

File No. 161272 Committee Item No. 7  
Board Item No. 26

**COMMITTEE/BOARD OF SUPERVISORS**  
AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight Date January 12, 2017

Board of Supervisors Meeting Date JANUARY 31, 2017  
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 (Use back side if additional space is needed)

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Completed by: Erica Major Date January 6, 2017  
Completed by: [Signature] Date 01/13/2017

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  
RECOMMENDED:

13 DENNIS J. HERRERA  
14 City Attorney

15   
16 WAYNE SMODGRASS  
Deputy City Attorney

17 FUNDS AVAILABLE:

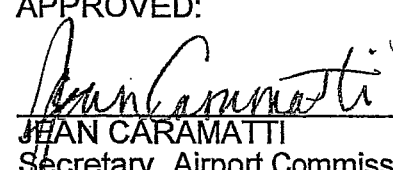
18   
19 BEN ROSENFELD  
20 Controller

RECOMMENDED:

21 AIRPORT

22   
23 IVAR C. SATERO  
24 Airport Director


25 APPROVED:

  
26 JEAN CARAMATTI  
Secretary, Airport Commission

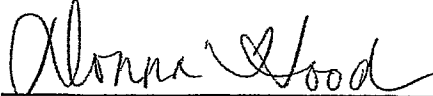
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RECOMMENDED:

PUBLIC UTILITIES COMMISSION

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

APPROVED:

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

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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

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 SAN FRANCISCO  
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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

Clerk's Office/Forms/Legislation Received Checklist (1/2015) for more help go to: sfbos.org/about the board/general/legislative process handbook

