File No. ___180306___   **Committee Item No.** __12_____
                             Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _Government Audit and Oversight_   **Date:** _April 18, 2018_
Board of Supervisors Meeting: **Date:** _____

Cmte Board

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☒	☐	**Ordinance**
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OTHER

Cmte	Board	
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☐	☐	_____

Prepared by: _John Carroll_____   **Date:** _April 13, 2018_____
Prepared by: _____   **Date:** _____

1   [Partial Settlement of Lawsuit - John and Maria Naniola - $85,000]

2

3   **Ordinance authorizing settlement of the lawsuit filed by John and Maria Naniola against**

4   **the City and County of San Francisco for $85,000; the lawsuit was filed on**

5   **August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled**

6   **David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse**

7   **condemnation arising out of flooding damage during major rainstorms; as it relates**

8   **only to property loss of plaintiffs John and Maria Naniola, by the payment of $85,000,**

9   **and excluding the claim by these plaintiffs for diminution of value for plaintiffs' real**

10   **property and the claim by plaintiffs for attorney's fees, costs and interest, which will be**

11   **addressed in later proceedings.**

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

13   Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby

14   authorizes the City Attorney to settle the action entitled David Alfaro, et al. v. City and County

15   of San Francisco, San Francisco Superior Court, Case No. CGC-15-547492 by the payment

16   of $85,000. The lawsuit involves inverse condemnation arising out of flooding damage during

17   major rainstorms.

18   Section 2. The above-named action was filed in San Francisco Superior Court on

19   August 20, 2015. This is an action brought by owners or occupants of several dozen

20   properties located in San Francisco against defendant City and County of San Francisco.

21   Section 3. This is a partial settlement of the action. It resolves the personal and real

22   property of plaintiffs John Naniola and Maria Naniola of the claims. The parties will

23   subsequently and separately address the personal and real property claims of other plaintiffs

24   to the action, all claims of diminution of property value, and all claims for statutory attorney's

25   fees.

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APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney

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_____
CHERYL ADAMS
Chief Trial Deputy

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6

FUNDS AVAILABLE:

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_____
BEN ROSENFIELD
Controller

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RECOMMENDED:

PUBLIC UTILITIES COMMISSION

_____
HARLAN L. KELLY, JR.
General Manager

APPROVED:

_____
DONNA HOOD
Secretary, Public Utilities Commission

Date __3/30/18__   File Number (if applicable) ___ _____

[X] Legislation for Introduction **(NEW)**   ▶▶▶ **Legislative Clerk**
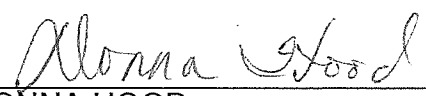[ ] Legislation Pending in Committee **(AMENDED)**   ▶▶▶ **Committee Clerk**
[ ] Legislation for Board Agenda **(AMENDED)**   ▶▶▶ **Deputy Clerk**

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
[X] **Legislation:** Original, 1 hard copy, and 1 electronic copy in **Word** format
[X] **Signature:** City Attorney (For Settlement of Lawsuits - City Attorney, Department
           Head, Controller, Commission Secretary)
[X] **Supporting documents:** 1 full set, and separate **pdf** copies of each in email
   [X] Cover letter (original)
   [X] Settlement Report/Agreement (for settlements)
   [ ] Other support documents *as identified in the cover letter and legislation*
[X] **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

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