

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

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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.**

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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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APPROVED AS TO FORM AND  
RECOMMENDED:

DAVID CHIU  
City Attorney

        /s/                

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

        /s/                

DENNIS J. HERRERA  
General Manager

        /s/                

FUNDS AVAILABLE:

DONNA HOOD  
Commission Secretary

        /s/ Michelle Allersma for Ben Rosenfield        

BEN ROSENFELD  
Controller

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City and County of San Francisco

Tails Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 230335

Date Passed: May 09, 2023

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

April 20, 2023 Government Audit and Oversight Committee - RECOMMENDED

May 02, 2023 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

May 09, 2023 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Safai, Stefani and Walton
Excused: 1 - Ronen

File No. 230335

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 5/9/2023 by the Board of Supervisors of the City and County of San Francisco.

Handwritten signature of Angela Calvillo

Angela Calvillo
Clerk of the Board

Handwritten signature of London N. Breed

London N. Breed
Mayor

Handwritten date: 5/19/23

Date Approved