

Jeff Sheehy



July 3, 2018

LeeAnn Pelham
Executive Director
City and County of San Francisco Ethics Commission
25 Van Ness Avenue, Suite 220
San Francisco, California 04102

Dear Ms. Pelham:

Pursuant to San Francisco Campaign and Governmental Conduct Code section 3.234(c)(3), I am writing to request a waiver from the ban on receiving compensation from certain City contractors imposed by subsection 3.234(a)(3).

The late-Mayor Ed Lee appointed me to fill a vacancy as District 8 Supervisor on January 6, 2017. This appointment required me to leave my employment at the University of California San Francisco, where I had worked for 17 years. As you know, I was not elected to serve a full term at the June 5, 2018, election. I will therefore step down from the Board on July 10, 2018, but have not yet found new employment. Unfortunately, there are very few openings in my chosen field of employment in any given year, let alone positions that would enable me to provide the income and benefits my family relies upon me to provide. A waiver would enable me to pursue a position with the University of California, my former employer, that is currently open and for which I am qualified. This position would afford me the opportunity to work in my chosen field and continue to accrue benefits as an employee of the University of California.

If I am barred from pursuing this position or others like them that may subsequently open at UC, I will likely lose the opportunity to work in my chosen vocation and will be deprived of the chance to accrue sufficient time as a UC employee (20 years) to fully vest for purposes of health care benefits. This will be an extreme hardship for me, my husband, and my daughter. Counterbalancing this is the fact my limited participation in the three UC-San Francisco contracts that came before the Board during my term did not create the potential for, or appearance of, any undue influence or unfair advantage for UC. Accordingly, I respectfully request that the Commission consider the following facts and approve my request for a waiver:

I. The UC-City Contracts At Issue

As suggested above, I am seeking this waiver so that I can seek employment with UC in the coming months. During my service on the Board, I participated personally in the award of the following three contracts between UC and the City:

- (1) On October 3, 2017, I sponsored a resolution retroactively authorizing the Department of Public Health to accept a \$144,996 grant from the Regents of the University of California, Office of the President, to participate in a program entitled PrEP-T: Advancing PrEP Delivery in the Transgender Community for the period of April 1, 2016, through March 31, 2018. Exs. A & B The resolution was approved by a vote of 11-0. Ex. C.
- (2) On February 27, 2018, I joined a unanimous board in approving an ordinance authorizing the settlement of a lawsuit filed by David Zeller alleging medical malpractice at San Francisco General. The settlement agreement required: the City to pay \$290,000; the UC Regents, a co-defendant in the lawsuit, to pay \$200,245; and upon approval by the probate court and agreement by plaintiff, the California Department of Health Care Services to provide an additional \$65,300. Exs. D & E. The agreement was approved by a vote of 10-0, with one member excused. Ex. F
- (3) On February 27, 2018, I again joined a unanimous board in approving an ordinance authorizing the settlement of the lawsuit filed by Donald Spadini alleging negligence by doctors, nurses and staff. The settlement agreement required the City to pay \$120,600, and the UC Regents, a co-defendant in the lawsuit, to pay \$59,400. Exs. D & G. The agreement was approved by a vote of 10-0, with one member excused. Ex. F.

None of these decisions involved a commitment of City funds and all were made unanimously.

II. The Prohibition Would Cause Extreme Hardship For Me And My Family

I am the primary breadwinner for my family. My husband is a real estate transaction coordinator and is an independent contractor. As such, he does not receive benefits in connection with his work. We have a teenage daughter. All three of us have relied on my salary as our primary source of income, and relied on the health insurance provided through my employers as our exclusive source of health insurance. Because I have not yet found new employment, my family

and I expect that we will lose a significant share of our income and all of our health insurance and other benefits when I step down from the Board of Supervisors in July.

The loss of health insurance is particularly concerning because I am HIV positive. This fact makes my need for continuous, high-quality health insurance absolutely essential, but it also makes it far more difficult for me to acquire the kind of insurance I need. Many employers, particularly smaller employers, do not offer the kind of coverage I need at a price my family can afford. Coverage through Covered California is an option, but for a family of three which does not qualify for subsidies and requires the coverage provided by Platinum-level plans, the costs would be exceedingly steep. The same would be true of maintaining my current coverage through COBRA. For these reasons, I do not have the luxury of seeking employment from the full range of employers located in the Bay Area. I must instead focus my search on larger employers who offer generous health insurance benefits. Furthermore, because I have 17 years of prior service on behalf of UC, I would be entitled to full health care coverage for me and my spouse if I were able to accrue three additional years of service.¹

Nor could I seek employment with many of the private-sector employers in the Bay Area without sacrificing my chosen vocation: to advocate for those living with HIV, and to support and advocate for medical research. I have devoted my life to this work, including serving as the former President of the Harvey Milk LGBT Democratic Club; as former Mayor Newsom's advisor on HIV/AIDS; as a victim advocate in the San Francisco District Attorney's office; as a founding member of the Steering Committee of San Francisco's Getting to Zero Consortium, which seeks to help the City eliminate new HIV infections and deaths; as the communications director at the UCSF AIDS Research Institute from 2000 through 2016; and as a member of the Governing Board of the California Institute for Regenerative Medicine, the state's stem cell research agency, since 2004.

