

RECOMMENDATIONS AND RESPONSES – CITY ATTORNEY

Recommendation	Response
<p>6. SFMTA should modify its MOU with the City Attorney to specify the information that the City Attorney will provide and any arrangements that SFMTA and City Attorney make regarding confidential information. At a minimum, SFMTA should work with the City Attorney to identify the information that it will provide in each billing that will allow SFMTA to review bills for their accuracy and appropriateness. Specifically, SFMTA should consider having the City Attorney include at least the job classification and the pay rate of each employee whose time is billed.</p>	<p>The CAO has provided documentation to the SFMTA required by the MOU and additional oral agreements. The most recent quarterly bill documents the time of more than 130 CAO staff to the quarter hour. The billing rate applicable to any particular CAO staff member may change at any time to reflect step increases required by City collective bargaining agreements. These are implemented on the anniversary date of the individual employee and could result in multiple billing rates for an employee during a single quarter. To avoid any confusion, with future invoices, the CAO will advise the SFMTA of the highest billing rate that may be applicable to any staff member whose time is reflected in the invoice.</p>
<p>7. SFMTA should ensure that staff approves City Attorney billings before paying them. If SFMTA's procedures are impractical, it should develop procedures that it can comply with and still protect its interests.</p>	<p>The CAO will support SFMTA review of CAO invoices as requested.</p>
<p>8. SFMTA should request the City Attorney to correct the existing billings for incorrect billing rates, and remind the City Attorney that it should bill at the hourly rates stated in the MOU for listed staff.</p>	<p>The CAO has determined that the billing rate errors the Controller identified were in the MOU rather than the invoices. Nevertheless, the CAO will provide the SFMTA with a credit for the full value of the error in FY2011: \$5637. We will work with the SFMTA to correct the MOU errors.</p>