



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: Aaron Peskin, Norman Yee, London Breed

Clerk: Erica Major (415) 554-4441

Friday, October 7, 2016

10:30 AM

City Hall, Legislative Chamber, Room 250

Special Meeting

Present: 3 - Aaron Peskin, Norman Yee, and London Breed

The Government Audit and Oversight Committee met in special session on Thursday, October 7, 2016, with Chair Aaron Peskin presiding.

ROLL CALL AND ANNOUNCEMENTS

Chair Peskin called the meeting to order at 10:36 a.m. On the call of the roll, Chair Peskin, Vice Chair Yee, and Member Breed were noted present. There was a quorum.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

160963 [Appropriation - General Reserve to Department of Emergency Management - Earthquake Relief in Italy - \$100,000]

Sponsor: Peskin

Ordinance appropriating \$100,000 from the General Reserve to Department of Emergency Management to provide relief to earthquake victims in Italy for FY2016-2017.

09/06/16; ASSIGNED to Budget and Finance Committee. 9/6/16 - President Breed waived the 30 day hold pursuant to Board Rule 3.22.

10/04/16; TRANSFERRED to Government Audit and Oversight Committee.

Heard in Committee. Speakers: None.

Vice Chair Yee moved that this Ordinance be REFERRED WITHOUT RECOMMENDATION to the Board of Supervisors meeting on October 18, 2016. The motion carried by the following vote:

Ayes: 3 - Peskin, Yee, Breed

160789 [Administrative Code - Updating Job Classifications and Bargaining Units]**Sponsor: Mayor**

Ordinance amending the Administrative Code to reflect changes in job classifications in bargaining units.

07/12/16; ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 8/11/2016.

07/27/16; REFERRED TO DEPARTMENT. Referred to the Office of the Controller, Department of Human Resources, and the Civil Service Commission for informational purposes.

Heard in Committee. Speaker: Suzanne Mason (Department of Human Resources); presented information and answered questions raised throughout the discussion.

Vice Chair Yee moved that this Ordinance be AMENDED, AMENDMENT OF THE WHOLE BEARING SAME TITLE, by striking '1849 Program Manager, Business & Economic Development' on Page 7, Line 24. The motion carried by the following vote:

Ayes: 3 - Peskin, Yee, Breed

RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - Peskin, Yee, Breed

Chair Peskin requested File Nos. 160619 and 160620 be heard together.

160619 [Hearing - Civil Grand Jury - San Francisco County Jails: Our Largest Mental Health Facility]

Hearing on the recently published 2015-2016 Civil Grand Jury report, entitled "San Francisco County Jails: Our Largest Mental Health Facility." (Clerk of the Board)

07/19/16; REFERRED TO DEPARTMENT. Referred to the Sheriff's Department, Chief of Police, Director of Jail Health Services, City Attorney, Mayor, Director of Public Health, Department of Administrative Services, 311, Chief Data Officer, and Director of Human Resources for their required response to the Civil Grand Jury Report.

07/19/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

09/12/16; RESPONSE RECEIVED. 09/12/2016 - The Mayor's Office submitted a consolidated response on behalf of the Police Department, Department of Human Resources, Department of Public Health, and the City Administrator in accordance to California Penal Code Section 933.03.

09/12/16; RESPONSE RECEIVED. 09/12/2016 - The Sheriff's Department submitted their response in accordance to California Penal Code Section 933.03.

09/16/16; RESPONSE RECEIVED. 9/16/2016 - The Office of the City Attorney submitted their response to the Civil Grand Jury Report as required by California Penal Code Section 933.03.

Heard in Committee. Speakers: Jay Cunningham, Foreperson, and Michael Skahill, Ph.D. (2015-2016 Civil Grand Jury); Sheriff Vicki Hennessy (Sheriff's Department); Lieutenant Mario Molina (Police Department); Melissa Whitehouse (Mayor's Office); Dr. Lisa Pratt (Department of Public Health); presented information and answered questions raised throughout the discussion. Roma Guy (Taxpayers for Public Safety); spoke on various concerns relating to the hearing matter.