I may also be unable to obtain adequate and affordable life and disability insurance coverage if I am unable to work for UC. Having to disclose my HIV status to a private employer or insurance company could make it impossible to obtain affordable life and disability insurance. By contrast, UC waives pre-existing conditions for employees who wish to obtain life and disability insurance.

I am exceedingly reluctant to seek employment outside the Bay Area. My daughter has always attended San Francisco public schools, my husband's real estate clients are here, and we own a

¹ An employee of UC who accrues 20 years of employment is entitled to full health coverage for the employee and his or her spouse, without an employee contribution.

home in Glen Park. It would therefore be extremely disruptive to my entire family if we had to relocate.

To summarize, there are very few job openings in the Bay Area in any given year that provide the insurance and level of income I feel obligated to provide for my family and myself, and which would allow me to continue pursuing my chosen vocation.

There is, however, a current opening with UC that would allow me to do all of these things. The position involves working on issues that involve medical research, including for those living with HIV.² In addition, the position would provide robust health, life, and disability insurance for me and my family, as well as a level of income that will ensure I can adequately care for my family.

Importantly, the position would also allow me to continue participating in UC's retirement program. I have already accrued pension benefits while working for UC in the 17 years prior to my service on the Board of Supervisors. If I am able to begin working with UC again, I will be able to continue accruing pension benefits. This is another very important consideration, given that I am currently 61 years old.

Since the election, I have been actively looking for other positions, but the position with UC is the only position I have found that fits the criteria described above.

If I am forced by the prohibition to wait to apply for any position with UC until February 27, 2019, the position will have been filled. It is unclear when another position in my chosen vocation will open at UC, but it could realistically take years. Similarly, it could be years or many months before another position in my chosen vocation opens with any Bay Area employer that would be willing and able to provide the income and benefits my family needs. I am concerned that I could face a prolonged period of unemployment, which would be very challenging from both a financial and professional perspective.

III. Granting A Waiver Would Not Raise Any Ethical Concerns

I understand that the prohibition on employment with City contractors exists to protect the integrity of governmental decision-making; to ensure that contracts are, and appear to be, awarded on a fair and impartial basis; and to avoid creating unnecessary barriers to public

² I would prefer to not publically identify the specific position in which I have an interest for both personal and professional reasons. If, however, identification of the position is important to the Commission's consideration of this waiver request, I will be prepared to respond to questions at the July 20, 2018 meeting.

service. SF C&GCC § 3.200. I support these goals, and firmly believe that my involvement in these contracts did not create the potential for, or appearance of, any undue influence, favoritism, or preferential treatment. The waiver I seek would therefore be fully consistent with the purposes of the prohibition.

To begin with, I had no conflict of interest at the time of my involvement with the three contracts. In October 2017 and February 2018, when the Board considered these contracts, I was devoting my full professional energies to serving my district on the Board of Supervisors and my campaign for election to a full term on June 5, 2018. Accordingly, I was not seeking employment with UC or with any other employer prior to the election, and I did not engage in any negotiations with UC or any other potential employer before June 5, 2018.

I also had no role in negotiating the terms of the three contracts. The resolution relating to the first contract just retroactively allowed the City to accept a grant UC had already awarded to the City's Department of Public Health in 2016 before I joined the Board of Supervisors. *See Ex. B.* In fact, by the time the resolution was approved, most of the authorized grant period had already elapsed (19 of 24 months). Its continuation beyond that was subject to the availability of funds and satisfactory progress of the project. *Id.* at 4. The votes approving the settlement agreements merely gave the Board the choice to approve or disapprove agreements that had already been negotiated by counsel for the parties to the litigation. Neither I nor any other Board member sought to change those previously negotiated terms.

Furthermore, none of the three contracts at issue can reasonably be construed to provide UC with any preferential treatment, in part because none involved the payment of any City funds to UC. To the contrary, the resolution approving the public health grant involved UC giving money to the City. And the votes approving the settlement agreements involved the City and UC separately paying funds to plaintiffs; no money or benefits were exchanged between the City and UC, who were co-defendants in both lawsuits.

Finally, my role in supporting these contracts was immaterial to their ultimate approval. The Board approved each contract unanimously, without debate or dissent. My own vote was simply beside the point.

In short, the facts surrounding my participation in all three contracts readily demonstrate that I did not engage in any unfair or biased conduct towards UC, and that my conduct did not give rise even to the appearance of any impropriety.

