

1 [Settlement of Lawsuits and Supplemental Appropriation - Coral Construction, Inc., and
2 Schram Construction, Inc. - \$1,432,098 Settlement - \$716,049 Appropriation]

3 **Ordinance authorizing settlement of attorneys' fees claims in the consolidated lawsuits**
4 **filed by Coral Construction, Inc., and Schram Construction, Inc., against the City and**
5 **County of San Francisco for \$1,432,098; the Coral lawsuit was filed on**
6 **September 12, 2000, in San Francisco Superior Court, Case No. CPF-01-319549; entitled**
7 **Coral Construction Inc. v. John L. Martin, et al.; the Schram lawsuit was filed on**
8 **June 10, 2003, in San Francisco Superior Court, Case No. CGC-03-421249; entitled**
9 **Schram Construction, Inc. v. City & County of San Francisco, et al.; the lawsuits**
10 **challenged whether Administrative Code, Chapter 12D.A, complies with the California**
11 **Constitution; and appropriating \$716,049 from the Wastewater Enterprise fund balance**
12 **for this purpose.**

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14 Be it ordained by the People of the City and County of San Francisco:

15 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby
16 authorizes the City Attorney to settle the attorneys' fees claims in the action entitled Coral
17 Construction, Inc. v. John L. Martin, et al., consolidated with Schram Construction, Inc. v. City
18 & County of San Francisco, et al., San Francisco Superior Court, Case Nos. CPF-01-319549
19 and CGC-03-421249, by the payment of \$1,432,098. The lawsuits involved the validity of
20 former Administrative Code Chapter 12D.A under article I, section 31 of the California
21 Constitution.

22 Section 2. The above-named action brought by Coral Construction, Inc. was filed in
23 the San Francisco Superior Court on September 12, 2000, and the following parties were
24 named in the lawsuit: Plaintiff Coral Construction, Inc. and Defendants John L. Martin in his
25

1 official capacity as Director of the San Francisco International Airport; Henry E. Berman, Larry
2 Mazzola, Michael S. Strunsky, Linda S. Crayton, and Caryl Ito in their official capacities as
3 members of the Airport Commission of the City and County of San Francisco; and the City
4 and County of San Francisco. The above-named action brought by Schram Construction, Inc.
5 was filed in the San Francisco Superior Court on June 10, 2003, and the following parties
6 were named in the lawsuit: Plaintiff Schram Construction, Inc. and Defendants the City and
7 County of San Francisco and the San Francisco Public Utilities Commission.

8 Section 3. The Board herein appropriates \$716,049 from the Waste Water Enterprise
9 fund balance for use by the San Francisco Public Utilities Commission (SFPUC) to pay
10 SFPUC's share of the cost of settling the litigation.

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12 APPROVED AS TO FORM AND
13 RECOMMENDED:

14 DENNIS J. HERRERA
15 City Attorney

16 
17 _____
18 WAYNE SMODGRASS
19 Deputy City Attorney

20 FUNDS AVAILABLE:

21 
22 _____
23 BEN ROSENFELD
24 Controller

RECOMMENDED:

AIRPORT

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26 _____
27 IVAR C. SATERO
28 Airport Director

APPROVED:


29 _____
30 JEAN CARAMATTI
31 Secretary, Airport Commission

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RECOMMENDED:

PUBLIC UTILITIES COMMISSION



HARLAN L. KELLY, JR.
General Manager

APPROVED:



DONNA HOOD
Secretary, Public Utilities Commission

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City and County of San Francisco
Tails
Ordinance

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

File Number: 161272

Date Passed: January 31, 2017

Ordinance authorizing settlement of attorneys' fees claims in the consolidated lawsuits filed by Coral Construction, Inc., and Schram Construction, Inc., against the City and County of San Francisco for \$1,432,098; the Coral lawsuit was filed on September 12, 2000, in San Francisco Superior Court, Case No. CPF-01-319549; entitled Coral Construction Inc. v. John L. Martin, et al.; the Schram lawsuit was filed on June 10, 2003, in San Francisco Superior Court, Case No. CGC-03-421249; entitled Schram Construction, Inc. v. City & County of San Francisco, et al.; the lawsuits challenged whether Administrative Code, Chapter 12D.A, complies with the California Constitution; and appropriating \$716,049 from the Wastewater Enterprise fund balance for this purpose.

January 12, 2017 Government Audit and Oversight Committee - RECOMMENDED

January 24, 2017 Board of Supervisors - PASSED ON FIRST READING

Ayes: 10 - Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee
Noes: 1 - Breed

January 31, 2017 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee
Noes: 1 - Breed

File No. 161272

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 1/31/2017 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

2/10/2017

Date Approved