposes and requesting the departments to report.

Heard in Committee. Speakers: Derrick Jackson and Stephen Jonas (Police Department); Rob Malone (San Francisco Municipal Transportation Agency); Chris Corgas (Office of Economic and Workforce Development); presented information and answered questions raised throughout the discussion. Andrea (LostandFoundSanFrancisco.com); Dave Jordan; Jenny Fieldman; Dennis Williams Jr.; Kristen Evans; Adam; Speaker; Robert Edmonds; Lisa Osprey; Speaker; Zack; Cheryl Benton; spoke on 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

230951 [Urging the Recreation and Park Department to Publicly Share Information Regarding Pilot Activation of UN Plaza and Take Steps to Mitigate Any Impact on the Farmers' Market]

Sponsors: Preston; Peskin and Chan

Resolution expressing the Board of Supervisors' concern regarding the development of the United Nations (UN) Activation Plan and displacement of the Heart of the City Farmers' Market from the UN Plaza, urging the Recreation and Park Department to adopt mitigations requested by the Farmers' Market, and urging the Recreation and Park Department to provide information to the public and the Board of Supervisors regarding the pilot activation plan.

09/05/23; RECEIVED AND ASSIGNED to Land Use and Transportation Committee.

09/12/23; TRANSFERRED to Government Audit and Oversight Committee. President Peskin transferred this matter from Land Use and Transportation Committee to the Government Audit and Oversight Committee.

Heard in Committee. Speakers: Steve Pulliam (Heart of the City Farmers' Market); presented information and answered questions raised throughout the discussion. Speaker; David Elliot Lewis (Tenderloin Neighborhood Development Corporation); Speaker; Wendy; Adele Framer; Speaker; Jordan Davis; Ariana; Kevin; Speaker; Jaime Valore; Eric Arguello (Glide SF); Lorenzo; John McCormick (Tenderloin Neighborhood Development Corporation); Speaker; Chris Bradford; Trader Joe; Eleana Binder (Glide SF); spoke in support of the hearing matter. Adam; spoke in opposition of the hearing matter. Lalani; Speaker; spoke on various concerns relating to the hearing matter.

Supervisor Chan requested to be added as a co-sponsor.

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

Ayes: 3 - Preston, Stefani, Chan

LITIGATION

Chair Preston requested File Nos. 230788, 230791, 230792, 230793, 230794, 230795, 230806, 230830, 230893, 230894, 230896, 230796, 230797, 230798, 230799, 230899, 230900, 230901, and 230902 be called 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.

The Chair elected not to convene in Closed Session.

230788 [Settlement of Lawsuit - Akashni Bhan - \$175,000]

Ordinance authorizing settlement of the lawsuit filed by Akashni Bhan against the City and County of San Francisco, Sergeant Jennifer Streegan, Sergeant Steven Pomatto, Officer Anthony Oerlemans, and Officer Jennifer O'Keffee for \$175,000; the lawsuit was filed on October 4, 2019, in San Francisco Superior Court, Case No. CGC-19-579798; entitled Akashni Bhan v. City and County of San Francisco, et. al.; the lawsuit involves an employment dispute. (City Attorney)

06/22/23; RECEIVED FROM DEPARTMENT.

07/11/23; 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: 3 - Preston, Stefani, Chan

230791 [Settlement of Lawsuit - Cheri Pierce - \$75,000]

Ordinance authorizing settlement of the lawsuit filed by Cheri Pierce against the City and County of San Francisco for \$75,000; the lawsuit was filed on April 26, 2022, in San Francisco Superior Court, Case No. CGC-22-599362; entitled Cheri Pierce v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury arising out of fall on uneven sidewalk. (City Attorney)

06/22/23; RECEIVED FROM DEPARTMENT.

07/11/23; 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: 3 - Preston, Stefani, Chan

230792 [Settlement of Lawsuit - Bi Jun Zhang - \$35,000]

Ordinance authorizing settlement of the lawsuit filed by Bi Jun Zhang against the City and County of San Francisco for \$35,000; the lawsuit was filed on May 17, 2022, in San Francisco Superior Court, Case No. CGC-22-599662; entitled Bi Jun Zhang v. City and County of San Francisco, et al.; the lawsuit involves a personal injury to Plaintiff from uneven pavement. (City Attorney)

06/22/23; RECEIVED FROM DEPARTMENT.