IV. Public Employment Raises Fewer Ethical Concerns Than Private Employment

I understand that San Francisco's ban on receiving compensation from certain City contractors does not distinguish between contractors who are from the public sector, and contractors who are from the private sector. Nevertheless, many state ethics laws do draw such a distinction, demonstrating that public officials who secure subsequent employment in the public sector raise fewer ethical concerns than officials who secure subsequent employment in the private sector.

For example, Government Code section 87407 prohibits a public official from making, participating in making, or attempting to influence any government decision regarding a prospective employer, but the prohibition does not apply if the employer is a state, local, or federal government agency. Cal. Code Regs. tit. 2, § 18747(d)(3).

Government Code section 87406 prohibits state officials from communicating with his former agency to influence an agency action for one year after leaving office, but does not apply if the former official becomes an officer or employee of another state agency or an elected official of a local agency. Gov't Code § 87406(e).

Government Code section 87406.3 prohibits local elected officials from communicating with their former agency to influence an agency action for one year after leaving office, but does not apply if they are appearing on behalf of another public agency. Gov't Code § 87406.3(b).

Government Code section 82030(b)(2) excludes compensation received from a government agency from the definition of "income" for purposes of state ethics laws. Therefore, an official who receives income from a government agency is not considered to have a financial interest in that agency.

Consequently, I believe the fact that I am seeking a waiver in order to secure employment in the public sector should further weigh in favor of granting the waiver.

V. Prior Similar Waiver Considerations By The Commission

It is my understanding, based on your May 19, 2016 Memorandum analyzing Julie Christensen's request for a waiver from certain post-employment restrictions, that the Commission has previously considered and granted three requests to waive the ban on receiving compensation from certain City contractors. In two of those requests, the former City officials had actively participated in negotiating and awarding City contracts to their prospective employers. In one case, the Commission granted a waiver to allow a former Director of the Mayor's Office of

LeeAnn Pelham
Executive Director
City and County of San Francisco Ethics Commission
July 3, 2018
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Housing to work for an organization that signed five contracts with the City in the previous 12 months, including three which the former Director had actively participated in awarding. In the other, the Commission granted a waiver to allow a former City official to work for a nonprofit corporation focused on bringing the America's Cup to the City, after that official had worked for the City for nearly one year in negotiations with that nonprofit and the America's Cup Authority.

My involvement in the three contracts at issue here was significantly less than the involvement of either of these officials, given that I merely voted to approve grants and agreements that had been negotiated by other parties.

VI. Certification And Conclusion

Pursuant to Ethics Regulation 3.234-4(a)(2), I certify that I have provided a copy of this waiver request to Angela Calvillo, the Clerk of the Board of Supervisors.

For all of the reasons described above, I respectfully urge the Committee to grant my request for a waiver. I will appear at the Commission's July 20, 2018 meeting, and will be happy to address any questions or concerns that any commissioner may have.

I sincerely appreciate your and the Commission's time and attention to this request.

Sincerely,



Jeff Sheehy

EXHIBIT A



BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO AGENDA

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tuesday, October 3, 2017 - 2:00 PM

Regular Meeting

LONDON BREED, PRESIDENT
MALIA COHEN, MARK FARRELL, SANDRA LEE FEWER, JANE KIM, AARON PESKIN,
HILLARY RONEN, AHSHA SAFAI, JEFF SHEEHY, KATY TANG, NORMAN YEE

Angela Calvillo, Clerk of the Board

Agendas of the Board of Supervisors are available on the internet at www.sfbos.org

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee
Supervisors Cohen, Yee, Tang

Budget and Finance Federal Select Committee
Supervisors Cohen, Sheehy, Fewer

Government Audit and Oversight Committee
Supervisors Kim, Peskin, Breed

Land Use and Transportation Committee
Supervisors Farrell, Peskin, Tang

Public Safety and Neighborhood Services Committee
Supervisors Ronen, Sheehy, Fewer

Rules Committee
Supervisors Safai, Fewer, Yee

Meeting Days

Thursday
10:00 AM

Thursday
1:00 PM

1st and 3rd Wednesday
10:00 AM

Monday
1:30 PM

2nd and 4th Wednesday
10:00 AM

2nd and 4th Wednesday
2:00 PM

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Cohen, Yee

4. [170669](#) **[Software License and Maintenance Agreement - Mythics Inc. - Oracle Licenses and Software Support - Not to Exceed \$11,832,968.89]**
Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Agreement No. CS-1090 with Mythics Inc. for the purchase of certain as-needed Oracle licenses and software support, for an amount not to exceed \$11,832,968.89, and with an anticipated term to commence November 30, 2017, through March 22, 2023. (Public Utilities Commission)
- (Fiscal Impact)
- Question: Shall this Resolution be ADOPTED?**
5. [170955](#) **[Accept and Expend Grant - The Regents of the University of California, Office of the President - PrEP-T: Advancing PrEP Delivery in the Transgender Community - \$144,996]**
Sponsor: Sheehy
Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$144,996 from The Regents of the University of California, Office of the President to participate in a program entitled PrEP-T: Advancing PrEP Delivery in the Transgender Community for the period of April 1, 2016, through March 31, 2018. (Public Health Department)
- Question: Shall this Resolution be ADOPTED?**

