



# 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: Gordon Mar, Aaron Peskin, Matt Haney*

*Clerk: John Carroll (415) 554-4445*

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Thursday, October 1, 2020

10:00 AM

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**PUBLIC COMMENT CALL-IN**

**(415) 655-0001 / Meeting ID: 146 704 2839**

**Regular Meeting**

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#### **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](http://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](mailto: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: 146 704 2839**

*As the COVID-19 disease progresses, please visit the Board's website ([www.sfbos.org](http://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 1 (415) 554-4445.*

#### **ROLL CALL AND ANNOUNCEMENTS**

#### **AGENDA CHANGES**

## REGULAR AGENDA

1. [200518](#) **[Administrative Code - Rent Control at Midtown Park Apartments]**  
**Sponsors: Preston; Mar, Haney and Peskin**  
Ordinance amending the Administrative Code to subject dwelling units at Midtown Park Apartments, a residential development owned by the City and County of San Francisco, to the Residential Rent Stabilization and Arbitration Ordinance; and making findings pursuant to as required by the California Tenant Protection Act of 2019.

(Fiscal Impact)

5/19/20; ASSIGNED UNDER 30 DAY RULE to the Land Use and Transportation Committee.

6/30/20; TRANSFERRED to the Government Audit and Oversight Committee.

7/1/20; REFERRED TO DEPARTMENT.

9/17/20; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

9/17/20; CONTINUED AS AMENDED.

*The Chair intends to entertain a motion to refer this item to the full Board as a Committee Report for consideration on October 6, 2020.*
  
2. [200787](#) **[Administrative Code - Selection of Contractors From a Pre-Qualified List and Under As-Needed Public Works Professional Services Contract Reform]**  
**Sponsors: Stefani; Safai**  
Ordinance amending the Administrative Code to require notification to prequalified contractors and written documentation of contractor selection from pre-qualified lists, and written documentation of contractor selection for work assigned under as-needed Public Works professional services contracts; and to require the Controller to audit such selection documentation.

7/21/20; ASSIGNED UNDER 30 DAY RULE to the Government Audit and Oversight Committee.

7/29/20; REFERRED TO DEPARTMENT.

9/3/20; CONTINUED.

9/17/20; CONTINUED.
  
3. [200686](#) **[Budget and Legislative Analyst Performance Audit - Operational Overlap on Sewer Repair Between Public Works and the Public Utilities Commission]**  
**Sponsor: Ronen**  
Motion directing the Budget and Legislative Analyst to conduct a limited scope performance audit of sewer repair to determine if savings could be achieved through a restructuring of sewer repair work orders between Public Works and the Public Utilities Commission.

6/23/20; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.

7/1/20; REFERRED TO DEPARTMENT.

*The Chair intends to entertain a motion to refer this item to the full Board as a Committee Report for consideration on October 6, 2020.*

4. [200949](#) **[Administrative Code - Mayor's Selection of Designees in Matters Regarding Contracting and Other Matters]**  
**Sponsors: Haney; Mar**  
Ordinance amending the Administrative Code to prohibit the Mayor from designating the department head as the Mayor's designee regarding contracting decisions and other matters in which the Mayor has discretion to delegate a designee to review a department head's proposals.  
  
8/18/20; ASSIGNED UNDER 30 DAY RULE to the Government Audit and Oversight Committee.  
  
8/26/20; REFERRED TO DEPARTMENT.
5. [200279](#) **[Hearing - Investigations Into Public Corruption]**  
**Sponsors: Mar; Haney and Preston**  
Hearing on the progress and findings of investigations into public corruption; and requesting the Controller and City Attorney to report.  
  
3/10/20; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.  
  
3/18/20; REFERRED TO DEPARTMENT.  
  
6/29/20; RESPONSE RECEIVED.  
  
7/2/20; CONTINUED TO CALL OF THE CHAIR.  
  
9/24/20; RESPONSE RECEIVED.