07/11/23; 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: 3 - Preston, Stefani, Chan

230793 [Settlement of Lawsuit - Wayne Kha - \$465,000]

Ordinance authorizing settlement of the lawsuit filed by Wayne Kha against the City and County of San Francisco for \$465,000; the lawsuit was filed on September 7, 2021, in San Francisco Superior Court, Case No. CGC-21-595136; entitled Wayne Kha v. Johnathon Ng, et al.; the lawsuit involves an alleged personal injury arising from an accident involving a police car. (City Attorney)

06/27/23; RECEIVED FROM DEPARTMENT.

07/11/23; 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: 3 - Preston, Stefani, Chan

230794 [Settlement of Lawsuit - Digital Realty Trust, Inc. - \$1,858,150.71]

Ordinance authorizing settlement of the lawsuit filed by Digital Realty Trust, Inc. against the City and County of San Francisco for \$1,858,150.71; the lawsuit was filed on April 18, 2023, in San Francisco Superior Court, Case No. CGC-23-605912, entitled Digital Realty Trust, Inc. v. City and County of San Francisco et al.; the lawsuit involves a claim for refund of Early Care and Education Commercial Rents Tax and Homelessness Gross Receipts Tax; an additional material term of the settlement is that Digital Realty Trust, Inc. and its related entities shall take certain filing positions with respect to their Early Care and Education Commercial Rents Taxes for tax year 2021 and subsequent tax years. (City Attorney)

06/27/23; RECEIVED FROM DEPARTMENT.

07/11/23; 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: 3 - Preston, Stefani, Chan

230795 [Settlement of Lawsuit - Build Group, Inc. - \$211,129.46]

Ordinance authorizing settlement of the cross-complaint filed by Build Group, Inc. against the City and County of San Francisco for a payment to Build Group of \$211,129.46; the cross-complaint was filed on November 22, 2022, in the Superior Court of the State of California, County of San Francisco, Case No. CGC-22-598717; entitled CPM Environmental, Inc. v. Build Group, Inc. and DOES 1-100, et al.; the lawsuit involves allegations of breach of contract relating to the renovation of the Maxine Hall Health Center; other material terms of the settlement are that Build Group waives all other claims it has or may have relating to the project. (City Attorney)

06/28/23; RECEIVED FROM DEPARTMENT.

07/11/23; 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: 3 - Preston, Stefani, Chan

230806 [Settlement of Lawsuit - Debra Crismani - \$90,000]

Ordinance authorizing settlement of the lawsuit filed by Debra Crismani against the City and County of San Francisco for \$90,000; the lawsuit was filed on March 21, 2022, in San Francisco Superior Court, Case No. CGC-22-598779; entitled Debra Crismani v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City sidewalk. (City Attorney)

07/05/23; RECEIVED FROM DEPARTMENT.

07/18/23; 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: 3 - Preston, Stefani, Chan

230830 [Settlement of Lawsuit - Ike Ohannesyan - \$50,000]

Ordinance authorizing settlement of the lawsuit filed by Ike Ohannesyan against the City and County of San Francisco for \$50,000; the lawsuit was filed on May 17, 2021, in San Francisco Superior Court, Case No. CGC-21-591955; entitled Ike Ohannesyan v. Johnathon Ng, et al.; the lawsuit involves an alleged personal injury arising from an accident involving a police car. (City Attorney) 07/17/23; RECEIVED FROM DEPARTMENT.

07/25/23; 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: 3 - Preston, Stefani, Chan

230893 [Settlement of Lawsuit - Duk Soon Lee - \$225,000]

Ordinance authorizing settlement of the lawsuit filed by Duk Soon Lee against the City and County of San Francisco for \$225,000; the lawsuit was filed on October 12, 2021, in San Francisco Superior Court, Case No. CGC-21-595854; entitled Duk Soon Lee v. Jamie Austin Miller, et al.; the lawsuit involves alleged personal injury arising out of City vehicle collision. (City Attorney) 07/18/23; RECEIVED FROM DEPARTMENT.

09/05/23; 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: 3 - Preston, Stefani, Chan

230894 [Settlement of Lawsuit - Breon Johnson - \$100,000]

Ordinance authorizing settlement of the lawsuit filed by Breon Johnson against the City and County of San Francisco for \$100,000; the lawsuit was filed on September 26, 2022, in San Francisco Superior Court, Case No. CGC-22-601937; entitled Breon Johnson v. The Regents of The University of California, et al.; the lawsuit involves alleged medical negligence. (City Attorney) 07/25/23; RECEIVED FROM DEPARTMENT.