Recommendation of the Land Use and Transportation Committee

Present: Supervisors Peskin, Tang, Sheehy

6. [170209](#) **[Public Works Code - Bicycle Chop Shops]**
Sponsor: Sheehy
Ordinance amending the Public Works Code to prohibit the assembly, disassembly, sale, offer of sale, distribution, offer of distribution, or storage of bicycles and bicycle parts on the public right-of-ways, under certain conditions and with certain exceptions; authorize Public Works to remove and seize bicycles and bicycle parts following issuance of a notice of violation; and allow either the recipient of the notice or any other person who can demonstrate lawful ownership to retrieve seized items from Public Works after 30 days.
- 07/18/2017; CONTINUED ON FIRST READING.
- 07/25/2017; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.
- 07/25/2017; RE-REFERRED AS AMENDED to the Land Use and Transportation Committee.
- Question: Shall this Ordinance be PASSED ON FIRST READING?**

EXHIBIT B

1 [Accept and Expend Grant - The Regents of the University of California, Office of the
2 President - PrEP-T: Advancing PrEP Delivery in the Transgender Community - \$144,996]

3 **Resolution retroactively authorizing the Department of Public Health to accept and**
4 **expend a grant in the amount of \$144,996 from The Regents of the University of**
5 **California, Office of the President to participate in a program entitled PrEP-T:**
6 **Advancing PrEP Delivery in the Transgender Community for the period of April 1, 2016,**
7 **through March 31, 2018.**

8
9 WHEREAS, The Regents of the University of California, Office of the President has
10 agreed to fund Department of Public Health (DPH) in the amount of \$144,996 for the period of
11 April 1, 2016, through March 31, 2018; and

12 WHEREAS, The full project period of the grant starts on April 1, 2016, and ends on
13 March 31, 2020, with years three and four subject to availability of funds and satisfactory
14 progress of the project; and

15 WHEREAS, As a condition of receiving the grant funds, The Regents of the University
16 of California, Office of the President requires the City to enter into an agreement (Agreement),
17 a copy of which is on file with the Clerk of the Board of Supervisors in File No. 170955; which
18 is hereby declared to be a part of this Resolution as if set forth fully herein; and

19 WHEREAS, The purpose of this project will support Dr. Albert Liu as the Principal
20 Investigator of the study and will be responsible for achieving the specific aims of the study,
21 for maintaining the proposed study schedule, ensuring quality control over all aspects of the
22 study, protect participant safety and confidentiality, and provide data analysis and publication
23 of results; and

1 WHEREAS, An Annual Salary Ordinance amendment is not required as the grant
2 partially reimburses DPH for one existing position, one Senior Physician Specialist (Job Class
3 No. 2232) at .20 FTE for the period of April 1, 2016, through March 31, 2018; and

4 WHEREAS, A request for retroactive approval to April 1, 2016, is being sought
5 because an accept and expend was not needed for Year 1 since the grant was under
6 \$100,000 and was not added to the Annual Appropriation Ordinance budget; and

7 WHEREAS, Because Year 1 was not included in the Annual Appropriation Ordinance
8 budget, we are requesting retroactive approval to accept and expend the grant funds for
9 Year 2; and

10 WHEREAS, The budget includes a provision for indirect costs in the amount of
11 \$20,865; now, therefore, be it

12 RESOLVED, That DPH is hereby authorized to retroactively accept and expend a grant
13 in the amount of \$144,996 from The Regents of the University of California, Office of the
14 President; and, be it

15 FURTHER RESOLVED, That DPH is hereby authorized to retroactively accept and
16 expend the grant funds pursuant to Administrative Code, Section 10.170-1; and, be it

17 FURTHER RESOLVED, That the Director of Health is authorized to enter into the
18 Agreement on behalf of the City.
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1 RECOMMENDED:



3
4 Barbara A. Garcia, MPA
Director of Health

APPROVED:



6 Office of the Mayor



8 Office of the Controller



City and County of San Francisco
Tails
Resolution

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

File Number: 170955

Date Passed: October 03, 2017

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$144,996 from The Regents of the University of California, Office of the President to participate in a program entitled PrEP-T: Advancing PrEP Delivery in the Transgender Community for the period of April 1, 2016, through March 31, 2018.

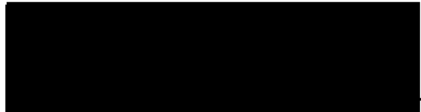
September 21, 2017 Budget and Finance Committee - RECOMMENDED

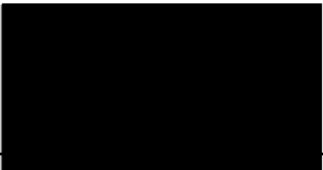
October 03, 2017 Board of Supervisors - ADOPTED

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy,
Tang and Yee

File No. 170955

I hereby certify that the foregoing
Resolution was ADOPTED on 10/3/2017 by
the Board of Supervisors of the City and
County of San Francisco.


