

**MINUTES**  
**Citizens' General Obligation Bond Oversight Committee**  
**November 21, 2013 Hearing Room 400 - City Hall**  
**San Francisco, CA 94102**

**1) Call to Order, Roll Call**

The meeting was called to order at 9:03 a.m. The following Committee members were present: Jonathan Alloy, Jerry Dratler, Michael Garcia, Minneola Ingersoll, John Madden, Corey Marshall, Terry Micheau, Robert Muscat and Rebecca Rhine.

**2) Approval, with possible modification, of the minutes of the October 3rd, 2013 meeting.**

There was public comment from Patrick-Monette Shaw regarding a public information request he submitted to the Controller's Office in which he requested draft meeting minutes.

At this time, there are technical difficulties with posting the meeting recordings on the web site. A resolution to the problem is in progress. It was also noted that, although there is no requirement that draft meeting minutes be provided to the public before approval by the Committee, the Controller's Office will make the minutes available within 10 business days from the date of the meeting, excluding holidays.

The minutes were approved.

(\*NOTE: Full recordings of Committee meetings are located at the Controller's web site under CGOBOC: Meeting Recordings and/or by request from the Controller's Office. Meeting Materials are also posted on the web site).

**3) Opportunity for the Committee members to comment to take action on any matters within the Committee's jurisdiction.**

**a. Liaison Assignments**

The Committee completed the assignment of liaisons to each project. The updated assignments are as follows:

- ESER: Jonathan Alloy & Robert Muscat
- SFGH: Terry Micheau & Corey Marshall
- Whistleblower Program: John Madden & Michael Garcia
- Community Engagement Benchmarking: Rebecca Rhine & Minneola Ingersoll
- 2011 Streets: Jerry Dratler & Corey Marshall
- CSA: Jerry Dratler
- Recreation & Park Bonds: Minneola Ingersoll

- Project Compliance: Corey Marshall

**b. Formal Process for Post Bond Review – Laguna Honda Hospital & Branch Library Improvement Plan**

The Committee discussed ways to approach the review. It was proposed that the Committee partner with the Controller's Office in the preparation of the close-out report. The CGOBOC CSA liaison would bring the draft report to the Committee to finalize.

There was public comment from Patrick Monette-Shaw in regard to Laguna Honda Hospital. Mr. Monette-Shaw suggested that the post bond review look at the use of funds for legal fees and the possible use of recovered funds for restoration in areas where scope reduction was necessary.

**c. CGOBOC Meeting Attendance**

Chair Rhine reminded the Committee members about the meeting attendance requirements referenced in the by-laws.

**4) Presentation from various departments regarding the Earthquake Safety and Emergency Response Bond Program**

Updates on the project were provided by Charles Higuera (Project Manager), Gabriella Jude-Cirelli and David Myerson (PUC). Robert Muscat and Jonathan Alloy provided the liaisons' report.

In response to questions from the Committee, Assistant Deputy Chief Ken Lombardy provided information about the status of the Fire Boat Funding. New funding has been obtained. The Pier will be designed to accommodate three fire boats.

Although relationships among the various parts of the ESER Project are strong, the Committee encouraged the adoption of formal MOUs. Other topics of discussion and questions included questions about security at the fire stations, recruiting skilled engineers for the fire boat, a budget and finance overview that included questions about possible sources of other funding, money for PS2 (unoccupied building) and PS1 (the occupied building). The next ESER bond will be on the June 2014 ballot.

The CSA Bond Program Management Memo was also discussed. Recommendations from the ESER Project Team included:

- DPW will create an MOU between DPW and SFPUC for the AWSS part of the ESER Project
- DPW will develop strategies to attract and retain high-quality builders
  - Implement design-build model for contracting
  - Retain a larger pool of Job Order Contracting (JOC) contractors
  - DPW will work with DBI to develop a process flow for the permitting process
  - DPW will consider developing the EPM as a project management tool

There was no public comment.

