

File No. 161272 Committee Item No. 7  
Board Item No. \_\_\_\_\_

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight Date January 12, 2017

Board of Supervisors Meeting Date \_\_\_\_\_  
Cmte Board

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/>            | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

**OTHER** (Use back side if additional space is needed)

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Completed by: Erica Major Date January 6, 2017  
Completed by: \_\_\_\_\_ Date \_\_\_\_\_

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.**

13  
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  
25


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.

11  
12 APPROVED AS TO FORM AND  
13 RECOMMENDED:

14 DENNIS J. HERRERA  
15 City Attorney  
16   
17 WAYNE SMODGRASS  
18 Deputy City Attorney


RECOMMENDED:

19 AIRPORT  
20   
21 IVAR C. SATERO  
22 Airport Director

23 FUNDS AVAILABLE:

24   
25 BEN ROSENFELD  
26 Controller


APPROVED:

27   
28 JEAN CARAMATTI  
29 Secretary, Airport Commission

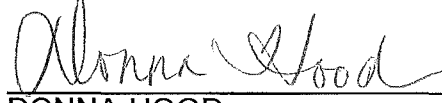
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RECOMMENDED:

PUBLIC UTILITIES COMMISSION

  
\_\_\_\_\_  
HARLAN L. KELLY, JR.  
General Manager

APPROVED:

  
\_\_\_\_\_  
DONNA HOOD  
Secretary, Public Utilities Commission

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**LEGISLATION RECEIVED CHECKLIST**

Date 11/21/16 File Number (if applicable) \_\_\_\_\_

- Legislation for Introduction (NEW)                   ▶▶▶ Legislative Clerk
- Legislation Pending in Committee (AMENDED)   ▶▶▶ Committee Clerk
- Legislation for Board Agenda (AMENDED)       ▶▶▶ 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
- Signature:** 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**

Joy Perez 554-3869                   City Attorney  
 Name and Telephone Number                   Department

RECEIVED  
 BOARD OF SUPERVISORS  
 SAN FRANCISCO  
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