

File No. 230536

Committee Item No. 35

Board Item No. 36

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight

Date: June 1, 2023

Board of Supervisors Meeting:

Date: June 13, 2023

Cmte Board

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input checked="" type="checkbox"/> | <input checked="" 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"/>	_____
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Prepared by: Stephanie Cabrera

Date: May 25, 2023

Prepared by: John Carroll

Date: June 8, 2023

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

4 _____/s/
5 FREDERICK SHEINFELD
6 Chief Claims Deputy

7
8 FUNDS AVAILABLE:

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

13 n:\health\li2022\220672\01656021.docx

RECOMMENDED:

DEPARTMENT OF PUBLIC HEALTH

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