File No. <u>211220</u>

Committee Item No.4Board Item No.3

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: <u>Government Audit and Oversight</u> **Board of Supervisors Meeting:**
 Date:
 January 20, 2022

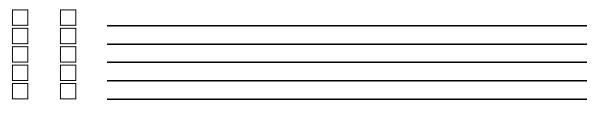
 Date:
 February 8, 2022

Cmte Board

		Motion
H	H	Resolution
\square	\square	Ordinance
		Legislative Digest
		Budget and Legislative Analyst Report
		Youth Commission Report
		Introduction Form
		Department/Agency Cover Letter and/or Report
		MOU
		Grant Information Form
		Grant Budget
\square		Subcontract Budget
		Contract/Agreement
		Form 126 – Ethics Commission
		Award Letter
		Application

Public Correspondence

OTHER



Prepared by:	John Carroll	Da
Prepared by:		Da
Prepared by:	John Carroll	Da

January 13, 2022
January 27, 2022

FILE NO. 211220

ORDINANCE NO.

1	[Settlement of Lawsuit - Peninsula Corridor Joint Powers Board - \$975,000]		
2			
3	Ordinance authorizing settlement of the lawsuit filed by Peninsula Corridor Joint		
4	Powers Board against the City and County of San Francisco for \$975,000; the lawsuit		
5	was filed on February 14, 2019, in the Superior Court of California, County of San		
6	Francisco, Case No. CGC-19-573781; entitled <u>Peninsula Corridor Joint Powers Board v.</u>		
7	Golden Bay Fence Plus Iron Works, Inc., et al.; the lawsuit involves alleged trespass		
8	onto the Peninsula Corridor Joint Powers Board's real property and damage to that		
9	property, including the severing of subsurface fiber optic lines; other material terms of		
10	the settlement are the Peninsula Corridor Joint Powers Board, in exchange for the		
11	payment of the settlement sum, agrees to dismiss the lawsuit in its entirety with		
12	prejudice and negotiate in good faith a lease for the City's use of real property located		
13	at or near 1920 Evans Street in San Francisco.		
14			
15	Be it ordained by the People of the City and County of San Francisco:		
16	Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby		
17	authorizes the City Attorney to settle the action entitled Peninsula Corridor Joint Powers		
18	Board v. Golden Bay Fence Plus Iron Works, Inc., et al., Superior Court of California, County		
19	of San Francisco, Case No. CGC-19-573781 by the payment of \$975,000 in exchange for the		
20	dismissal of the lawsuit in its entirety with prejudice and the Peninsula Corridor Joint Powers		
21	Board negotiating in good faith a lease for the City's use of real property located at or		
22	near 1920 Evans Street in San Francisco. The lawsuit involves alleged trespass onto the		
23	Peninsula Corridor Joint Powers Board's real property and damage to that property, including		

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the severing of subsurface fiber optic lines.

1	Section 2. The above-named action was filed in Superior Court of California, County of			
2	San Francisco on February 14, 2019, and the following parties were named in the lawsuit:			
3	plaintiff Peninsula Corridor Joint Powers Board; and defendants Golden Bay Fence Plus Iron			
4	Works, Inc., City and County of San Francisco, Caltrans, and California Department of			
5	Transportation.			
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1	APPROVED AS TO FORM AND RECOMMENDED:	RECOMMENDED:
2 3	DAVID CHIU City Attorney	San Francisco Public Works
4	City Automey	
5	<u>/s/</u> ELAINE M. O'NEIL	/s/
	Construction and Public Contracting Team	Carla Short Interim Director
6 -7	Leader	
7	FUNDS AVAILABLE:	
8	/s/ Michelle Allersma for Ben Rosenfield	
9	BEN ROSENFIELD Controller	
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