

File No. 230335

Committee Item No. 8

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Government Audit and Oversight

Date: April 20, 2023

Board of Supervisors Meeting:

Date: _____

Cmte Board

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|-------------------------------------|--------------------------|--|
| ☐ | ☐ | Motion |
| ☐ | ☐ | Resolution |
| ☒ | ☐ | Ordinance |
| ☐ | ☐ | Legislative Digest |
| ☐ | ☐ | Budget and Legislative Analyst Report |
| ☐ | ☐ | Youth Commission Report |
| ☐ | ☐ | Introduction Form |
| ☐ | ☐ | Department/Agency Cover Letter and/or Report |
| ☐ | ☐ | MOU - FY2022-2024 - Clean |
| ☐ | ☐ | MOU - FY2022-2024 - Redline |
| ☐ | ☐ | Grant Information Form |
| ☐ | ☐ | Grant Budget |
| ☐ | ☐ | Subcontract Budget |
| ☐ | ☐ | Contract / DRAFT Mills Act Agreement |
| ☐ | ☐ | Form 126 – Ethics Commission |
| ☐ | ☐ | Award Letter |
| ☐ | ☐ | Application |
| ☐ | ☐ | Public Correspondence |

OTHER

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Prepared by: Stephanie Cabrera

Date: April 13, 2023

Prepared by: _____

Date: _____

Prepared by: _____

Date: _____

1 [Settlement of Lawsuit - M. Hernandez Construction, Inc. - \$137,000]

2
3 **Ordinance authorizing settlement of the lawsuit filed by M. Hernandez Construction,**
4 **Inc. against the City and County of San Francisco by the payment of \$137,000; the**
5 **lawsuit was filed on March 16, 2022, in the Superior Court of California, County of San**
6 **Francisco, Case No. CGC-22-598639; entitled M. Hernandez Construction, Inc. dba**
7 **Hernandez Engineering vs. City and County of San Francisco; the lawsuit involves**
8 **alleged breach of contract.**
9

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

11 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby
12 authorizes the City Attorney to settle the action entitled M. Hernandez Construction, Inc. dba
13 Hernandez Engineering vs. City and County of San Francisco, Superior Court of California,
14 County of San Francisco, Case No. CGC-22-598639 by the payment of \$137,000 in exchange
15 for M. Hernandez Construction dismissing the lawsuit in its entirety with prejudice and
16 releasing the City from certain claims. The lawsuit involves the alleged breach of Contract
17 No. WW-622/2644J, the Haight-Ashbury/Tenderloin/Diamond Heights Districts sewer
18 replacement and pavement renovation project, and a claim for prompt payment penalties.

19 Section 2. The above-named action was filed in Superior Court of California, County of
20 San Francisco on March 16, 2022, and the following parties were named in the lawsuit:
21 plaintiff M. Hernandez Construction, Inc.; and defendant City and County of San Francisco.
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23
24
25

APPROVED AS TO FORM AND
RECOMMENDED:

DAVID CHIU
City Attorney

RECOMMENDED:

San Francisco Public Utilities Commissions

/s/
ELAINE M. O'NEIL
Construction and Public Contracting Team
Leader

/s/
DENNIS J. HERRERA
General Manager

FUNDS AVAILABLE:

/s/
DONNA HOOD
Commission Secretary

/s/ Michelle Allersma for Ben Rosenfield
BEN ROSENFELD
Controller

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