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

Ayes: 3 - Peskin, Yee, Breed

160620 [Board Response - Civil Grand Jury - San Francisco County Jails: Our Largest Mental Health Facility Needs Attention]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2015-2016 Civil Grand Jury Report, entitled "San Francisco County Jails: Our Largest Mental Health Facility Needs Attention;" and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget. (Government Audit and Oversight Committee)

07/19/16; REFERRED TO DEPARTMENT. Referred to the Sheriff's Department, Chief of Police, Director of Jail Health Services, City Attorney, Mayor, Director of Public Health, Department of Administrative Services, 311, Chief Data Officer, and Director of Human Resources for their required response to the Civil Grand Jury Report.

07/19/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

09/12/16; RESPONSE RECEIVED. 09/12/2016 - The Mayor's Office submitted a consolidated response on behalf of the Police Department, Department of Human Resources, Department of Public Health, and the City Administrator in accordance to California Penal Code Section 933.03.

09/12/16; RESPONSE RECEIVED. 09/12/2016 - The Sheriff's Department submitted their response in accordance to California Penal Code Section 933.03.

09/16/16; RESPONSE RECEIVED. 9/16/2016 - The Office of the City Attorney submitted their response to the Civil Grand Jury Report as required by California Penal Code Section 933.03.

Heard in Committee. Speakers: Jay Cunningham, Foreperson, and Michael Skahill, Ph.D. (2015-2016 Civil Grand Jury); Sheriff Vicki Hennessy (Sheriff's Department); Lieutenant Mario Molina (Police Department); Melissa Whitehouse (Mayor's Office); Dr. Lisa Pratt (Department of Public Health); presented information and answered questions raised throughout the discussion. Roma Guy (Taxpayers for Public Safety); spoke on various concerns relating to the hearing matter.

Member Breed moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, by adding the Board of Supervisors response to Recommendation Nos. R.B.1.c, R.C.2.c., and R.D.4.c. The motion carried by the following vote:

Ayes: 3 - Peskin, Yee, Breed

Member Breed moved that this Resolution be RECOMMENDED AS AMENDED. The motion carried by the following vote:

Ayes: 3 - Peskin, Yee, Breed

Chair Peskin requested File Nos. 160811 and 160812 be heard together.

160811 [Hearing - Civil Grand Jury Report - Drinking Water Safety in San Francisco: A Reservoir of Good Practice]

Hearing on the recently published 2015-2016 Civil Grand Jury report, entitled "Drinking Water Safety in San Francisco: A Reservoir of Good Practice." (Clerk of the Board)

07/19/16; REFERRED TO DEPARTMENT. Referred to the Mayor's Office and the San Francisco Public Utilities Commission Water Enterprise for their required response to the Civil Grand Jury Report.

07/26/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

09/16/16; RESPONSE RECEIVED. 9/16/2016 - The Mayor's Office submitted a consolidated response with the Public Utilities Commission as required by California Penal Code Section 933.03.

Heard in Committee. Speakers: Jay Cunningham and David Stein (2015-2016 Civil Grand Jury); Andrew DeGraca (Public Utilities Commission); presented information and answered questions raised throughout the discussion.

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

Ayes: 3 - Peskin, Yee, Breed

160812 [Board Response - Civil Grand Jury - Drinking Water Safety in San Francisco: A Reservoir of Good Practice]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2015-2016 Civil Grand Jury Report, entitled "Drinking Water Safety in San Francisco: A Reservoir of Good Practice;" and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget. (Government Audit and Oversight Committee)

07/19/16; REFERRED TO DEPARTMENT. Referred to the Mayor's Office and the San Francisco Public Utilities Commission Water Enterprise for their required response to the Civil Grand Jury Report.

07/26/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

09/16/16; RESPONSE RECEIVED. 9/16/2016 - The Mayor's Office submitted a consolidated response with the Public Utilities Commission as required by California Penal Code Section 933.03.

Heard in Committee. Speakers: Jay Cunningham, Foreperson, and David Stein (2015-2016 Civil Grand Jury); Andrew DeGraca (Public Utilities Commission); presented information and answered questions raised throughout the discussion.