Angela Calvillo
Clerk of the Board


Mayor
ACTING MAYOR

10/12/2017
Date Approved

EXHIBIT C

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, October 3, 2017 - 2:00 PM

**Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689**

Regular Meeting

LONDON BREED, PRESIDENT

**MALIA COHEN, MARK FARRELL, SANDRA LEE FEWER, JANE KIM, AARON PESKIN,
HILLARY RONEN, AHSHA SAFAI, JEFF SHEEHY, KATY TANG, NORMAN YEE**

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee
Supervisors Cohen, Yee, Tang

Budget and Finance Federal Select Committee
Supervisors Cohen, Sheehy, Fewer

Government Audit and Oversight Committee
Supervisors Kim, Peskin, Breed

Land Use and Transportation Committee
Supervisors Farrell, Peskin, Tang

Public Safety and Neighborhood Services Committee
Supervisors Ronen, Sheehy, Fewer

Rules Committee
Supervisors Safai, Fewer, Yee

Meeting Days

Thursday
10:00 AM

Thursday
1:00 PM

1st and 3rd Wednesday
10:00 AM

Monday
1:30 PM

2nd and 4th Wednesday
10:00 AM

2nd and 4th Wednesday
1:00 PM

First-named Supervisor is Chair, Second-named Supervisor is Vice-Chair of the Committee.

Volume 112 Number 30

NEW BUSINESS

Recommendations of the Budget and Finance Committee

170669 [Software License and Maintenance Agreement - Mythics Inc. - Oracle Licenses and Software Support - Not to Exceed \$11,832,968.89]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Agreement No. CS-1090 with Mythics Inc. for the purchase of certain as-needed Oracle licenses and software support, for an amount not to exceed \$11,832,968.89, and with an anticipated term to commence November 30, 2017, through March 22, 2023. (Public Utilities Commission)
(Fiscal Impact)

NOT ADOPTED by the following vote:

Ayes: 5 - Cohen, Farrell, Safai, Sheehy, Tang

Noes: 6 - Breed, Fewer, Kim, Peskin, Ronen, Yee

Supervisor Farrell, seconded by Supervisor Safai, moved to rescind the previous vote. The motion carried by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

Privilege of the floor was granted unanimously to John Scarpulla (Public Utilities Commission) who responded to questions raised throughout the discussion.

Supervisor Farrell, seconded by Supervisor Tang, moved that this Resolution be CONTINUED to the Board of Supervisors meeting of October 17, 2017. The motion carried by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

170955 [Accept and Expend Grant - The Regents of the University of California, Office of the President - PrEP-T: Advancing PrEP Delivery in the Transgender Community - \$144,996]

Sponsor: Sheehy

Resolution retroactively authorizing the Department of Public Health to accept and expend a grant in the amount of \$144,996 from The Regents of the University of California, Office of the President to participate in a program entitled PrEP-T: Advancing PrEP Delivery in the Transgender Community for the period of April 1, 2016, through March 31, 2018. (Public Health Department)

Resolution No. 371-17

ADOPTED by the following vote:

Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang, Yee

EXHIBIT D



BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO AGENDA

Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tuesday, February 27, 2018 - 2:00 PM

Regular Meeting

LONDON BREED, PRESIDENT
MALIA COHEN, SANDRA LEE FEWER, JANE KIM, AARON PESKIN, HILLARY RONEN,
AHSHA SAFAI, JEFF SHEEHY, CATHERINE STEFANI, KATY TANG, NORMAN YEE

Angela Calvillo, Clerk of the Board

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Budget and Finance Committee
Supervisors Cohen, Fewer, Stefani

Budget and Finance Federal Select Committee
Supervisors Cohen, Fewer, Tang

Government Audit and Oversight Committee
Supervisors Kim, Peskin, Breed

Land Use and Transportation Committee
Supervisors Tang, Kim, Safai

Public Safety and Neighborhood Services Committee
Supervisors Sheehy, Ronen, Peskin

Rules Committee
Supervisors Safai, Yee, Stefani

Meeting Days

Thursday
1:00 PM

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1:00 PM

1st and 3rd Wednesday
10:00 AM

Monday
1:30 PM

2nd and 4th Wednesday
10:00 AM

2nd and 4th Wednesday
2:00 PM

Recommendation of the Budget and Finance Committee

Present: Supervisors Cohen, Fewer, Stefani

16. **180032** **[Shelter and Transitional Housing During Shelter Crisis - Selection of Sites; Waiver of Certain Requirements Regarding Contracting]**
Sponsors: Mayor; Kim, Ronen, Sheehy and Cohen

