

1 [Settlement of Claims and Litigation - Landslide Damage - Casitas Avenue and Miraloma  
2 Drive - Not to Exceed \$5,000,000]

3 **Ordinance authorizing the Public Utilities Commission and the City Attorney's Office to**  
4 **approve settlements of claims or litigation arising out of the January 25, 2016, landslide**  
5 **between Casitas Avenue and Miraloma Drive, for amounts exceeding \$25,000 per claim,**  
6 **notwithstanding Administrative Code, Sections 10.22, 10.22-1, and 10.22-2, for amounts**  
7 **up to \$1,000,000 and not to exceed \$5,000,000 in total, if the Controller certifies**  
8 **availability of funds, and subject to periodic reporting to the Board of Supervisors**  
9 **Government Audit and Oversight Committee.**

10 NOTE: Additions are *single-underline italics Times New Roman*;  
11 deletions are ~~*strike-through italics Times New Roman*~~.  
12 Board amendment additions are double-underlined;  
13 Board amendment deletions are ~~strike-through normal~~.

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

15 Section 1. Findings. On January 25, 2016, at approximately 4 p.m., earth movement  
16 occurred in the 200 block of Casitas Avenue in San Francisco, eventually affecting six  
17 residential properties on Casitas Avenue and Miraloma Drive, resulting in damage to personal  
18 and/or real property (the "January 25<sup>th</sup> Event"). The cause and scope of damages continue to  
19 be investigated, and the City is not by this action admitting liability or responsibility for the  
20 January 25<sup>th</sup> Event. The purpose of this legislation is to establish an expedited settlement  
21 procedure to facilitate the timely resolution of claims or litigation arising from the January 25<sup>th</sup>  
22 Event to enable prompt payment to those affected, if and when recommended by the City  
23 Attorney and approved by the San Francisco Public Utilities Commission.

24 Section 2. Notwithstanding San Francisco Administrative Code Sections 10.22 et.  
25 seq., which require Board of Supervisors approval of each settlement of a litigated or

1 unlitigated claim in excess of \$25,000 and require Board of Supervisors approval of each  
2 settlement with a minor in excess of \$5,000, the Board hereby authorizes litigated or  
3 unlitigated claims arising out of the January 25<sup>th</sup> Event to be settled and compromised on the  
4 written recommendation of the Public Utilities Commission ("SFPUC"), with the written  
5 approval of the City Attorney, for settlement amounts in excess of \$25,000. The amount of  
6 any single claim settlement pursuant to this authority may not exceed \$1,000,000, and the  
7 total amount of such claims settlements may not exceed a total of \$5,000,000 for all such  
8 settlements; provided, however, that the Board of Supervisors may by resolution increase the  
9 \$5,000,000 limit, or approve individual claims pursuant to the Administrative Code provisions.  
10 In all cases, the Controller must first certify that sufficient funds are available from the proper  
11 funds or appropriation to pay each claim as compromised and settled. The SFPUC and City  
12 Attorney shall submit periodic reports to the Board of Supervisors Government Audit and  
13 Oversight Committee on the settlement of claims or litigation arising out of the January 25<sup>th</sup>  
14 Event, and the SFPUC and City Attorney shall make additional reports at such times as  
15 directed by the Chair of the Government Audit and Oversight Committee.

16 Section 3. Effective Date. This ordinance shall become effective 30 days after  
17 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
18 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
19 of Supervisors overrides the Mayor's veto of the ordinance.

20 APPROVED AS TO FORM AND  
21 RECOMMENDED:

22 DENNIS J. HERRERA  
City Attorney

23 \_\_\_\_\_  
24 NOREEN AMBROSE  
Utilities General Counsel

25 N:\Claim\LI2016\160763\01104713.docx