

File No. 210985

Committee Item No. 9

Board Item No. 7

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight

Date: Oct. 7, 2021

Board of Supervisors Meeting:

Date: Oct. 26, 2021

#### Cmte Board

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form                            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER

- |                          |                          |       |
|--------------------------|--------------------------|-------|
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Prepared by: John Carroll

Date: Oct. 1, 2021

Prepared by: John Carroll

Date: Oct. 15, 2021

Prepared by: John Carroll

Date: \_\_\_\_\_

1 [Settlement of Lawsuit - Malcolm Davis - \$215,000]

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3 **Ordinance authorizing partial settlement of the lawsuit filed by Malcolm Davis against**  
4 **the City and County of San Francisco for \$215,000; the lawsuit was filed on August 20,**  
5 **2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro,**  
6 **et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation**  
7 **arising out of flooding damage during major rainstorms in December of 2014; this**  
8 **settlement relates only to the diminution of real property value claims of plaintiff**  
9 **Malcolm Davis, and does not include claims for property loss or for attorney's fees,**  
10 **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 plaintiff Malcolm Davis, the action  
15 entitled David Alfaro, et al. v. City and County of San Francisco, San Francisco Superior  
16 Court, Case No. CGC-15-547492 by the payment of \$215,000 to plaintiff Malcolm Davis. The  
17 lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms  
18 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 commercial property owning plaintiff Malcolm Davis. The parties  
24 have previously, separately settled the personal and real property damage claims of all  
25 property owners and diminution in value claims of residential property owners in this action

1 (see Board Ordinance No. 204-18, on file with the Clerk of the Board of Supervisors in File  
2 No. 180633). The parties will subsequently and separately address all claims for statutory  
3 attorney's fees relating to this action.

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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

RECOMMENDED:

SAN FRANCISCO PUBLIC UTILITIES  
COMMISSION

/s/  
MICHAEL CARLIN  
Acting General Manager

APPROVED:

/s/  
DONNA HOOD  
Secretary, Public Utilities Commission

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