Ordinance authorizing Public Works, the Department of Homelessness and Supportive Housing, and the Department of Public Health to enter into contracts without adhering to the Administrative Code or Environment Code provisions regarding competitive bidding and other requirements for construction work, procurement, and personal services relating to identified Shelter Crisis Sites (1601 Quesada Avenue; 149-6th Street; 125 Bayshore Boulevard; 13th Street and South Van Ness Avenue, southwest corner; 5th Street and Bryant Street, northwest corner; Caltrans Emergency Shelter Properties; and existing City Navigation Centers and Shelters) that will provide emergency shelter or transitional housing to persons experiencing homelessness; authorizing the Director of Property to enter into and amend leases or licenses for the Shelter Crisis Sites without adherence to certain provisions of the Administrative Code; authorizing the Director of Public Works to add sites to the list of Shelter Crisis Sites subject to expedited processing, procurement, and leasing upon compliance with conditions relating to environmental review and neighborhood notice, and approval by resolution of the Board of Supervisors, except that no resolution shall be required when the proposed site is located in a supervisorial district that has no Shelter Crisis Sites; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

(Fiscal Impact)

02/13/2018; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

02/13/2018; PASSED ON FIRST READING AS AMENDED.

Question: Shall this Ordinance be FINALLY PASSED?

Recommendations of the Government Audit and Oversight Committee

Present: Supervisors Kim, Fewer

17. **180026** **[Settlement of Lawsuit - Donald Spadini - \$120,600]**

Ordinance authorizing settlement of the lawsuit filed by Donald Spadini against the City and County of San Francisco for \$120,600; the lawsuit was filed on September 13, 2016, in San Francisco Superior Court, Case No. CGC-16-554218; entitled Donald Spadini v. City and County of San Francisco, et al.; the lawsuit involves alleged negligence of doctors, nurses and staff; other material terms of the settlement are Co-Defendant The Regents of the University of California is paying \$59,400. (City Attorney)

02/13/2018; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

18. [180027](#) **[Settlement of Lawsuit - David Zeller (Deceased) - \$290,000]**
Ordinance authorizing settlement of the lawsuit filed by David Zeller against the City and County of San Francisco for \$290,000; the lawsuit was filed on March 14, 2013, in San Francisco Superior Court, Case No. CGC-13-529554; entitled David Zeller v. San Francisco General Hospital, et al.; the lawsuit involves alleged medical malpractice; other terms of the settlement are UC Regents to pay \$200,245 and upon approval by the probate court and Plaintiff's acceptance of the probate court's allocation of funds, California Department of Health Care Services to disgorge \$65,300 paid for MediCal lien to be paid to plaintiff. (City Attorney)

02/13/2018; PASSED ON FIRST READING.

Question: Shall this Ordinance be FINALLY PASSED?

NEW BUSINESS

Recommendations of the Budget and Finance Committee

Present: Supervisors Fewer, Stefani

19. [171164](#) **[Authorizing the Community Corrections Partnership Executive Committee to Spend Local Innovation Subaccount Funds]**
Sponsor: Fewer
Resolution authorizing the Community Corrections Partnership Executive Committee to develop funding recommendations for Local Innovation Subaccount Funds for pre-trial services and/or transitional reentry housing for justice-involved people between the ages of 18 to 35.

Question: Shall this Resolution be ADOPTED?

20. [180011](#) **[Airport Professional Services Agreement Modification - Bombardier Transportation (Holdings) USA, Inc.- AirTrain System Operation and Maintenance Services - Not to Exceed \$130,299,196]**
Resolution approving Modification No. 4 to Contract No. 8838, AirTrain Operations and Maintenance, with Bombardier Transportation (Holdings) USA, Inc., exercising the last one-year option to commence on March 1, 2018, for a total term of March 1, 2009, through February 28, 2019, and increasing the contract amount by \$14,854,228 for a new total contract amount not to exceed \$130,299,196, pursuant to Charter, Section 9.118(b). (Airport Commission)

(Fiscal Impact)

Question: Shall this Resolution be ADOPTED?

EXHIBIT E

File No. 180027

Committee Item No. 12

Board Item No. 18

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight

Date: February 7, 2018

Board of Supervisors Meeting:

Date: February 27, 2018

Cmte Board

<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input type="checkbox"/>	<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Ordinance
<input type="checkbox"/>	<input type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	<input type="checkbox"/>	Budget and Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input type="checkbox"/>	<input type="checkbox"/>	Introduction Form
<input type="checkbox"/>	<input type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	MOU
<input type="checkbox"/>	<input type="checkbox"/>	Grant Information Form
<input type="checkbox"/>	<input type="checkbox"/>	Grant Budget
<input type="checkbox"/>	<input type="checkbox"/>	Subcontract Budget
<input type="checkbox"/>	<input type="checkbox"/>	Contract/Agreement
<input type="checkbox"/>	<input type="checkbox"/>	Form 126 – Ethics Commission
<input type="checkbox"/>	<input type="checkbox"/>	Award Letter
<input type="checkbox"/>	<input type="checkbox"/>	Application
<input type="checkbox"/>	<input type="checkbox"/>	Public Correspondence