**5) Presentation from the 2011 Road Repaving and Street Safety Bond Program**

John Thomas, DPW Project Manager, said the paving projects are moving forward on schedule. Nineteen contracts are either in construction or at substantial completion, paving 397 blocks. Ten additional contracts are in the bid/award phase and will pave 291 blocks in the coming months. The design team is working on another ten contracts which will pave 268 blocks.

The streetscape program is a larger-scale project, comprised of community projects throughout the City as well as smaller projects that focus on pedestrian and bicycle safety improvement elements. The first of these projects to be completed include the Great Highway Streetscape Project and improvements along 24<sup>th</sup> Street.

The Castro and Taraval Streetscape projects have completed planning and design and are currently in the bid phase. Both Irving and Portrero are finalizing the planning phase and will move into design in the next few months.

The challenges of the streetscape program were discussed. There are challenges that include MUNI overhead lines. Other challenges include maintenance as part of the design projects as well as comparable repairs in some of the more isolated SF communities. Curbs and ramps will be handled by the Department of Public Works as part of a contract.

There wasn't a liaison report for this bond program.

There was no public comment.

**6) The Whistleblower Program**

A review of the FY2012-13 Whistleblower Report and 2013-14 Initiatives was provided by Tonia Lediju (CSA Audits Director) and Steve Flaherty (Whistleblower Program Manager). John Madden is the CGOBOC liaison to the Whistleblower Program. His review included remarks about the design and content for a survey. Ben Rosenfield, Controller, confirmed that Whistleblower Program information has been on some – but not all – past payroll notices to City employees. Mr. Garcia sought clarification of the appeal process, of which appeals are directed to the Ethics Commission and handled through collective bargaining. .

Public comment from Derek Kerr, M.D. is as follows: "Most of CGOBOC's Annual Report details and defends Whistleblower Program (WBP) procedures. It enfeebles oversight. That's what happens when the Controller's appointee to CGOBOC is assigned as Liaison to the Controller's WBP.

He states; "There is no provision for CGOBOC to oversee or review the work of the Ethics Commission...". In fact, CGOBOC has authority "to recommend departments in need of comprehensive audit". Ethics needs auditing because it hasn't sustained any Retaliation Complaint in 20 years.

CGOBOC spent \$73,000 on a "Community Engagement Benchmarking Report". And, the CSA routinely engages citizens in surveys about City services. CGOBOC can recommend a Whistleblower Satisfaction Survey.

The "Complaint Closure" section states the WBP sends notices of "Violation" or "No Violation" to implicated Departments. Violations are also noticed publicly in Quarterly WBP Reports. However, complainants are *not* told if their tips uncover Violations. CGOBOC can recommend informing whistleblowers".

**7) Public Comment on any matter within the Committee's jurisdiction**

Public Comment from Derek Kerr, M.D. is as follows: "Page 10 of the Annual Whistleblower Report is titled "Whistleblower Complaints". This is a misnomer.

It only lists one complaint that was investigated by the Ethics Commission. The great majority of retaliation complaints are buried after a "preliminary review". They never reach the "investigation" stage.

You can see the difference between the number of retaliation complaints filed and the number that get investigated by comparing this year's report with the report from last year. Last year, 17 retaliation complaints were received. As usual, none were substantiated. This year, the number of complaints filed has been withheld. Instead, we are only told that the Ethics Commission investigated one complaint.

CGOBOC should request a full accounting of complaints filed – as was done last year. It gives you – and the public – a better idea of what's really going on with Whistleblowers and retaliation".

The Committee asked to receive information about how many retaliation claims were filed in 2012 and 2013.

**8) Opportunity for the Committee members to comment to take action on any matters within the Committee's jurisdiction.**

The following action items were added for discussion at the January 2014 meeting:

- Discussion of how bond projects are maintained after the completion of work
- Projects for set-aside funds
- Polk Street Lessons Learned – per the Community Benchmarking Report, was this an example of successful community engagement?

The meeting was adjourned at 11:32 a.m.