

File No. 230536

Committee Item No. 35

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight

Date: June 1, 2023

Board of Supervisors Meeting:

Date: \_\_\_\_\_

#### Cmte Board

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/> | <input 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 - FY2022-2024 - Clean                    |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU - FY2022-2024 - Redline                  |
| <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 / DRAFT Mills Act 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

<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Prepared by: Stephanie Cabrera

Date: May 25, 2023

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Settlement of Unlitigated Claim - 1231 Market Street Owner L.P. - \$19,500,000]

2  
3 **Resolution approving the settlement of the unlitigated claim filed by 1231 Market Street**  
4 **Owner L.P. against the City and County of San Francisco for \$19,500,000; the claim was**  
5 **filed on April 13, 2023; the claim involves allegations of property damage to the Hotel**  
6 **Whitcomb caused by shelter-in-place (SIP) hotel guests during the COVID-19 pandemic**  
7 **and resulting loss of use; other material terms of the settlement include a mutual full**  
8 **and final release, with each party to bear their own costs.**  
9

10 WHEREAS, 1231 Market Street Owner L.P. filed Government Code Claim No. 23-  
11 01978 on April 13, 2023, against the City and County of San Francisco (Claim); and

12 WHEREAS, The Claim involves allegations of property damage to the Hotel Whitcomb  
13 caused by shelter-in-place hotel guests during the COVID-19 pandemic and resulting loss of  
14 use; and

15 WHEREAS, The Human Services Agency has recommended settlement of the Claim  
16 by payment of \$19,500,000 and other material terms of the settlement include a mutual full  
17 and final release, with each party to bear their own costs; now, therefore, be it

18 RESOLVED, That pursuant to Administrative Code, Section 10.22, the Board of  
19 Supervisors hereby authorizes the City Attorney to settle and compromise the Claim by  
20 payment of \$19,500,000 and other material terms of the settlement include a mutual full and  
21 final release, with each party to bear their own costs; the Controller is authorized to transfer  
22 appropriated funds between departments to pay the cost of the settlement described herein.  
23  
24  
25

1 APPROVED:

2 DAVID CHIU  
3 City Attorney

RECOMMENDED:

DEPARTMENT OF PUBLIC HEALTH

4 /s/  
5 FREDERICK SHEINFELD  
6 Chief Claims Deputy

/s/  
TRENT RHORER  
Executive Director  
San Francisco Human Services Agency

7  
8 FUNDS AVAILABLE:

9  
10 /s/ Ben Rosenfield  
11 BEN ROSENFELD  
12 Controller

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
n:\health\li2022\220672\01656021.docx