File No. <u>200694</u>

Committee Item No. <u>8</u> Board Item No. <u>7</u>

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: <u>Government Audit and Oversight</u> Board of Supervisors Meeting:

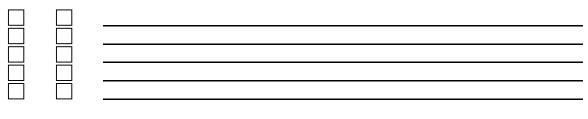
 Date:
 July 30, 2020

 Date:
 August 11, 2020

Cmte Board

		Motion
		Resolution
\bowtie	\bowtie	Ordinance
\square		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

OTHER



Prepared by: <u>John Carroll</u> Prepared by: John Carroll

 Date:
 July 24, 2020

 Date:
 August 7, 2020

FILE NO. 200694

ORDINANCE NO.

1	[Settlement of Lawsuit - San Francisco Museum of Modern Art; Yerba Buena Arts & Events - City to Receive \$1,200,000]			
2				
3	Ordinance authorizing settlement of the lawsuit brought by the City and County of San			
4	Francisco against San Francisco Museum of Modern Art and Yerba Buena Arts &			
5	Events for \$1,200,000; the lawsuit was filed on April 27, 2017, in San Francisco Superior			
6	Court, Case No. CGC-17-558438; entitled Successor Agency to the Redevelopment			
7	Agency of the City and County of San Francisco, commonly known as the Office of			
8	Community Investment and Infrastructure (OCII) v. San Francisco Museum of Modern			
9	Art, Yerba Buena Arts & Events, and Does 1-20; the lawsuit involves damage to the			
10	Crescent Pool at the Yerba Buena Gardens Plaza allegedly caused by an SFMOMA			
11	fundraiser.			
12				
13	Be it ordained by the People of the City and County of San Francisco:			
14	Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby			
15	authorizes the City Attorney to settle the action entitled Successor Agency to the			
16	Redevelopment Agency of the City and County of San Francisco, commonly known as the			
17	Office of Community Investment and Infrastructure (OCII) v. San Francisco Museum of			
18	Modern Art, Yerba Buena Arts & Events, and Does 1-20, San Francisco Superior Court, Case			
19	No. CGC-17-558438 by the payment of \$1.2 million by defendants San Francisco Museum of			
20	Modern Art ("SFMOMA") and Yerba Buena Arts & Events ("YBA&E") in exchange for a			
21	release from the City. The lawsuit involves damage to the Crescent Pool at the Yerba Buena			
22	Gardens Plaza allegedly caused by an SFMOMA fundraiser.			
23	Section 2. The above-named action was filed in San Francisco Superior Court on April			
24	27, 2017, and the following parties were named in the lawsuit: the original Plaintiff in the			
25	action, the Successor Agency to the Redevelopment Agency of the City and County of San			

1	Francisco, commonly known as the Office of Community Investment and Infrastructure				
2	("OCII"); Defendant San Francisco Museum of Modern Art ("SFMOMA"), Defendant Yerba				
3	Buena Arts & Events ("YBA&E"), and Cross Defendant Safway Scaffolding.				
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1	APPROVED AS TO FORM AND RECOMMENDED:	RECOMMENDED:
2		
3	DENNIS J. HERRERA City Attorney	CITY ADMINISTRATOR
4	/s/ Elaine O'Neil	/c/
5	ELAINE O'NEIL	/s/ NAOMI KELLY
6	Deputy City Attorney and Team Leader, Construction and Public Contracting Team	City Administrator
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