

File No. 220191

Committee Item No. 5

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight

Date: March 17, 2022

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: March 10, 2022

Prepared by: John Carroll

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

Prepared by: John Carroll

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

1 [Settlement of Lawsuit - David Alfaro, et al. - \$3,626,444.85]

2  
3 **Ordinance authorizing final settlement of the lawsuit filed by David Alfaro, et al. against**  
4 **the City and County of San Francisco for \$3,626,444.85; the lawsuit was filed on August**  
5 **20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled David**  
6 **Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse**  
7 **condemnation arising out of flooding damage during major rainstorms in December of**  
8 **2014; this settlement relates only to the claims for statutory attorney's fees, costs and**  
9 **interest and completely resolves the litigation.**

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

12 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby  
13 authorizes the City Attorney to settle claims for statutory attorney's fees, costs and interest as  
14 to all Plaintiffs and completely resolves the action entitled David Alfaro, et al. v. City and  
15 County of San Francisco, San Francisco Superior Court, Case No. CGC-15-547492 by the  
16 payment of \$3,626,444.85 to plaintiffs and their counsel. The lawsuit involves inverse  
17 condemnation arising out of flooding damage during major rainstorms in December of 2014.

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

21 Section 3. This is the final piece of a three-step settlement of the action. It resolves all  
22 claims for statutory costs, interest, and attorney's fees due to all Plaintiffs. The parties have  
23 previously, separately settled the personal and real property damage claims of all property  
24 owners and diminution in value claims of all property owners in this action (see Board  
25

1 Ordinance No. 112-18, on file with the Clerk of the Board of Supervisors in File No. 180307).

2 This settlement completely resolves the litigation.

3

4 APPROVED AS TO FORM AND  
RECOMMENDED:

RECOMMENDED:

5

6 DAVID CHIU  
City Attorney

SAN FRANCISCO PUBLIC UTILITIES  
COMMISSION

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

/s/  
DENNIS HERRERA  
General Manager

9 FUNDS AVAILABLE:

APPROVED:

10

/s/ Ben Rosenfield  
11 BEN ROSENFELD  
12 Controller

/s/  
DONNA HOOD  
Secretary, Public Utilities Commission

13

n:\lit\li2021\160241\01576176.docx.docx

14

15

16

17

18

19

20

21

22

23

24

25