OTHER

☐ ☐ _____

Prepared by: John Carroll

Date: February 2, 2018

Prepared by: John Carroll

Date: February 8, 2018

1 [Settlement of Lawsuit - David Zeller (Deceased) - \$290,000]


2
3 Ordinance authorizing settlement of the lawsuit filed by David Zeller against the City
4 and County of San Francisco for \$290,000; the lawsuit was filed on March 14, 2013, in
5 San Francisco Superior Court, Case No. CGC-13-529554; entitled David Zeller v. San
6 Francisco General Hospital, et al.; the lawsuit involves alleged medical malpractice;
7 other terms of the settlement are UC Regents to pay \$200,245 and upon approval by the
8 probate court and Plaintiff's acceptance of the probate court's allocation of funds,
9 California Department of Health Care Services to disgorge \$65,300 paid for MediCal lien
10 to be paid to plaintiff.

11
12 Be it ordained by the People of the City and County of San Francisco:

13 Section 1. Pursuant to Charter section 6.102(5), the Board of Supervisors hereby
14 authorizes the City Attorney to settle the action entitled David Zeller v. San Francisco General
15 Hospital, et al., San Francisco Superior, Case No. CGC-13-529554 by the payment of
16 \$290,000 and UC Regents to pay \$200,245 and upon approval by the probate court and
17 Plaintiff's acceptance of the probate court's allocation of funds, California Department of
18 Health Care Services to disgorge \$65,300 paid for MediCal lien to be paid to plaintiff. The
19 lawsuit involves alleged medical malpractice.

20 Section 2. The above-named action was filed in San Francisco Superior Court on
21 March 14, 2013, and the following parties were named in the lawsuit: Plaintiffs: David Zeller,
22 Michael T. McCowan, as Personal Representative of the Estate of David Zeller, Deceased;
23 Defendants: City and County of San Francisco and Regents of the University of California.
24
25

1 APPROVED AS TO FORM AND
2 RECOMMENDED:

3 DENNIS J. HERRERA
4 City 


5 Cheryl Adams
6 Chief Trial 

7 FUNDS A


8 BEN ROSENFELD
9 Controller

RECOMMENDED:

DEPARTMENT OF PUBLIC HEALTH


BARBARA A. GARCIA
Director

APPROVED:


MARK MOREWITZ
Secretary, Health Commission

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LEGISLATION RECEIVED CHECKLIST

Date 1/8/18 File Number (if applicable) _____

- ☒ Legislation for Introduction (NEW) ▶▶▶ Legislative Clerk
☐ Legislation Pending in Committee (AMENDED) ▶▶▶ Committee Clerk
☐ Legislation for Board Agenda (AMENDED) ▶▶▶ Deputy Clerk

Supervisor, Mayor, and Departmental Submittals

Grant Ordinance

- ☐ Legislation: Original, 1 hard copy, and 1 electronic copy in **Word** format
☐ Signature: Department Head, Mayor or the Mayor's designee, plus the Controller
☐ Supporting documents: 1 full set, and separate pdf copies of each in email
☐ Cover letter (original)
☐ Grant budget/application
☐ Grant information form, including signed disability checklist
☐ Letter of Intent or grant award letter from funding agency
☐ Contract, Leases/Agreements (if applicable)
☐ Ethics Form 126 (if applicable) in **Word** format
☐ Other support documents as identified in the cover letter and legislation
☐ E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org

Ordinance

- ☒ Legislation: Original, 1 hard copy, and 1 electronic copy in **Word** format
☒ Signature: City Attorney (For Settlement of Lawsuits - City Attorney; Department Head; Controller; Commission Secretary)
☒ Supporting documents: 1 full set, and separate pdf copies of each in email
☒ Cover letter (original)
☒ Settlement Report/Agreement (for settlements)
☐ Other support documents as identified in the cover letter and legislation
☒ E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org

Grant Resolution

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☐ E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org

Resolution

- ☐ Legislation: Original, 1 hard copy, and 1 electronic copy in **Word** format
☐ Signature: None (Note: Required for Settlement of Claims - City Attorney, Department Head, Controller, Commission Secretary)
☐ Supporting documents: 1 full set, and separate pdf copies of each in email
☐ Cover letter (original)
☐ Settlement Report/Agreement (for settlements)
☐ Other support documents as identified in the cover letter and legislation
☐ E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org

Joy Peet 554-3869
 Name and Telephone Number

City Attorney
 Department

Clerk's Office/Forms/Legislation Received Checklist (1/2015) for more help go to: sfbos.org/about-the-board/general-legislative-process-handbook