## 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.*

6. [201023](#) **[Settlement of Lawsuit - Federal Insurance Company, as Subrogee of CCT Enterprises LLC - \$90,000]**  
Ordinance authorizing settlement of the lawsuit filed by Federal Insurance Company, as subrogee of CCT Enterprises LLC against the City and County of San Francisco for \$90,000; the lawsuit was filed on September 12, 2019, in San Francisco Superior Court, Case No. CGC-19-579231; entitled Federal Insurance Company, as subrogee of CCT Enterprises LLC v. City and County of San Francisco, et al.; the lawsuit involves alleged property damage due to a ruptured water service lateral. (City Attorney)  
  
9/10/20; RECEIVED FROM DEPARTMENT.  
  
9/22/20; RECEIVED AND ASSIGNED to the Government Audit and Oversight Committee.
7. [201028](#) **[Settlement of Lawsuit - Federal Insurance Company, as Subrogee of GSFC LLC, GSMT LLC, SKS Survivor LLC - \$375,000]**  
Ordinance authorizing settlement of the lawsuit filed by Federal Insurance Company, as subrogee of GSFC LLC, GSMT LLC, SKS Survivor LLC against the City and County of San Francisco for \$375,000; the lawsuit was filed on September 12, 2019, in San Francisco Superior Court, Case No. CGC-19-579235; entitled Federal Insurance Company, as subrogee of GSFC LLC, et al. v. City and County of San Francisco, et al.; the lawsuit involves alleged property damage due to a ruptured water service lateral. (City Attorney)  
  
9/10/20; RECEIVED FROM DEPARTMENT.  
  
9/22/20; 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.*

### 201045

#### **[Memorandum of Understanding - San Francisco Fire Fighters Local 798, Unit 1]**

**Sponsor: Mayor**

Ordinance adopting and implementing the Second Amendment to the 2018-2021 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Association Local 798, Unit 1, to defer wage increases currently set for FY2020-2021, extend the term by two years, and set wages for the additional term.

9/15/20; ASSIGNED UNDER 30 DAY RULE to the Government Audit and Oversight Committee.

9/23/20; REFERRED TO DEPARTMENT.

### 201046

#### **[Memorandum of Understanding - San Francisco Fire Fighters Local 798, Unit 2]**

**Sponsor: Mayor**

Ordinance adopting and implementing the Third Amendment to the 2018-2021 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Association Local 798, Unit 2, to defer wage increases currently set for FY2020-2021, extend the term by two years, and set wages for the additional term.

9/15/20; ASSIGNED UNDER 30 DAY RULE to the Government Audit and Oversight Committee.

9/23/20; REFERRED TO DEPARTMENT.

- 201047**     **[Memorandum of Understanding - Municipal Executives Association]**  
**Sponsor: Mayor**  
Ordinance adopting and implementing the First Amendment to the 2019-2022 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives Association, to update the grievance procedures.  
  
9/15/20; ASSIGNED UNDER 30 DAY RULE to the Government Audit and Oversight Committee.  
  
9/23/20; REFERRED TO DEPARTMENT.
- 201048**     **[Memorandum of Understanding - Municipal Executives Association - Fire]**  
**Sponsor: Mayor**  
Ordinance adopting and implementing the First Amendment to the 2018-2021 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives Association - Fire, to defer wage increases currently set for FY2020-2021, extend the term by two years, and set wages for the additional term.  
  
9/15/20; ASSIGNED UNDER 30 DAY RULE to the Government Audit and Oversight Committee.  
  
9/23/20; REFERRED TO DEPARTMENT.
- 201049**     **[Memorandum of Understanding - Municipal Executives Association - Police]**  
**Sponsor: Mayor**  
Ordinance adopting and implementing the First Amendment to the 2018-2021 Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives Association - Police, to defer wage increases currently set for FY2020-2021, amend the retention premium provisions, extend the term by two years, and set wages for the additional term.  
  
9/15/20; ASSIGNED UNDER 30 DAY RULE to the Government Audit and Oversight Committee.  
  
