

File No. 200874

Committee Item No. 24

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight

Date: August 20, 2020

Board of Supervisors Meeting:

Date: _____

Cmte Board

- 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

OTHER

- _____
- _____
- _____
- _____
- _____

Prepared by: John Carroll

Date: August 14, 2020

Prepared by: John Carroll

Date: _____

1 [Partial Settlement of Lawsuit - Cesar and Fe Ponferrada - \$250,000]

2

3 **Ordinance authorizing partial settlement of the lawsuit filed by Cesar and Fe**
4 **Ponferrada against the City and County of San Francisco for \$250,000; the lawsuit was**
5 **filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492;**
6 **entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves**
7 **inverse condemnation arising out of flooding damage during major rainstorms in**
8 **December of 2014; this settlement relates only to the diminution of real property value**
9 **claims of plaintiffs Cesar and Fe Ponferrada, and does not include claims for property**
10 **loss or for attorney's fees, costs and interest.**

11

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

13 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby
14 authorizes the City Attorney to settle in part, and only as to plaintiffs Cesar and Fe
15 Ponferrada, the action entitled David Alfaro, et al. v. City and County of San Francisco, San
16 Francisco Superior Court, Case No. CGC-15-547492 by the payment of \$250,000 to plaintiffs
17 Cesar and Fe Ponferrada. The lawsuit involves inverse condemnation arising out of flooding
18 damage during major rainstorms in December of 2014.

19 Section 2. The above-named action was filed in San Francisco Superior Court on
20 August 20, 2015. This is an action brought by owners or occupants of several dozen
21 properties located in San Francisco against defendant City and County of San Francisco.

22 Section 3. This is a partial settlement of the action. It resolves the diminution of real
23 property value claims of plaintiffs Cesar and Fe Ponferrada. The parties have previously,
24 separately settled the personal and real property damage claims of plaintiffs Cesar and Fe

25

1 Ponferrada in this action (see Board Ordinance No. 38-18), and will subsequently and
2 separately address all claims for statutory attorney's fees relating to this action.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney

/s/ Meredith B. Osborn
MEREDITH B. OSBORN
Chief Trial Deputy

FUNDS AVAILABLE:

/s/Ben Rosenfield
BEN ROSENFELD
Controller

n:\lit\li2020\160241\01443871.docx

RECOMMENDED:

PUBLIC UTILITIES COMMISSION

/s/
HARLAN L. KELLY, JR.
General Manager

APPROVED:

/s/
DONNA HOOD
Secretary, Public Utilities Commission