File No.

140439

 Committee Item No.
 13

 Board Item No.
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COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: <u>Rules</u>

Date _ June 19, 2014_

Board of Supervisors Meeting

Date July 6.2014

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| | Motion Resolution 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 Subcontract Budget Contract/Agreement Form 126 – Ethics Commission Award Letter Application Public Correspondence |
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| Completed by: | Alisa Miller | Date_ June 13, 2014 | |
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| Completed by:_ | | Date Julu 2,2014 | |

FILE NO. 140439

[Settlement of Claim - Amy Blackstone - \$28,544]

Resolution approving the settlement of the unlitigated claim filed by Amy Blackstone against the City and County of San Francisco for \$28,544; claim was filed on March 3, 2014, additional material terms of said settlement include title transfer to the City of the artwork created by Amy Blackstone as a sculptural fence for Father Alfred E. Boeddeker Park, the guaranteed physical delivery of the artwork to the City on or before June 30, 2014, and an intellectual property license to the City for the artwork.

RESOLUTION .J.

WHEREAS, Amy Blackstone has filed a claim on March 3, 2014, against the City and County of San Francisco; and

WHEREAS, The Arts Commission of the City and County of San Francisco, through its Director of Cultural Affairs, has recommended settlement of said claim by payment of \$28,544 and (1) title transfer to the City of the artwork created by Amy Blackstone ("Artist") as a sculptural fence (the "Artwork") for Father Alfred E. Boeddeker Park the ("Site"), (2) guaranteed physical delivery of the Artwork to the City on or before June 30, 2014, (3) an intellectual property license to the City for the Artwork, (4) Artist's waiver of artist's rights under federal and state law, (5) warranties by Artist regarding the original authorship of the unique Artwork, (6) City indemnification of the Artist upon final delivery of the Artwork for personal injury arising out of the Artwork or its installation at the Site, (7) Artist indemnification of the City for intellectual property claims, and (8) the opportunity for a meeting between the Artist, the Director of Cultural Affairs and/or the Deputy Director of Cultural Affairs, and a representative from the Office of the Risk Manager, to discuss the public art contracting process and insurance and indemnification requirements in contracts with individual artists, as

City Attorney BOARD OF SUPERVISORS

provided in the proposed Settlement and Release Form dated April 28, 2014 (the "Settlement Agreement") which is incorporated herein by reference; and

WHEREAS, The Artist has agreed to the terms of the City's Settlement Agreement and the City Attorney's Office in the process of obtaining the Artist's final signature on the Settlement Agreement; now, therefore, be it

RESOLVED, That pursuant to Administrative Code, Section 10.22, the Board of Supervisors hereby authorizes the City Attorney to settle and compromise the claim by payment of \$28,544 and (1) title transfer to the City of the Artwork created by Artist Amy Blackstone for the Site, (2) guaranteed physical delivery of the Artwork to the City on or before June 30, 2014, (3) an intellectual property license to the City for the Artwork, (4) Artist's waiver of artist's rights under federal and state law, (5) warranties by Artist regarding the original authorship of the unique Artwork, (6) City indemnification of the Artist upon final delivery of the Artwork for personal injury arising out of the Artwork or its installation at the Site, (7) Artist indemnification of the City for intellectual property claims, and (8) the opportunity for a meeting between the Artist, the Director of Cultural Affairs and/or the Deputy Director of Cultural Affairs, and a representative from the Office of the Risk Manager, to discuss the public art contracting process and insurance and indemnification requirements in contracts with individual artists, as provided in the Settlement Agreement.

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File Number (if applicable)_

Legislation for Introduction (NEW)

Legislation Pending in Committee (AMENDED)

- Legislation for Board Agenda (AMENDED)
- ►►► Legislation Clerk
- ►►► Committee Clerk
- ►►► Dep Clerk, Legislative Div

Supervisor, Mayor, and Departmental Submittals

Grant Ordinance

Date

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- [] Legislation: Original and 2 hard copies and 1 electronic copy in word format
- [] Signature: Department Head, Mayor or the Mayor's designee, plus the Controller
- [] Back-up materials: 1 full set (see below) and 1 electronic copy in pdf format*
 - [] Cover letter (original and 1 hard copy)
 - [] Grant budget/application
 - [] Grant information form, including disability checklist
 - [] Letter of Intent or grant award letter from funding agency
 - [] Contract, Leases/Agreements (if applicable)
 - [] Ethics Form 126 (if applicable)*Word format
- [] E-Copy of legislation/back-up materials: Sent to BOS.Legislation@sfgov.org

Ordinance

- [] Legislation: Original and 2 hard copies and 1 electronic copy in word format
- [] Signature: City Attorney (For Settlement of Lawsuits City Attorney, Department Head, Controller, Commission Secretary)
- [] Back-up materials: 1 hard copy (see below) and 1 electronic copy in pdf format
 - [] Cover letter (original and 1 hard copy)
 - [] Settlement Report/Agreement (for settlements)
 - [] Other (Explain)
- [] E-Copy of legislation/back-up materials: Sent to BOS.Legislation@sfgov.org

Grant Resolution

- [] Legislation: Original and 2 hard copies and 1 electronic copy in word format
- [] Signature: Department Head, Mayor or the Mayor's designee, plus the Controller
- [] Back-up materials: 1 hard copy (see below) and 1 electronic copy in pdf format*
 - [] Cover letter (original and 1 hard copy)
 - [] Grant budget/application
 - [] Grant information form, including disability checklist
 - [] Letter of Intent or grant award letter from funding agency
 - [] Contract, Leases/Agreements (if applicable)
 - [] Ethics Form 126 (if applicable)*Word format

[] E-Copy of legislation/back-up materials: Sent to BOS.Legislation@sfgov.org

Resolution

- Legislation: Original and 2 hard copies and 1 electronic copy in word format
- Signature: None (Required for Settlement of Claims City Attorney, Department Head, Controller, Commission Secretary)
- [Y] Back-up materials: 1 full set (see below) and 1 electronic copy in pdf format
 - [] Cover letter (original and 1 hard copy)
 - Settlement Report/Agreement (for settlements)
 - [] Other (Explain)

[J-É-Copy of legislation/back-up materials: Sent to BOS.Legislation@sfgov.org

ADINE VARAH SS4-4670 Name and Telephone Number

TH ATTORATED Department

Clerk's Office/Forms/Legislation Received Checklist (11/2013) for more help go to: sfbos.org/about the board/general/legislative process handbook