

1 [Settlement of Lawsuits and Supplemental Appropriation - Coral Construction, Inc., and
2 Schram Construction, Inc. - \$1,432,098 Settlement - \$716,049 Appropriation]

3 **Ordinance authorizing settlement of attorneys' fees claims in the consolidated lawsuits**
4 **filed by Coral Construction, Inc., and Schram Construction, Inc., against the City and**
5 **County of San Francisco for \$1,432,098; the Coral lawsuit was filed on**
6 **September 12, 2000, in San Francisco Superior Court, Case No. CPF-01-319549; entitled**
7 **Coral Construction Inc. v. John L. Martin, et al.; the Schram lawsuit was filed on**
8 **June 10, 2003, in San Francisco Superior Court, Case No. CGC-03-421249; entitled**
9 **Schram Construction, Inc. v. City & County of San Francisco, et al.; the lawsuits**
10 **challenged whether Administrative Code, Chapter 12D.A, complies with the California**
11 **Constitution; and appropriating \$716,049 from the Wastewater Enterprise fund balance**
12 **for this purpose.**

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

15 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby
16 authorizes the City Attorney to settle the attorneys' fees claims in the action entitled Coral
17 Construction, Inc. v. John L. Martin, et al., consolidated with Schram Construction, Inc. v. City
18 & County of San Francisco, et al., San Francisco Superior Court, Case Nos. CPF-01-319549
19 and CGC-03-421249, by the payment of \$1,432,098. The lawsuits involved the validity of
20 former Administrative Code Chapter 12D.A under article I, section 31 of the California
21 Constitution.

22 Section 2. The above-named action brought by Coral Construction, Inc. was filed in
23 the San Francisco Superior Court on September 12, 2000, and the following parties were
24 named in the lawsuit: Plaintiff Coral Construction, Inc. and Defendants John L. Martin in his
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1 official capacity as Director of the San Francisco International Airport; Henry E. Berman, Larry
2 Mazzola, Michael S. Strunsky, Linda S. Crayton, and Caryl Ito in their official capacities as
3 members of the Airport Commission of the City and County of San Francisco; and the City
4 and County of San Francisco. The above-named action brought by Schram Construction, Inc.
5 was filed in the San Francisco Superior Court on June 10, 2003, and the following parties
6 were named in the lawsuit: Plaintiff Schram Construction, Inc. and Defendants the City and
7 County of San Francisco and the San Francisco Public Utilities Commission.

8 Section 3. The Board herein appropriates \$716,049 from the Waste Water Enterprise
9 fund balance for use by the San Francisco Public Utilities Commission (SFPUC) to pay
10 SFPUC's share of the cost of settling the litigation.

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12 APPROVED AS TO FORM AND
RECOMMENDED:

RECOMMENDED:

13 DENNIS J. HERRERA
14 City Attorney

AIRPORT

15 _____
16 WAYNE SNODGRASS
Deputy City Attorney

IVAR C. SATERO
Airport Director

17 FUNDS AVAILABLE:

APPROVED:

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19 _____
BEN ROSENFELD
20 Controller

JEAN CARAMATTI
Secretary, Airport Commission

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RECOMMENDED:

PUBLIC UTILITIES COMMISSION

HARLAN L. KELLY, JR.
General Manager

APPROVED:

DONNA HOOD
Secretary, Public Utilities Commission

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