EXHIBIT F

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

MEETING MINUTES

Tuesday, February 27, 2018 - 2:00 PM

**Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689**

Regular Meeting

LONDON BREED, PRESIDENT

**MALIA COHEN, SANDRA LEE FEWER, JANE KIM, AARON PESKIN, HILLARY RONEN,
AHSHA SAFAI, JEFF SHEEHY, CATHERINE STEFANI, KATY TANG, NORMAN YEE**

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee
Supervisors Cohen, Fewer, Stefani

Budget and Finance Federal Select Committee
Supervisors Cohen, Fewer, Tang

Government Audit and Oversight Committee
Supervisors Kim, Peskin, Breed

Land Use and Transportation Committee
Supervisors Tang, Kim, Safai

Public Safety and Neighborhood Services Committee
Supervisors Sheehy, Ronen, Peskin

Rules Committee
Supervisors Safai, Yee, Stefani

Meeting Days

Thursday
1:00 PM

2nd and 4th Thursday
1:15 PM

1st and 3rd Wednesday
10:00 AM

Monday
1:30 PM

2nd and 4th Wednesday
10:00 AM

2nd and 4th Wednesday
2:00 PM

First-named Supervisor is Chair, Second-named Supervisor is Vice-Chair of the Committee.

Recommendations of the Government Audit and Oversight Committee

President Breed requested File Nos. 180026 and 180027 be called together.

Privilege of the floor was granted unanimously to Jon Givner (Office of the City Attorney) who informed the Board that Supervisor Sheehy was previously employed with the University of California, San Francisco (UCSF), and has been advised by the City Attorney that he has no conflict of interest on these matters; however, due to receiving a pension from UCSF, a full disclosure was made before the vote was taken on File Nos. 180026 and 180027.

180026 [Settlement of Lawsuit - Donald Spadini - \$120,600]

Ordinance authorizing settlement of the lawsuit filed by Donald Spadini against the City and County of San Francisco for \$120,600; the lawsuit was filed on September 13, 2016, in San Francisco Superior Court, Case No. CGC-16-554218; entitled Donald Spadini v. City and County of San Francisco, et al.; the lawsuit involves alleged negligence of doctors, nurses and staff; other material terms of the settlement are Co-Defendant The Regents of the University of California is paying \$59,400. (City Attorney)

Ordinance No. 040-18

FINALLY PASSED by the following vote:

Ayes: 10 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Yee

Excused: 1 - Tang

180027 [Settlement of Lawsuit - David Zeller (Deceased) - \$290,000]

Ordinance authorizing settlement of the lawsuit filed by David Zeller against the City and County of San Francisco for \$290,000; the lawsuit was filed on March 14, 2013, in San Francisco Superior Court, Case No. CGC-13-529554; entitled David Zeller v. San Francisco General Hospital, et al.; the lawsuit involves alleged medical malpractice; other terms of the settlement are UC Regents to pay \$200,245 and upon approval by the probate court and Plaintiff's acceptance of the probate court's allocation of funds, California Department of Health Care Services to disgorge \$65,300 paid for MediCal lien to be paid to plaintiff. (City Attorney)

Ordinance No. 041-18

FINALLY PASSED by the following vote:

Ayes: 10 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Yee

Excused: 1 - Tang

EXHIBIT G

File No. 180026

Committee Item No. 11

Board Item No. 17

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight

Date: February 7, 2018

Board of Supervisors Meeting:

Date: February 27, 2018

Cmte Board

<input type="checkbox"/>	<input type="checkbox"/>	Motion
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OTHER

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Prepared by: John Carroll

Date: February 2, 2018

Prepared by: John Carroll

Date: February 8, 2018

[Settlement of Lawsuit - Donald Spadini - \$120,600]

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Be it ordained by the People of the City and County of San Francisco:

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Section 2. The above-named action was filed in San Francisco Superior Court on September 13, 2016, and the following parties were named in the lawsuit: Plaintiff Donald Spadini and Defendants City and County of San Francisco and the Regents of the University of California.

1 APPROVED AS TO FORM AND
2 RECOMMENDED:

3 DENNIS J. HERRERA
4 City Attorney

5 CHERYL ADAMS
6 Chief Trial Deputy

7 FUNDS ADVISOR

8 BEN ROSENFIELD
9 Controller

RECOMMENDED:

DE [REDACTED] OF PUBLIC HEALTH

BARBARA A. GARCIA
Director

APPROVED:

[REDACTED]
Health Commission

10 n:\it\2017\170633\01227054.docx

LEGISLATION RECEIVED CHECKLIST

Date

1/8/18

File Number (if applicable)

180026

- ☒ Legislation for Introduction (NEW) ▶▶▶ Legislative Clerk
- ☐ Legislation Pending in Committee (AMENDED) ▶▶▶ Committee Clerk
- ☐ Legislation for Board Agenda (AMENDED) ▶▶▶ Deputy Clerk

Supervisor, Mayor, and Departmental Submittals

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