09/05/23; 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: 3 - Preston, Stefani, Chan

230896 [Settlement of Lawsuit - Tatiana Umnov and Anatoly Umnov - \$450,000]

Ordinance authorizing settlement of the lawsuit filed by Tatiana Umnov and Anatoly Umnov against the City and County of San Francisco for \$450,000; the lawsuit was filed on September 20, 2021, in San Francisco Superior Court, Case No. CGC-21-595303; entitled Tatiana Umnov, Anatoly Umnov v. City and County of San Francisco, et al.; the lawsuit involves alleged personal injury on a City sidewalk. (City Attorney) 08/17/23; RECEIVED FROM DEPARTMENT.

09/05/23; 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: 3 - Preston, Stefani, Chan

230796 [Settlement of Unlitigated Claim - Cincinnati Insurance Company - \$37,636.23]

Resolution approving the settlement of the unlitigated claim filed by Cincinnati Insurance Company against the City and County of San Francisco for \$37,636.23; the claim was filed on January 30, 2023; the claim involves alleged property damage arising from flooding caused by a water main rupture. (City Attorney)

06/22/23; RECEIVED FROM DEPARTMENT.

07/11/23; 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: 3 - Preston, Stefani, Chan

230797 [Settlement of Unlitigated Claim - Arthur Villegas - \$50,000]

Resolution approving the settlement of the unlitigated claim filed by Arthur Villegas against the City and County of San Francisco for \$50,000; the claim was filed on May 8, 2023; the claim involves alleged property damage arising from flooding caused by a water main rupture. (City Attorney)

06/22/23; RECEIVED FROM DEPARTMENT.

07/11/23; 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: 3 - Preston, Stefani, Chan

230798 [Settlement of Unlitigated Claim - Ronghan Guan - \$50,450]

Resolution approving the settlement of the unlitigated claim filed by Ronghan Guan against the City and County of San Francisco for \$50,450; the claim was filed on October 19, 2022; the claim involves alleged property damage due to flooding caused by a water main rupture. (City Attorney)

06/22/23; RECEIVED FROM DEPARTMENT.

07/11/23; 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: 3 - Preston, Stefani, Chan

230799 [Settlement of Unlitigated Claims - Glencore Ltd. - \$197,203.64]

Resolution approving the settlement of the unlitigated claims filed by Glencore Ltd. against the City and County of San Francisco for \$197,203.64; the claims were filed on March 27, 2023; the claims involve a refund of gross receipts taxes and payroll expense taxes. (City Attorney)

06/27/23; RECEIVED FROM DEPARTMENT.

07/11/23; 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: 3 - Preston, Stefani, Chan

230899 [Settlement of Unlitigated Claims - Niantic, Inc. - \$599,398.66]

Resolution approving the settlement of the unlitigated claims filed by Niantic, Inc. against the City and County of San Francisco for \$599,398.66; the claims were filed on February 28, 2023; the claims involve a refund of Payroll Expense Tax, Gross Receipts Tax, and Homelessness Gross Receipts Tax. (City Attorney)

07/31/23; RECEIVED FROM DEPARTMENT.

09/05/23; 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: 3 - Preston, Stefani, Chan

230900 [Settlement of Unlitigated Claim - Bing Situ - \$64,483.41]

Resolution approving the settlement of the unlitigated claim filed by Bing Situ against the City and County of San Francisco for \$64,483.41; the claim was filed on April 27, 2023; the claim involves alleged property damage arising from flooding caused by a water main rupture. (City Attorney)

08/17/23; RECEIVED FROM DEPARTMENT.

09/05/23; 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: 3 - Preston, Stefani, Chan

230901 [Settlement of Unlitigated Claim - Yaol Oenn Wong - \$50,000]

Resolution approving the settlement of the unlitigated claim filed by Yaol Oenn Wong against the City and County of San Francisco for \$50,000; the claim was filed on April 24, 2023; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)

08/17/23; RECEIVED FROM DEPARTMENT.

09/05/23; 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: 3 - Preston, Stefani, Chan

230902 [Settlement of Unlitigated Claim - Jessica Middleton - \$32,439.60]

Resolution approving the settlement of the unlitigated claim filed by Jessica Middleton against the City and County of San Francisco for \$32,439.60; the claim was filed on March 24, 2023; the claim involves property damage arising from flooding alleged to be caused by a water main rupture. (City Attorney)

08/17/23; RECEIVED FROM DEPARTMENT.

09/05/23; 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: 3 - Preston, Stefani, Chan

ADJOURNMENT

There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 1:26 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.