Chair Peskin moved that this Resolution be AMENDED, AMENDEMENT OF THE WHOLE BEARING SAME TITLE by adding the Board of Supervisors response to Finding Nos. F.A1., F.A.2., and F.A.5. The motion carried by the following vote:

Ayes: 3 - Peskin, Yee, Breed

RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - Peskin, Yee, Breed

160817 [Hearing - Civil Grand Jury Report - San Francisco Building and Fire Safety Inspection: A Tale of Two Departments: Department of Building Inspection and San Francisco Fire Department]

Hearing on the recently published 2015-2016 Civil Grand Jury report, entitled "San Francisco Building and Fire Safety Inspection: A Tale of Two Departments: Department of Building Inspection and San Francisco Fire Department." (Clerk of the Board)

07/22/16; REFERRED TO DEPARTMENT. Referred to the Department of Building Inspection, Building Inspection Commission, Department of Technology, Director of Department of Building Inspection, Fire Department, Fire Department MIS, Fire Marshall, Fire Chief, and the Fire Commission for their required response to the Civil Grand Jury Report.

08/02/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

09/16/16; RESPONSE RECEIVED. 09/16/2016 - The Fire Commission submitted their response as required by California Penal Code Section 933.03.

09/19/16; RESPONSE RECEIVED. 9/19/2016 - The Building Inspection Commission submitted a consolidated response with the Department of Building Inspection as required by California Penal Code Section 933.03.

09/19/16; RESPONSE RECEIVED. 9/19/2016 - The Department of Building Inspection submitted a consolidated memo with the Fire Department addressing the Presiding Judge with separate matrices with their official responses.

09/23/16; RESPONSE RECEIVED. 9/23/2016 - The Department of Technology submitted their response as required by California Penal Code Section 933.03.

10/05/16; RESPONSE RECEIVED. 10/04/2016 - A letter received via email from the Building Inspection Commission dated September 22, 2016, stated that the Building Inspection Commission voted 5-0 supporting the Department of Building Inspection and Fire Department's joint response to the Civil Grand Jury Report.

Heard in Committee. Speakers: Jay Cunningham, Foreperson (2015-2016 Civil Grand Jury); Director Tom Hui and Rosemary Bosque (Department of Building Inspection); Fire Marshal Dan De Cossio (Fire Department); Commissioner Debra Walker (Building Inspection Commission); Commissioner Francee Covington, President (Fire Commission); Brian Roberts (Department of Technology); presented information and answered questions raised throughout the discussion. Diana Torres (Causa Justa Just Cause); Pratibha Terky (Central City SRO Collaborative); Ana Gee (Tenderloin Housing Clinic); Rosemarie Cavallo (Tenderloin Housing Clinic); Tommi Avicelli Mecca (Housing Rights Committee); spoke on various concerns relating to the hearing matter.

HEARD AND FILED by the following vote:

Ayes: 3 - Peskin, Yee, Breed

LITIGATION

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 lawsuits and claims in which proposed settlements are being considered by the Committee. 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.

Persons in attendance: Jon Givner (Office of the City Attorney) and Erica Major (Office of the Clerk of the Board).

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

Jon Givner, Deputy City Attorney (Office of the City Attorney) noted that because the Committee elected to hold the Litigation items in open session, no motion was required to convene in closed session or disclose closed session deliberations.

160980 [Settlement of Lawsuit - Compania Mexicana de Aviacion S.A. de C.V., doing business as Mexicana Airlines - City to Receive \$110,249.74]

Ordinance authorizing the settlement of the bankruptcy claim filed by the City and County of San Francisco, acting by and through its Airport Commission, against Compania Mexicana de Aviacion S.A. de C.V., doing business as Mexicana Airlines for \$110,249.74; the bankruptcy case was filed on August 2, 2010, In re Compania Mexicana de Aviacion, S.A. de C.V., Case No. 10-14182, United States Bankruptcy Court for the Southern District of New York; the City's claim was filed on January 27, 2015. (City Attorney)

09/12/16; RECEIVED FROM DEPARTMENT.

09/20/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

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

Ayes: 3 - Peskin, Yee, Breed

160981 [Settlement of Unlitigated Claim - Darleen Lau - \$140,000]

Resolution approving the settlement of the unlitigated claim filed by Darleen Lau against the City and County of San Francisco for \$140,000; the claim was filed on January 22, 2015; the claim involves an alleged personal injury on a City street. (City Attorney)

09/12/16; RECEIVED FROM DEPARTMENT.

09/20/16; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

Member Breed moved that this Resolution be RECOMMENDED. The motion carried by the following vote:

Ayes: 3 - Peskin, Yee, Breed

ADJOURNMENT

There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 12:35 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.