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Committee	Item No.	8 .	
Board Item	No.	4	

COMMITTEE/BOARD OF SUPERVISORS

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Prepared by: John Carroll Date: February 2, 2017 Prepared by: John Carroll Date: February 8, 2018					

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ORDINANC

[Partial Settlement of Lawsuit - Rizaldi Gache - \$65,000]

Ordinance authorizing settlement of the lawsuit filed by Rizaldi Gache against the City and County of San Francisco for \$65,000; the lawsuit was filed on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms; as it relates only to property loss of plaintiff Rizaldi Gache, by the payment of \$65,000, and excluding the claim by this plaintiff for diminution of value for plaintiff's real property and the claim by plaintiff for attorney's fees, costs and interest, which will be addressed in later proceedings.

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

Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby authorizes the City Attorney to settle the action entitled <u>David Alfaro</u>, et al. v. City and County of San Francisco, San Francisco Superior Court, Case No. CGC-15-547492 by the payment of \$65,000. The lawsuit involves inverse condemnation arising out of flooding damage during major rainstorms.

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

Section 3. This is a partial settlement of the action. It resolves the personal and real property of plaintiff Rizaldi Gache of the claims. The parties will subsequently and separately address the personal and real property claims of other plaintiffs to the action, all claims of diminution of property value, and all claims for statutory attorney's fees.

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APPROVED AS TO FORM AND RECOMMENDED:	RECOMMENDED:
DENNIS J. HERRERA City Attorney	PUBLIC UTILITIES COMMISSION
CHERYL ADAMS Chief Trial Deputy	HARLAN L. KELLY, JR. General Manager
FUNDS AVAILABLE:	APPROVED:
microuel. Oulex	Monna Hood
BEN ROSENFIELD Controller	DÖNNA HOOD Secretary, Public Utilities Commission
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City Attorney BOARD OF SUPERVISORS

/ LEGISLATION RECEIVED CHECKLIST
Date/8/18 (if applicable)(\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
Legislation for Introduction (NEW) Legislation Pending in Committee (AMENDED) Legislation for Board Agenda (AMENDED) Legislation for Board Agenda (AMENDED) ► Legislative Clerk ► Deputy Clerk
Supervisor, Mayor, and Departmental Submittals
Grant Ordinance [] Legislation: Original, 1 hard copy, and 1 electronic copy in Word format. [] Signature: Department Head; Mayor or the Mayor's designee, plus the Controller [] Supporting documents: 1 full set, and separate pdf copies of each in email [] Cover letter (original) [] Grant budget/application: [] Grant information form, including signed disability checklist [] Letter of Intent or grant award letter from funding agency
[] Contract, Leases/Agreements (if applicable) [] Ethics Form 126 (if applicable) in Word format [] Other support documents as identified in the cover letter and legislation. [] E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org
Ordinance
Legislation: Original,1 hard copy, and 1 electronic copy in Word format City Attorney (For Settlement of Lawsuits - City Attorney, Department Head, Controller, Commission Secretary)
Supporting documents: 1 full set, and separate pdf copies of each in email Cover letter (original) Settlement Report/Agreement (for settlements) Other support documents as identified in the cover letter and legislation
E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org
Grant Resolution
 [] Legislation: Original, 1 hard copy, and 1 electronic copy in Word format [] Signature: Department Head, Mayor or the Mayor's designee, plus the Controller [] Supporting documents: 1 full set, and separate pdf copies of each in email [] Cover letter (original):
 [] Grant budget/application [] Grant information form, including signed disability checklist [] Letter of Intent or grant award letter from funding agency [] Contract, Leases/Agreements (if applicable)
 Ethics Form 126 (if applicable) in Word format Other support documents as identified in the cover letter and legislation E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org
Resolution
 [] Legislation: Original, 1 hard copy, and 1 electronic copy in Word format [] Signature: None (Note: Required for Settlement of Claims - City Attorney, Department Head, Controller, Commission Secretary)
 [] Supporting documents: 1 full set, and separate pdf copies of each in email [] Cover letter (original) [] Settlement Report/Agreement (for settlements) [] Other support documents as identified in the cover letter and legislation [] E-Copy of legislation/supporting documents: Sent to BOS.Legislation@sfgov.org
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Department

Clerk's Office/Forms/Legislation Received Checklist (1/2015) for more help go to: sfbos.org/about the board/general/legislative process handbook