

1 [Settlement of Lawsuit - San Francisco Museum of Modern Art; Yerba Buena Arts & Events -  
2 City to Receive \$1,200,000]

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.**

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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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APPROVED AS TO FORM AND  
RECOMMENDED:

DENNIS J. HERRERA  
City Attorney

/s/ Elaine O'Neil

\_\_\_\_\_  
ELAINE O'NEIL  
Deputy City Attorney and Team Leader,  
Construction and Public Contracting Team

RECOMMENDED:

CITY ADMINISTRATOR

\_\_\_\_\_  
/s/  
NAOMI KELLY  
City Administrator

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# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails Ordinance

**File Number:** 200694

**Date Passed:** August 18, 2020

Ordinance authorizing settlement of the lawsuit brought by the City and County of San Francisco against San Francisco Museum of Modern Art and Yerba Buena Arts & Events for \$1,200,000; the lawsuit was filed on April 27, 2017, in San Francisco Superior Court, Case No. CGC-17-558438; entitled Successor Agency to the Redevelopment Agency of the City and County of San Francisco, commonly known as the Office of Community Investment and Infrastructure (OCII) v. San Francisco Museum of Modern Art, Yerba Buena Arts & Events, and Does 1-20; the lawsuit involves damage to the Crescent Pool at the Yerba Buena Gardens Plaza allegedly caused by an SFMOMA fundraiser.

July 30, 2020 Government Audit and Oversight Committee - RECOMMENDED

August 11, 2020 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

August 18, 2020 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Stefani, Walton and Yee  
Excused: 1 - Safai

File No. 200694

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 8/18/2020 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo  
Clerk of the Board

London N. Breed  
Mayor

8.28.20

Date Approved