9/23/20; REFERRED TO DEPARTMENT.
- 201050**     **[Memorandum of Understanding and Settlement of Grievances - Police Officers Association]**  
**Sponsor: Mayor**  
Ordinance adopting and implementing the Tentative Agreement between the City and County of San Francisco and the San Francisco Police Officers Association ("POA"), including: (1) adopting and implementing the First Amendment to the 2018-2021 Memorandum of Understanding between the City and POA, to defer wage increases currently set for FY2020-2021, amend the retention premium provisions, amend the 10B overtime provisions, extend the term by two years, and set wages for the additional term; and (2) approving settlement of two grievances filed by the POA against the City, for a not to exceed amount of \$359,613.87; the grievances were filed on March 25, 2020, and June 29, 2020, and involve compensation disputes under the Memorandum of Understanding.  
  
9/15/20; ASSIGNED UNDER 30 DAY RULE to the Government Audit and Oversight Committee.  
  
9/23/20; REFERRED TO DEPARTMENT.

**201051 [Memorandum of Understanding - Service Employees International Union, Local 1021]****Sponsor: Mayor**

Ordinance adopting and implementing the Second Amendment to the 2019-2022 Memorandum of Understanding between the City and County of San Francisco and Service Employees International Union, Local 1021 (Miscellaneous) to update the work study provisions.

9/15/20; ASSIGNED UNDER 30 DAY RULE to the Government Audit and Oversight Committee.

9/23/20; REFERRED TO DEPARTMENT.

**201052 [Memorandum of Understanding - Service Employees International Union Local 1021: Staff & Per Diem Nurses]****Sponsor: Mayor**

Ordinance adopting and implementing the First Amendment to the 2019-2022 Memorandum of Understanding between the City and County of San Francisco and the Service Employees International Union, Local 1021: Staff & Per Diem Nurses, to make administrative amendments to the overtime provisions.

9/15/20; ASSIGNED UNDER 30 DAY RULE to the Government Audit and Oversight Committee.

9/23/20; REFERRED TO DEPARTMENT.

**201053 [Compensation for Unrepresented Employees]****Sponsor: Mayor**

Ordinance amending Ordinance No. 106-20 fixing compensation for persons employed by the City and County of San Francisco whose compensation is subject to the provisions of Section A8.409 of the Charter, in job codes not represented by an employee organization, and establishing working schedules and other terms and conditions of employment and methods of payment effective July 1, 2020.

9/15/20; ASSIGNED UNDER 30 DAY RULE to the Government Audit and Oversight Committee.

9/23/20; REFERRED TO DEPARTMENT.

**201054 [Emergency Ordinance - Grocery Store, Drug Store, Restaurant, and On-Demand Delivery Service Employee Protections]****Sponsor: Haney**

Reenactment of emergency ordinance (Ordinance No. 74-20) to temporarily require grocery store, drug store, restaurant, and on-demand delivery service employers to provide health and scheduling protections to employees during the public health emergency related to COVID-19.

(Pursuant to Charter, Section 2.107, this matter requires the affirmative vote of two-thirds of the Board of Supervisors (8 votes) for passage.)

9/15/20; ASSIGNED UNDER 30 DAY RULE to the Government Audit and Oversight Committee.

9/23/20; REFERRED TO DEPARTMENT.

**201087**

**[Emergency Ordinance - Temporary Right to Reemployment Following Layoff Due to COVID-19 Pandemic]**

**Sponsor: Mar**

Reenactment of emergency ordinance (Ordinance No. 104-20, reenacted by Ordinance No. 159-20) to temporarily create a right to reemployment for certain employees laid off due to the COVID-19 pandemic if their employer seeks to fill the same position previously held by a laid-off worker, or a substantially similar position, as defined.

(Pursuant to Charter, Section 2.107, this matter requires the affirmative vote of two-thirds of the Board of Supervisors (8 votes) for passage.)

9/22/20; ASSIGNED UNDER 30 DAY RULE to the Government Audit and Oversight Committee.



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### 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](mailto: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.

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**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.

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### **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](http://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](mailto: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](mailto: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](http://sfethics.org).