

FILE NO. 981828

ORDINANCE NO. 360-98

(Government Funding)

RO#98038
SA#12

1 APPROPRIATING \$590,000 FROM CLEAN WATER PROGRAM FUND BALANCE TO
2 CLAIMS AND JUDGEMENTS, PUC-CLEANWATER FOR FISCAL YEAR 1998-99 AND
3 AUTHORIZING SETTLEMENT OF LITIGATION OF PETER AND BARBARA WINKELSTEIN
FOR A TOTAL SETTLEMENT OF \$590,000.

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

5 **Section 1.** Funds are hereby appropriated for FY 1998-99 as follows:

Department and Number	Source of Funds and Purpose of Appropriation	Amount	
		Debit	Credit
Fund 5C-AAA-AAA Clean Water Program Funds	Department CWPAAA Clean Water-Administration	Program BAX	Water Pollution Control Operation
Funding Sources			
999-99999B (CWP11OPU2AAA)	Fund Balance	\$590,000	
Funding Uses			
021-05311 (CWP11OPU2AAA)	Judgments/Claims		\$590,000
	Total	<u>\$590,000</u>	<u>\$590,000</u>

18 **Section 2.** The City Attorney is hereby authorized to settle the complaint of Peter
19 and Barbara Winkelstein, in the consolidated action entitled Yee v. City
20 and County of San Francisco and consolidated actions, San Francisco
21 Superior Court No. 980-740, by payment of \$590,000 to plaintiffs Peter
22 and Barbara Winkelstein. . The City has agreed to defend and indemnify
23 the Winkelsteins in any future third party home-owner actions relating to
the December 11, 1995 Seacliff incident. As consideration for this
settlement, the Winkelsteins have agreed to dismiss with prejudice the
City from the referenced litigation, to fully release the City from all claims
arising from the December 11, 1995 Seacliff incident, and to assign to
the City all claims that the Winkelsteins have against co-defendants to
the action.

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

FUNDS AVAILABLE
EDWARD M. HARRINGTON
CONTROLLER

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BY: 
DEPUTY CITY ATTORNEY

BY: 

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City and County of San Francisco

Veterans Building
401 Van Ness Avenue, Room 308
San Francisco, CA 94102-4532

Tails Ordinance

File Number: 981828

Date Passed:

Ordinance appropriating \$590,000, PUC-Cleanwater, from Clean Water Program Fund Balance to claims and judgments for fiscal year 1998-1999 and authorizing settlement of litigation of Peter and Barbara Winkelstein for a total settlement of \$590,000.

November 23, 1998 Board of Supervisors — PASSED ON FIRST READING

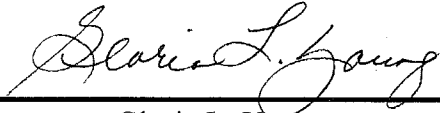
Ayes: 11 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Medina, Newsom,
Teng, Yaki, Yee

December 7, 1998 Board of Supervisors — FINALLY PASSED

Ayes: 9 - Ammiano, Bierman, Brown, Katz, Kaufman, Leno, Teng, Yaki, Yee
Absent: 2 - Medina, Newsom

File No. 981828

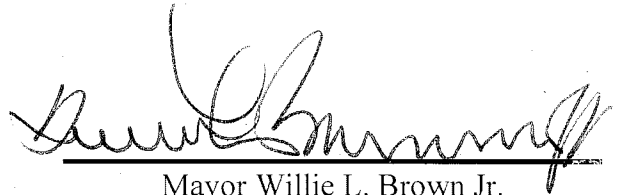
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on December 7, 1998
by the Board of Supervisors of the City and
County of San Francisco.



Gloria L. Young
Clerk of the Board

DEC 11 1998

Date Approved



Mayor Willie L. Brown Jr.